

**MAY 14, 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 May 14, 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
City Manager

5-9-14

Date



Edward Scott
City Controller

5-9-14

Date

RECEIVED

2014 MAY -9 PM 4: 17

CITY OF DALLAS
COUNCIL CHAMBERS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MAY 14, 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 - 34

CONSENT ADDENDUM

Items 1 - 6

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 35 - 39
Addendum Items 7 - 10

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 40 - 51

**ADDENDUM
CITY COUNCIL MEETING
MAY 14, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

6ES

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

- Legal briefing regarding contract with River Ranch Educational Charities for the Texas Horse Park.

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

- Discussion regarding performance evaluation of City Secretary Rosa Rios.
- Discussion regarding performance evaluation of City Auditor Craig Daniel Kinton.

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled Danny Cantu, et al. v. Mark Michaels et al., Civil Action No. 3:12-CV-0206-O - Not to exceed \$105,000 - Financing: Current Funds

Economic Development

2. Authorize **(1)** a public hearing to be held on June 25, 2014, to receive comments concerning the application with Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of \$16,944,690 with tax exempt bonds in the approximate amount of \$37 Million to be issued by Housing Options, Inc. (HOI) for the Fairmount Crossing Apartments, a proposed multi-family community comprised of 366 units for families, located at 2741 Hawthorne Avenue, Dallas, Texas 75219; **(2)** the issuance of tax-exempt bonds by Housing Options, Inc. (HOI) an agency created by The Housing Authority of the city of Dallas, Texas in the amount of \$37 Million in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the new construction of 366 units for families by Kings Parc I, L. P., referred to as the Fairmount Crossing Apartments; and **(3)** a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of the Fairmount Crossing housing development to be located at 2741 Hawthorne Avenue, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
MAY 14, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Office of Financial Services

3. Authorize **(1)** preliminary adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,444,919 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$13,572,496; **(b)** HOME Investment Partnerships Program in the amount of \$4,365,818; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$5,375,659; **(d)** Emergency Solutions Grant in the amount of \$1,130,946; and **(e)** estimated Program Income in the amount of \$1,450,000; **(2)** preliminary adoption of the FY 2013-14 Reprogramming Budget in the amount of \$1,185,650; and **(3)** a public hearing to be held on June 11, 2014 to receive comments on the proposed use of funds - Financing: No cost consideration to the City
4. An ordinance **(1)** denying rates as requested by Atmos Energy Corp. Mid-Tex Division (Atmos); and **(2)** authorizing increased rates to be charged by Atmos, as negotiated pursuant to its January 15, 2014 Dallas Annual Rate Review (DARR) filing - Financing: This action has no cost consideration to the City

Sustainable Development and Construction

5. An ordinance abandoning portions of Imperial Street, an alley and a street easement containing a total of approximately 20,835 square feet of land, located near the intersection of Hatcher and Imperial Streets to Frazier Revitalization Inc., Greater Mt. Calvary Church of God In Christ of Dallas, True Lee Missionary Baptist Church (also known as True Lee Baptist Church) and Frazier HS, LP, the abutting owners, and authorizing the quitclaim - Revenue: \$19,130, plus the \$20 ordinance publication fee

Trinity Watershed Management

6. Authorize a contract with DCI Contracting, Inc., lowest responsible bidder of five, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 811 Pemberton Hill Road - Not to exceed \$2,371,711 - Financing: Stormwater Drainage Management Capital Construction Funds (\$2,000,000) and Company of Trinity Forest Golfers Funds (\$371,711) (to be reimbursed by the Company of Trinity Forest Golfer's, Inc.)

**ADDENDUM
CITY COUNCIL MEETING
MAY 14, 2014**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

7. An ordinance **(1)** appointing 12 full-time municipal judges and 13 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2016; **(2)** designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2016; and **(3)** establishing the annual salary for the full-time and associate municipal judges and the administrative municipal judge - Financing: This action has no cost consideration to the City

City Secretary's Office

8. A resolution designating absences by Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

Trinity Watershed Management

9. Authorize modifications to the Development and Operations Agreement with Equest for the Texas Horse Park to: **(1)** allow for a line of credit for Equest's operating account balance; **(2)** reduce the operating balance from three month average to one month average; and **(3)** strengthen the termination clauses - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

10. Authorize **(1)** an amendment to the development agreement with Rudolph Edwards, Linda Edwards, and RLE Properties, LLC (collectively referred to herein as "Rudy's"), previously approved on May 22, 2013, by Resolution No. 13-0916, to **(a)** allow the conveyance of certain parcels of real property located at 3111 and 3115 South Lancaster Road to City Wide Community Development Corporation (CWCDC) rather than to the City for the appraised value of \$548,200; and **(b)** reduce the original \$890,000 grant to Rudy's by \$548,200, being the appraised value of the parcels no longer being conveyed to the City, and requiring Rudy's to refund to the City said \$548,200; and **(2)** an amendment to the existing development loan with CWCDC for the Lancaster/Kiest project by increasing the loan amount by **(a)** \$548,200 to facilitate purchase of the parcels from Rudy's; and **(b)** \$50,000 for environmental, demolition, and other predevelopment costs to prepare the parcels for redevelopment - Total not to exceed \$598,200 - Financing: Lancaster Corridor Redevelopment Funds (\$548,200) and General Obligation Commercial Paper Funds (\$50,000) (Total net cost to the City \$50,000)

**ADDENDUM
CITY COUNCIL MEETING
MAY 14, 2014**

CORRECTION:

Housing/Community Services

39. Authorize a housing development loan in an amount not to exceed \$900,000 with Dallas Area Habitat for Humanity, Inc. (DAHFH), a non-profit developer, for construction of up to thirty affordable single family homes for the Jimmy & Rosalynn Carter project to be located on Exeter, Wilhurt, Landrum, and Custer Streets - Not to exceed \$900,000 - Financing: 2013-14 HOME Investment Partnership Program Grant Funds (\$300,000) and FY 13-14 HOME Program Income #1 (\$600,000)

ADDENDUM DATE May 14, 2014

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			N/A	C	ATT	\$105,000.00	NA	NA	Authorize settlement of the lawsuit styled Danny Cantu, et al. v. Mark Michaels et al., Civil Action No. 3:12-CV-0206-O
2			2	C	ECO, HOU	NC	NA	NA	Authorize a public hearing to be held on June 25, 2014, to receive comments concerning the application with Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of \$16,944,690 with tax exempt bonds in the approximate amount of \$37 Million to be issued by Housing Options, Inc. (HOI) for the Fairmount Crossing Apartments, a proposed multi-family community comprised of 366 units for families, located at 2741 Hawthorne Avenue, Dallas, Texas 75219; the issuance of tax-exempt bonds by Housing Options, Inc. (HOI) an agency created by The Housing Authority of the city of Dallas, Texas in the amount of \$37 Million in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the new construction of 366 units for families by Kings Parc I, L. P., referred to as the Fairmount Crossing Apartments; and a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of the Fairmount Crossing housing development to be located at 2741 Hawthorne Avenue, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors
3			N/A	C	OFS	NC	NA	NA	Authorize preliminary adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,444,919 for the following programs and estimated amounts: Community Development Block Grant in the amount of \$13,572,496; HOME Investment Partnerships Program in the amount of \$4,365,818; Housing Opportunities for Persons with AIDS in the amount of \$5,375,659; Emergency Solutions Grant in the amount of \$1,130,946; and estimated Program Income in the amount of \$1,450,000; preliminary adoption of the FY 2013-14 Reprogramming Budget in the amount of \$1,185,650; and a public hearing to be held on June 11, 2014 to receive comments on the proposed use of funds
4			N/A	C	OFS	NC	NA	NA	An ordinance denying rates as requested by Atmos Energy Corp. Mid-Tex Division (Atmos); and authorizing increased rates to be charged by Atmos, as negotiated pursuant to its January 15, 2014 Dallas Annual Rate Review (DARR) filing
5			7	C	DEV	REV \$19,130	NA	NA	An ordinance abandoning portions of Imperial Street, an alley and a street easement containing a total of approximately 20,835 square feet of land, located near the intersection of Hatcher and Imperial Streets to Frazier Revitalization Inc., Greater Mt. Calvary Church of God In Christ of Dallas, True Lee Missionary Baptist Church (also known as True Lee Baptist Church) and Frazier HS, LP, the abutting owners, and authorizing the quitclaim
6			7, 8	C	TWM, ECO	\$2,000,000.00	0.00%	24.91%	Authorize a contract with DCI Contracting, Inc., lowest responsible bidder of five, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 811 Pemberton Hill Road
7			N/A	I	ATT	NC	NA	NA	An ordinance appointing 12 full-time municipal judges and 13 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2016; designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2016; and establishing the annual salary for the full-time and associate municipal judges and the administrative municipal judge
8			All	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Carolyn R. Davis as being for "official city business"
9			5	I	TWM	NC	NA	NA	Authorize modifications to the Development and Operations Agreement with Equest for the Texas Horse Park to: allow for a line of credit for Equest's operating account balance; reduce the operating balance from three month average to one month average; and strengthen the termination clauses

ADDENDUM DATE May 14, 2014

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
10			4	I	ECO	\$50,000.00	NA	NA	Authorize an amendment to the development agreement with Rudolph Edwards, Linda Edwards, and RLE Properties, LLC (collectively referred to herein as "Rudy's"), previously approved on May 22, 2013, by Resolution No. 13-0916, to allow the conveyance of certain parcels of real property located at 3111 and 3115 South Lancaster Road to City Wide Community Development Corporation (CWDC) rather than to the City for the appraised value of \$548,200; and reduce the original \$890,000 grant to Rudy's by \$548,200, being the appraised value of the parcels no longer being conveyed to the City, and requiring Rudy's to refund to the City said \$548,200; and an amendment to the existing development loan with CWDC for the Lancaster/Kiest project by increasing the loan amount by \$548,200 to facilitate purchase of the parcels from Rudy's; and \$50,000 for environmental, demolition, and other predevelopment costs to prepare the parcels for redevelopment	
TOTAL						\$2,050,000.00				

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Danny Cantu, et al. v. Mark Michaels et al., Civil Action No. 3:12-CV-0206-O - Not to exceed \$105,000 - Financing: Current Funds

BACKGROUND

This item is on the addendum because settlement agreement was just reached. The District Court requires settlement approval before a trial date. This lawsuit is set for trial on May 19, 2014.

Danny and Debra Cantu sued Dallas police officers in federal court, alleging that the officers violated Danny Cantu's right to be free from excessive force. The plaintiffs and the officers have reached a settlement, subject to city council approval, that resolves all claims against all parties, including any potential attorney's fees and costs of suit. Plaintiffs are represented by Attorneys Derryberry Zips Wade Lawhorn.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 19, 2014 and May 7, 2014.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$105,000.00 - Current Funds

May 14, 2014

WHEREAS, plaintiffs filed a lawsuit styled Danny Cantu, et al. v. Mark Michaels et al., Civil Action No. 3:12-CV-0206-O, alleging that the officers violated Danny Cantu's right to be free from excessive force; and,

WHEREAS, the City denies plaintiffs' allegations; and,

WHEREAS, the parties have agreed to a proposed settlement of the case whereby the City will pay the plaintiffs and their attorney the amount of \$105,000.00; and,

WHEREAS, it is in the best interest of the City to settle this case; **Now, Therefore**,

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

Section 1. That settlement of the lawsuit styled Danny Cantu, et al. v. Mark Michaels et al., Civil Action No. 3:12-CV-0206-O, in an amount not to exceed \$105,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to Attorneys Derryberry Zips Wade Lawhorn IOLTA Account, the amount of \$105,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development
Housing/Community Services

CMO: Ryan S. Evans, 671-9837
Theresa O'Donnell, 671-9195

MAPSCO: 34 Y

SUBJECT

Authorize **(1)** a public hearing to be held on June 25, 2014, to receive comments concerning the application with Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of \$16,944,690 with tax exempt bonds in the approximate amount of \$37 Million to be issued by Housing Options, Inc. (HOI) for the Fairmount Crossing Apartments, a proposed multi-family community comprised of 366 units for families, located at 2741 Hawthorne Avenue, Dallas, Texas 75219; **(2)** the issuance of tax-exempt bonds by Housing Options, Inc. (HOI) an agency created by The Housing Authority of the city of Dallas, Texas in the amount of \$37 Million in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the new construction of 366 units for families by Kings Parc I, L. P., referred to as the Fairmount Crossing Apartments; and **(3)** a resolution in support of Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the new construction of the Fairmount Crossing housing development to be located at 2741 Hawthorne Avenue, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - Financing: No cost consideration to the City

BACKGROUND

This item was placed on the addendum because staff received the application with attachments on April 25, 2014, due to delays caused by extensive negotiations with the surrounding neighborhoods. The Public Hearing requirement and the July holiday complicates the approval process for the Dallas Housing Authority of the city of Dallas (DHA)'s Fairmount Crossing Apartments.

BACKGROUND (Continued)

The reason the Fairmount Crossing Apartments needs to be on the May 14, 2014, council agenda meeting is they need to have a hearing on June 25, 2014, two days after their 4% tax credit application is due to TDHCA, in order for their project to be considered by TDHCA for its 4% tax credits on September 4, 2014 (TDHCA requires 75 days to review the application prior to the meeting date) to enable the project to close by September 17, 2014.

DHA through Kings Parc I, L.P., will file an application with TDHCA for Low Income Housing Tax Credits (LIHTC) for the Fairmount Crossing Apartments on or before June 23, 2014.

Under the new TDHCA rules in the 2014 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the state average of units per capita supported by LIHTC or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. As provided for in Chapter 10 of the Texas Administrative Code Section 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. 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") that will require a waiver of this requirement from city of Dallas. If a project is within one mile of another project financed with tax credits or tax exempt bonds during the past three years that serves the same household, a waiver will be required by the City. The city of Dallas will be asked to confirm 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 in the June 25, 2014 resolution, pursuant to §11.3 (2)(A-G) Deconcentration Factors contained in TDHCA's Qualified Allocation Plan.

TDHCA funding for projects in the city of Dallas must now be approved by the City Council following a public hearing by the City pursuant to H.B. 3361, effective September 1, 2013. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of LIHTC for the development.

The Fairmount Crossing Apartment project is a proposed multi-family community comprised of 366 units for families to be located at 2741 Hawthorne Avenue, Dallas, Texas. It will provide replacement housing for public housing units demolished as part of DHA's redevelopment of the Cedar Springs Place Addition. The Fairmount Crossing is an integral component of the Dallas Housing Authority redevelopment of the Cedar Springs Place Addition public housing development.

BACKGROUND (Continued)

The Fairmount Crossing Apartments project received a Bond Inducement from Housing Options, Inc. on November 23, 2013. Kings Parc I, L.P., received a \$37 Million allocation from the Texas Bond Review Board on January 23, 2014. The Tax Equity and Fiscal Responsibility (TEFRA) Hearing was held on March 17, 2014. The project owner will be Kings Parc I, L.P., a limited partnership formed for the sole purpose of developing, owning and operating the project for long-term use as low-income housing. The DHA is the initial sole Limited Partner and the General Partner is Hawthorne Street Development, I, Inc., a Texas non-profit corporation whose Board of Directors serves by virtue of their employment by DHA with Williams Manning as the President, Timothy J. Lott as the Vice President and Debbie Quitagua as Secretary/Treasurer.

Because the project is located within the city of Dallas, Section 147 (f) of the Internal Revenue Code requires that in order for the bonds to be tax exempt, the City Council or the applicable elected representative of the city of Dallas, must approve the issuance of the bonds by Housing Options, Inc., after a public hearing. The city of Dallas is not asked to issue 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 being requested is only for the purpose of complying with federal law and with regard to tax-exempt debt.

A public hearing in compliance with the Tax Equity and Fiscal Responsibility Act (TEFRA) with respect to the Bonds was held by Housing Options, Inc., on March 17, 2014.

The development will offer a mix of tax credit units for tenants with 99% of the tenants with incomes no more than 60% Area Median Family Income. (Two units will be for management and police.) The proposed bedroom mix is as follows: tax credit units 141 one-bedrooms, 183 two-bedrooms and 42 three-bedrooms with no market rate units.

TDHCA prohibits approval of tax credit projects that are located less than a mile from another tax credit project funded within the previous three years, unless the projects are serving different households, is funded with Hope VI grant, or an exception is approved by City Council.

Approval of this application will enable the Applicant to develop 366 units of affordable housing for families.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Kings Parc I, L.P.

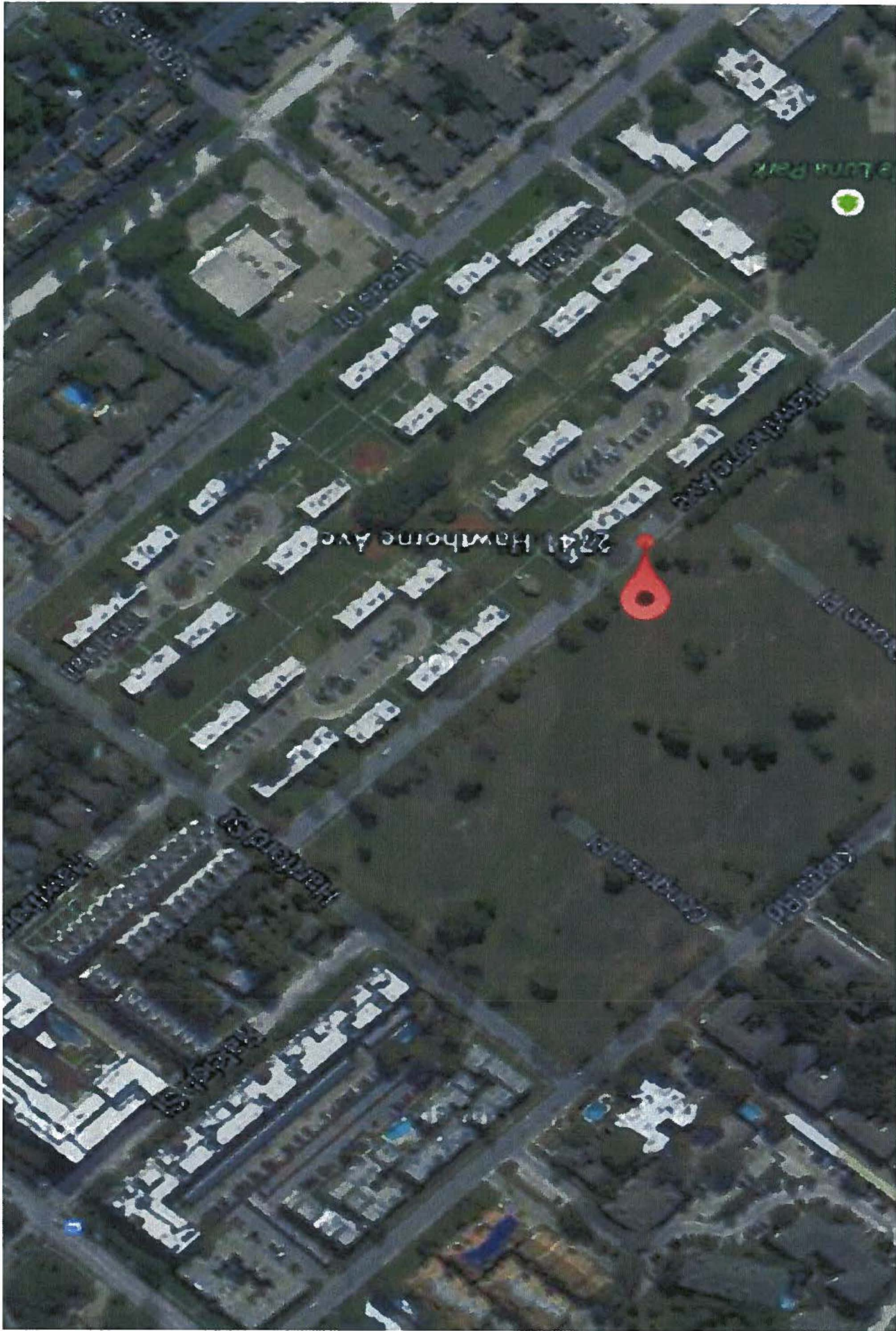
Board of Directors – serving by virtue of their employment by DHA

Williams Manning, President,
Timothy J. Lott, Vice President
Debbie Quitugua, Secretary/Treasurer

MAP

Attached.

Fairmount Crossing Apartments



May 14, 2014

WHEREAS, the Housing Authority of the City of Dallas (DHA) is a body politic and corporate, established in 1938 to, in part, provide housing opportunities for low-income persons; and

WHEREAS, Housing Options, Inc. (the "Issuer") has been organized by the Housing Authority of the City of Dallas, Texas as a public facilities corporation pursuant to Chapter 303, Local Government Code, as amended (the "Act"), and is empowered under the Act to issue its revenue bonds to finance public facilities, including multi-family residential rental units; and

WHEREAS, the Issuer proposes to issue the following bond issue (the "Bonds") to finance the following project:

\$37,000,000 Housing Options, Inc., Multi-family Mortgage Revenue Bonds (Kings Parc I, L.P. Project) Series 2014 to finance 366 residential units to be constructed on the site located at 2741 Hawthorne, Dallas, Texas; and

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the governing body or the chief elected executive official of the governmental unit in which the projects are located approve the issuance of the Bonds after a public hearing following reasonable public notice thereof; and

WHEREAS, the Issuer held a public hearing on March 17, 2014, with respect to the Bonds following publication of reasonable public notice thereof in a newspaper of general circulation within the city of Dallas; and

WHEREAS, it is intended that the Mayor, as the highest elected official of the City of Dallas, shall approve the issuance of the Bonds on behalf of the City of Dallas after the aforementioned hearing; and

WHEREAS, the Fairmount Crossing Apartments project is an integral component of the Dallas Housing Authority's 2014 redevelopment of the demolished Cedar Springs Place Addition development; and

WHEREAS, on January 23, 2014, the Texas Bond Review Board issued a Bond Reservation to Housing Options, Inc., an issuing entity controlled by the Dallas Housing Authority (DHA), for the Fairmount Crossing Project, a proposed 366 unit new development project for families, in the amount of \$37,000,000 carry forward reservation under Section 1372.068, Priority 6 Carryforward Classification; and

WHEREAS, DHA will file a 4% tax credit application with the Texas Department of Housing and Community Affairs (TDHCA) on or before June 23, 2014, pursuant to its 2014 Qualified Allocation Plan (QAP) for the 2014 4% low income housing tax credits (LIHTC); and

May 14, 2014

WHEREAS, under the TDHCA rules in the 2014 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by LIHTC or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, on April 25, 2014, the Dallas Housing Authority (DHA) submitted its pre-application waiver for: (1) the issuance of tax-exempt bonds by the HOI in an amount not to exceed \$37 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the new construction of approximately 366 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 \$16,944,690 for the new construction of the Fairmount Crossing Apartments, a proposed multi-family community comprised of 366 units for families, located at 2741 Hawthorne Avenue, Dallas, Texas 75219, Dallas, Texas by providing appropriate waivers pursuant to §11.3 (A-F) 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

WHEREAS, as a condition for being considered for the award of the 4% tax credits, the Applicant has committed to renting 364 units (99%) to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI incomes in compliance with the maximum Low Income Housing Tax Credit rents as published by the Texas Department of Housing and Community Affairs; and

May 14, 2014

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 will hold a public hearing on June 25, 2014, and will consider approval of the 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

WHEREAS, the City of Dallas supports the Fairmount Crossing Apartments redevelopment project and desires to support the development of this housing, subject to certain conditions being met and it is deemed necessary and advisable that this resolution be adopted.

NOW, THEREFORE,

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

Section 1. That the Mayor, upon his satisfaction that the aforementioned hearing has been duly held, is hereby authorized to execute a certificate approving the issuance of the bonds not to exceed \$37 Million by Housing Options, Inc. Multi-family Housing Mortgage Revenue Bonds (Fairmount Crossing Project Series 2014).

May 14, 2014

Section 2. That the City of Dallas approves and supports the new construction of the Fairmount Crossing Apartments development proposed as 366 multi-family housing units comprised of 141 one-bedroom units, 183 two-bedroom units and 42 three-bedroom units for a total of 366 units located at 2741 Hawthorne, Dallas, Texas by Kings Parc I, L.P., and further supports the award of the 4% LIHTC pursuant to §11.3 (A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors, subject to the conditions set forth herein.

Section 3. 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 Development Services with regard to security related design standards.

Section 4. That in recognition of the City's cooperative relationship with the Dallas Housing Authority in the Cedar Springs Place Addition and neighborhood development, which includes Fairmount Crossing, the City shall waive the annual monitoring review fee in the amount of \$500.

Section 5. That the approval of the City is provided for the purpose of satisfying the conditions and requirements of section 147(f) of the Code and is not to be construed as an undertaking by the City of Dallas. The Bonds shall not constitute a liability, an indebtedness, or obligation of the City of Dallas nor shall any of the assets of the City of Dallas be pledged to the payment of the Bonds. The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas, Dallas County and the State of Texas and that the City of Dallas, Dallas County and State of Texas are not liable with respect to the Bonds.

Section 6. That the City Manager is authorized to convey a copy of this resolution to the Applicant and the TDHCA with a written statement of support by the City Council referencing by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3 (A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors for compliance with the Texas Department of Housing and Community Affairs (TDHCA) 2014 Qualified Allocation Plan and contingent upon the developer assuming relocation costs, if any, associated with the development costs.

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

ADDENDUM ITEM # 3

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** preliminary adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,444,919 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$13,572,496; **(b)** HOME Investment Partnerships Program in the amount of \$4,365,818; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$5,375,659; **(d)** Emergency Solutions Grant in the amount of \$1,130,946; and **(e)** estimated Program Income in the amount of \$1,450,000; **(2)** preliminary adoption of the FY 2013-14 Reprogramming Budget in the amount of \$1,185,650; and **(3)** a public hearing to be held on June 11, 2014 to receive comments on the proposed use of funds – Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow time for Council consideration of any proposed amendments and a straw vote that was conducted on May 7, 2014 and to meet HUD 30-day comment/review period that is required prior to final adoption.

The Community Development Commission (CDC) and City staff conducted six (6) neighborhood public hearings that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds.

Neighborhood public hearings were held as follows:

- January 2, 2014 - Dallas City Hall
- January 6, 2014 – Martin Luther King, Jr. Community Center
- January 6, 2014 – Willie B. Johnson Recreation Center
- January 7, 2014 – West Dallas Multipurpose Center
- January 9, 2014 - Renner Frankford Library
- January 9, 2014 - Tommie Allen Recreation Center

BACKGROUND (Continued)

The Proposed FY 2013-14 Reprogramming Budget was briefed to the City Council on February 5, 2014.

The City Manager's Proposed FY 2014-15 Consolidated Plan Budget was presented to the CDC on March 6, 2014 and the CDC held meetings in March 2014 to review the proposed budget.

On April 3, 2014, the CDC concurred with the City Manager's proposed budget and there were no amendments.

The City Council was briefed on the Proposed FY 2014-15 Consolidated Plan Budget and the CDC's recommendation on April 16, 2014. The City Council conducted a straw vote on the Proposed FY 2014-15 Consolidated Plan Budget on May 7, 2014.

The Federal regulations and the City's Citizen Participation Plan require a public hearing to receive comments. This budget will be made available for public review and comment from May 15, 2014 through June 25, 2014. A public hearing will be held on June 11, 2014. Final adoption is scheduled for June 25, 2014.

This action includes the City Council's preliminary adoption of the FY 2014-15 Consolidated Plan Budget and the FY 2013-14 Reprogramming Budget and authorization to hold the public hearing on June 11, 2014, before the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 5, 2014, the Proposed FY 2013-14 Reprogramming Budget was briefed to the City Council.

On March 6, 2014, the CDC was briefed on the City Manager's Proposed FY 2014-15 Consolidated Plan Budget. The CDC held meetings in March 2014 to review the proposed budget.

On April 3, 2014, the CDC concurred with the City Manager's proposed budget and there were no amendments.

On April 16, 2014, the City Council was briefed on the Proposed FY 2014-15 Consolidated Plan Budget and the CDC's recommendation.

FISCAL INFORMATION

Proposed FY 2014-15 Consolidated Plan Budget

CDBG:	\$	13,572,496	2014-15 Entitlement
		400,000	Program Income (est.)
		600,000	Program Income – Retained by Sub-Recipient (SDDC)
		<hr/>	
	\$	14,572,496	
HOME:	\$	4,365,818	2014-15 Entitlement
		450,000	Program Income (est.)
		<hr/>	
	\$	4,815,818	
HOPWA:	\$	5,375,659	2014-15 Entitlement
ESG:	\$	1,130,946	2014-15 Entitlement
	\$	25,894,919	Total FY 2014-15 Consolidated Plan Budget

FY 2013-14 Reprogramming Budget:

\$ 1,185,650 Unobligated funds in FY 2012-13 and prior years

May 14, 2014

WHEREAS, the Community Development Commission (CDC) and City staff conducted six (6) neighborhood public hearings during January 2014 that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds; and

WHEREAS, on March 6, 2014, the Community Development Commission (CDC) was briefed on the City Manager's proposed FY 2014-15 Consolidated Plan Budget, CDC Committees held meetings in March 2014 to review the proposed budget; and

WHEREAS, on April 3, 2014, the Community Development Commission concurred with the City Manager's proposed budget and there were no amendments; and

WHEREAS, on April 16, 2014, the City Council was briefed on the City Manager's proposed FY 2014-15 Consolidated Plan Budget, FY 2013-14 Reprogramming Budget, and the Community Development Commission's recommendations; The City Council conducted a straw vote on the Proposed FY 2014-15 Consolidated Plan Budget on May 7, 2014; and

WHEREAS, federal regulations require that a public hearing be held on the City's Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget; and

WHEREAS, the grant funds include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG); and

WHEREAS, a summary of the Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget will be published in the Dallas Morning News on May 15, 2014 to provide an opportunity to submit written comments through June 25, 2014; and

WHEREAS, holding a public hearing on June 11, 2014 satisfies requirements set forth in the City's Citizen Participation Plan; **Now, Therefore,**

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

Section 1. That the preliminary FY 2014-15 Consolidated Plan Budget and FY 2013-14 Reprogramming Budget be adopted per the Attachment A.

Section 2. That a public hearing be held on June 11, 2014 before the Dallas City Council to receive comments on the City's Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget.

May 14, 2014

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

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
<u>SOURCE OF FUNDS</u>					
Community Development Block Grant					
Entitlement (grant)		13,921,262	13,572,496		13,572,496
Program Income - Housing Activities		400,000	400,000		400,000
Program Income - Section 108		35,000	0		0
Program Income - Sub-Recipient Retained Program Income (SDDC)		600,000	600,000		600,000
Reprogramming		773,873	1,185,650		1,185,650
		15,730,135	15,758,146	0	15,758,146
Home Investment Partnerships Program					
Entitlement (grant)		4,240,210	4,365,818		4,365,818
Program Income Housing Activities		50,000	450,000		450,000
		4,290,210	4,815,818	0	4,815,818
Emergency Solutions Grant					
Entitlement (grant)		1,050,237	1,130,946	0	1,130,946
Housing Opportunities for Persons with AIDS					
Entitlement (grant)		4,393,520	5,375,659	0	5,375,659
	TOTAL SOURCE OF FUNDS	25,464,102	27,080,569	0	27,080,569
<u>USE OF FUNDS</u>					
Community Development Block Grant					
Public Services (15% of CDBG maximum amount allowed)		2,132,610	2,116,372	0	2,116,372
Housing Activities		8,437,137	8,332,659	0	8,332,659
Economic Development Activities		1,240,000	1,240,000	0	1,240,000
Public Improvements		1,049,136	1,274,616	0	1,274,616
Fair Housing (included in 20% of CDBG maximum category)		603,307	627,714	0	627,714
Program Oversight (20% of CDBG maximum amount allowed)		2,267,945	2,166,785	0	2,166,785
		15,730,135	15,758,146	0	15,758,146
HOME Investment Partnerships Program					
HOME Programs		4,290,210	4,815,818	0	4,815,818
Emergency Solutions Grant					
ESG Programs		1,050,237	1,130,946	0	1,130,946
Housing Opportunities for Persons with AIDS					
HOPWA Programs		4,393,520	5,375,659	0	5,375,659
	TOTAL USE OF FUNDS	25,464,102	27,080,569	0	27,080,569

*CW=City Wide

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)					
CDBG - Public Services					
1 After-School/Summer Program - Provide after school and summer programs for low income youth Monday thru Friday through structured recreational, cultural, social and life skills activities. 24 CDBG funded sites.	CW	530,647	530,647		530,647
2 Child Care Services Program - Provide after school programs, and daycare for special needs children, children who are homeless, and children with disabilities via contracts with non-profit agencies.	CW	189,129	189,129		189,129
3 City Child Care Services - Provide child care subsidies for low and moderate income working parents and teenage parents who are attending school and do not qualify for any other form of public assistance.	CW	291,294	299,697		299,697
Youth Programs Sub-Total		1,011,070	1,019,473	0	1,019,473
4 Clinical Dental Care Program - Provide dental health services to seniors and low-income youth through age of 19 via contract with non-profit agency.	CW	100,000	100,000		100,000
Clinical Health Services Sub-Total		100,000	100,000	0	100,000
5 City Crisis Assistance - Provide rapid response, crisis intervention, and intensive case management to Dallas residents, age 60 and above, who may have mental health problems causing high-risk behaviors. In addition, the program provides assertive and persistent street outreach to the city's chronic, unsheltered, and hard-to-reach homeless populations.	CW	44,824	0		0
6 City Office of Senior Affairs - Enhance the quality of life for older adults by disseminating support services information and providing direct and emergency support services.	CW	158,236	142,379		142,379
7 Senior Services Program - Provide case management and other programs for seniors, as well as investigative support services in both community and institutional settings via contracts with non-profit agencies.	CW	73,049	73,049		73,049
Senior Services Sub-Total		276,109	215,428	0	215,428
8 South Dallas / Fair Park Community Court - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest.	5,7	265,906	287,159		287,159
9 South Oak Cliff Community Court - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest.	4,8	250,523	252,213		252,213

*CW=City Wide

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
10 West Dallas Community Court - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest.	1,3,6	204,002	217,099		217,099
11 Training and Employment for Adults with Disabilities - Provide development of life skills, vocational training and job placement for adults with disabilities.	CW	25,000	25,000		25,000
Other Public Services (Non-Youth) Sub-Total		745,431	781,471	0	781,471
Total CDBG - Public Services		2,132,610	2,116,372	0	2,116,372
<u>CDBG - Housing Activities</u>					
12 Housing Development Support - Provide service delivery staff to implement the Mortgage Assistance Program and CHDO Program which benefit low income homeowners.	CW	1,052,706	1,052,706		1,052,706
13 Mortgage Assistance Program - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance up to a maximum of \$20,000.	CW	1,300,000	1,165,856		1,165,856
14 Housing Services Program - Provides CDBG funds to CHDOs for cost in support of HOME-funded activities, such as housing counseling, loan processing, and other services related to assisting potential homebuyers participating or seeking to participate in HOME funded projects.	CW	50,000	50,000		50,000
Homeownership Opportunities Sub-Total		2,402,706	2,268,562	0	2,268,562
15 Housing Assistance Support - Provide service delivery staff to implement the Major Systems Repair Program and Reconstruction Program, which benefit low income homeowners.	CW	1,939,177	1,945,172		1,945,172
16 Major Systems Repair Program - Provide homeowner assistance with repairs/replacements of two of the following four major systems: heating/air, plumbing/gas, roof and electrical.	CW	1,533,761	1,533,761		1,533,761
17 Minor Plumbing Repair/Replacement Program - Provide leak repairs, low flow toilet and fixture replacement and minor plumbing repair assistance to low income homeowners.	CW	50,000	50,000		50,000
18 Reconstruction Program - Provide deferred loans to low-income homeowners for reconstruction of their existing homes. The reconstruction deferred payment loan is \$103,000 per unit.	CW	937,326	937,326		937,326
19 People Helping People (PHP) Program - Provide for minor exterior repair services to single family homes through volunteers and contract services to lower income, elderly and disabled homeowners.	CW	841,222	871,731		871,731
Homeowner Repair Sub-Total		5,301,486	5,337,990	0	5,337,990

*CW=City Wide

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

	Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
20	Dedicated SAFE II Expansion Code Inspection - Code Compliance - Provide enhanced code enforcement activities to supplement police investigations where criminal actions hamper or prevent community revitalization.	CW	96,000	96,000		96,000
21	Dedicated SAFE II Expansion Code Inspection - Fire Department - Provide enhanced code enforcement activities to supplement police investigations where criminal actions hamper or prevent community revitalization.	CW	70,538	70,538		70,538
22	Dedicated SAFE II Expansion Code Inspection - Police Department - Provide enhanced code enforcement activities to supplement police investigations where criminal actions hamper or prevent community revitalization.	CW	66,418	51,994		51,994
23	Neighborhood Investment Program - Code Compliance - Provide enhanced code enforcement activities in the targeted neighborhood areas.	1-8	499,989	507,575		507,575
	Other Housing/Neighborhood Revitalization Sub-Total		732,945	726,107	0	726,107
	Total CDBG - Housing Activities		8,437,137	8,332,659	0	8,332,659
<u>CDBG - Economic Development</u>						
24	Business Loan Program (Program Income) - SDDC retains program income generated from revolving business loan program to provide additional loans.	CW	600,000	600,000		600,000
25	Business Assistance Center Program - Provide comprehensive technical assistance and business support services to Low/Moderate income persons interested in developing Micro-Enterprises and those who own Micro-Enterprises.	CW	640,000	640,000	0	640,000
	• BAC #1 -		80,000	80,000		80,000
	• BAC #2 -		80,000	80,000		80,000
	• BAC #3 -		80,000	80,000		80,000
	• BAC #4 -		80,000	80,000		80,000
	• BAC #5 -		80,000	80,000		80,000
	• BAC #6 -		80,000	80,000		80,000
	• BAC #7 -		80,000	80,000		80,000
	• BAC #8 -		80,000	80,000		80,000
	Total CDBG - Economic Development		1,240,000	1,240,000	0	1,240,000
<u>CDBG - Public Improvements</u>						
26	Neighborhood Enhancement Program (NEP) - Provide toolbox of neighborhood improvements to increase aesthetic appeal and compliment community development efforts in Neighborhood Investment and other strategically targeted areas.	1-8	25,000	25,000		25,000

*CW=City Wide

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Attachment A

Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
27 Neighborhood Investment Program Infrastructure - Provide infrastructure improvements related to architectural and engineering design in the 5 NIP target areas.	1-8	1,024,136	1,249,616		1,249,616
Public Improvement Sub-Total		1,049,136	1,274,616	0	1,274,616
Total CDBG - Public Improvement		1,049,136	1,274,616	0	1,274,616
<u>CDBG - Fair Housing and Planning & Program Oversight</u>					
28 Fair Housing Enforcement - Provide housing discrimination investigations, fair housing education and outreach and citizen referrals.	CW	603,307	627,714		627,714
29 Citizen Participation/CDC Support/HUD Oversight - Office of Financial Services/Community Development Division. Provide coordination of ConPlan budget development, citizen participation, and reporting to HUD as primary City liaison.	CW	757,815	649,774		649,774
30 Housing Contract Administration - Provide comprehensive management, oversight and technical assistance for both external and internal programs receiving grant funds.	CW	428,426	0		0
31 Housing Management Support - Provide funding for Housing management staff support for housing programs.	CW	732,354	1,160,780		1,160,780
32 Economic Development Oversight - Provide contract administration; compliance and oversight of CDBG funded programs.	CW	256,277	258,853		258,853
33 Parks and Recreation Oversight - This position assists the Contract Compliance Manager with the review of all PKR Public Service programs and contracts for compliance with HUD guidelines.	CW	93,073	97,378		97,378
Total CDBG - Fair Housing and Planning & Program Oversight		2,871,252	2,794,499	0	2,794,499
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT		15,730,135	15,758,146	0	15,758,146
<u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u>					
34 CHDO Development Loans - Development and pre-development loans to nonprofit City-certified CHDOs developing affordable housing for low income households.	CW	1,000,000	1,000,000		1,000,000
35 CHDO Operating Assistance - Provide operational support to assist with the development and management of CHDO projects.	CW	175,000	175,000		175,000
36 HOME Program Administration - Housing department staff administrative costs.	CW	374,021	386,582		386,582
37 Mortgage Assistance Program - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance up to a maximum of \$20,000.	CW	800,000	957,158		957,158

*CW=City Wide

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

	Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
38	Housing Development Loan Program - Provide private and non-profit organizations with loans/grants for the development of permanent supportive housing and senior housing, including but not limited to pre-development costs, development costs, construction subsidies, relocation costs, demolition costs, acquisition costs, related acquisition costs, rental rehabilitation.	CW	1,621,189	1,977,078		1,977,078
	Home Ownership Opportunities Sub-Total		3,970,210	4,495,818	0	4,495,818
39	Tenant Based Rental Assistance - Provide transitional rental assistance to homeless persons for a minimum of one year while they become stabilized.	CW	270,000	270,000		270,000
40	Tenant Based Rental Assistance (Admin) - Provide comprehensive management, oversight and technical assistance.	CW	50,000	50,000		50,000
	Other Housing Sub-Total		320,000	320,000	0	320,000
	TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM		4,290,210	4,815,818	0	4,815,818
EMERGENCY SOLUTIONS GRANT (HESG)						
41	Contracts - Essential Services - Provide direct services to the homeless to address employment (job placement and training), child care, substance abuse treatment and health prevention services.	CW	57,737	57,737		57,737
42	Contracts - Operations - Provide payment of operational costs for shelters or transitional housing facilities for homeless persons.	CW	92,430	92,430		92,430
43	Homeless Assistance Center - Essential Services - Provide case management services to assist clients in obtaining federal, state and local assistance.	CW	101,696	128,005		128,005
44	Homeless Assistance Center - Operations - Provide payment of utilities and other operating costs for the Homeless Assistance Center.	CW	378,279	378,279		378,279
	Essential Services/Operations Sub-Total		630,142	656,451	0	656,451
45	Homeless Prevention - Financial Assistance - Provide short-term (3 months) and medium-term (4 - 24 months) of rental assistance; rental arrears up to six months; utilities assistance; moving costs, etc. to persons at-risk of homelessness and meet income limits below 30% of the area median income.	CW	33,775	30,000		30,000
46	Homeless Prevention - Housing Relocation and Stabilization - Provide case management, housing search and placement, legal services, credit repair to persons at-risk of homelessness and meet income limits below 30% of area median income.	CW	35,000	30,000		30,000
	Homeless Prevention Sub-Total		68,775	60,000	0	60,000
47	Rapid Re-Housing – Financial Assistance - Provide assistance with application fees, deposits, and rental arrears up to six months for persons who are homeless.	CW	30,000	11,000		11,000

*CW=City Wide

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

	Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
48	Rapid Re-Housing - Housing Relocation & Stabilization - Provide case management, housing search and placement, legal services, credit repair to homeless persons in permanent housing programs.	CW	181,848	253,308		253,308
	Rapid Re-Housing Sub-Total		211,848	264,308	0	264,308
49	HMIS Data Collection - Provide client-level data collection for persons served by the grant, as well as training, generating reports, monitoring and reviewing data quality.	CW	60,704	65,367		65,367
	HMIS Data Collection Sub-Total		60,704	65,367	0	65,367
50	ESG Administration - Monitor and evaluate contracts and other program activities.	CW	78,768	84,820		84,820
	Program Administration Sub-Total		78,768	84,820	0	84,820
	TOTAL EMERGENCY SOLUTIONS GRANT		1,050,237	1,130,946	0	1,130,946
<u>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</u>						
51	Emergency/Tenant Based Rental Assistance/Financial Assistance - Provide long-term and transitional rental assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area.	CW	1,700,000	2,000,000		2,000,000
52	Emergency/Tenant Based Rental Assistance/Housing Services - Provide long-term and transitional rental assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area.	CW	440,000	485,000		485,000
53	Housing Facilities Operation - Provide housing operation costs, including lease, maintenance, utilities, insurance and furnishings for facilities that provide assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area.	CW	697,412	810,894		810,894
54	Supportive Services - Provide supportive services, information and referral, and outreach in conjunction with housing assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area, including hospice/respite care for affected children.	CW	1,075,162	1,315,162		1,315,162
55	Housing Information/Resource Identification - Provide Housing Information Services (including housing counseling, housing advocacy, information and referral services, fair housing information, and housing search and assistance) and Resource Identification (including costs to develop housing assistance resources, outreach and relationship-building with landlords, costs involved in creating brochures, web resources, and time to locate and identify affordable housing vacancies).	CW	100,666	124,859		124,859

**FY 2014-15 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

	Project Name	CD	FY 2013-14 Amended Budget	FY 2014-15 CMO Proposed Budget	CDC Proposed Amendments as of 4/3/2014 +/-	FY 2014-15 Proposed Budget
56	Housing Facilities Rehab/Repair/Acquisition - Provides rehabilitation/repair or acquisition funds for facilities that provide housing to persons with HIV/AIDS and their families who live in the metropolitan area.	CW	0	200,000		200,000
	Other Public Services Sub-Total		4,013,240	4,935,915	0	4,935,915
57	Program Administration/City of Dallas - Provide administrative oversight, evaluation and technical assistance for grant funds and program activities.	CW	131,805	161,269		161,269
58	Program Administration/Project Sponsors - Provide administrative costs for project sponsors in oversight and evaluation of program activities.	CW	248,475	278,475		278,475
	Program Administration Sub-Total		380,280	439,744	0	439,744
	TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS		4,393,520	5,375,659	0	5,375,659
	GRAND TOTAL CONSOLIDATED PLAN BUDGET		25,464,102	27,080,569	0	27,080,569

*CW=City Wide

ADDENDUM ITEM # 4

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

An ordinance **(1)** denying rates as requested by Atmos Energy Corp. Mid-Tex Division (Atmos); and **(2)** authorizing increased rates to be charged by Atmos, as negotiated pursuant to its January 15, 2014 Dallas Annual Rate Review (DARR) filing - Financing: This action has no cost consideration to the City

BACKGROUND

This item was placed on the addendum after briefing the Budget, Finance and Audit Committee on May 5, 2014, and after receiving the committee's recommendation regarding this item.

Atmos Energy Corp. provides natural gas utility service in Dallas in accordance with City franchise Ordinance No. 27793 and Title 3, Subtitle A Texas Utilities Code, Gas Utility Regulatory Act (GURA). On June 22, 2011, the City of Dallas approved Atmos' tariff DARR-Dallas Annual Rate Review, which provides a mechanism by which Atmos shall file for an annual review of its rates. On January 15, 2014, Atmos filed its rate increase request under the DARR tariff. In its filing, Atmos requested an increase in annual revenue of \$8.7 million for the City of Dallas. Atmos requested that the new rates become effective June 1, 2014.

On December 11, 2013, the City retained Diversified Utility Consultants, Inc. (DUCI) to assist City staff in reviewing the DARR filing. DUCI has expertise in reviewing gas rate cases and has assisted the City in numerous matters concerning Atmos Energy. After reviewing the rate filing and supplemental information received from Atmos, DUCI determined that the requested rate increase was not justified.

City staff, DUCI, and outside legal counsel met with Atmos on numerous occasions, both in person and by conference call, to negotiate a settlement of the pending rate request. As a result of the negotiations, Atmos has agreed to accept a reduction in the amount of the requested increase. These new rates will result in an annual increase in revenues to Atmos of \$6.3 million for the City of Dallas and reimbursement of the City's expenses in reviewing the filing.

BACKGROUND (Continued)

The rates, as negotiated, are fair and reasonable for the citizens of Dallas and equitable for Atmos.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2013, City Council authorized a consulting contract with Diversified Utility Consultants by Resolution No. 13-2062.

Briefed to Budget, Finance and Audit Committee on May 5, 2014 and recommended to move forward.

FISCAL INFORMATION

This action has no cost consideration to the City.

May 14, 2014

Ordinance No. _____

WHEREAS, Atmos Energy Corp., Mid-Tex Division (“Atmos”) provides natural gas utility service within the City of Dallas in accordance with Ordinance No. 27793; and

WHEREAS, on June 22, 2011, the City of Dallas adopted Ordinance #28281 which established the Dallas Annual Rate Review (DARR) Tariff; and

WHEREAS, Atmos filed for a \$8,747,948 annual increase applicable to Dallas customers on January 15, 2014 pursuant to terms of the Dallas Annual Rate Review (DARR) tariff; and

WHEREAS, Atmos and the City of Dallas have agreed to an annual rate increase of \$6,300,000 to customers within the City of Dallas to settle and resolve the 2014 DARR filing; and

WHEREAS, in the discussion of issues to arrive at the settlement, City Staff and Atmos representatives discussed issues regarding necessary revisions to the original request, treatment of accumulated deferred federal income tax, allocation of corporate expenses (Shared Services Unit) to Mid-Tex Division and treatment and inclusion of Pension and Benefit expense. The City and Atmos ultimately agree that the issues related to those expenses are ultimately resolved as part of the agreed rates without a specific finding on any expense; and

WHEREAS, the tariffs attached to this Ordinance, including tariffs, R-Residential Sales, C-Commercial Sales, I-Industrial Sales and T-Transportation, and rate riders SUR-Depreciation Regulatory Asset Surcharge and WNA-Weather Normalization Adjustment (Dallas) are determined to be fair and reasonable; Now, Therefore,

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

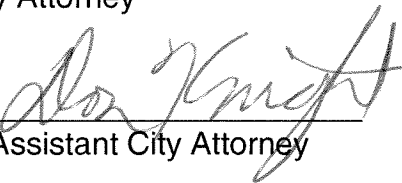
Section 1. That the rate adjustments and tariffs presented in the “Dallas Annual Rate Review Filing Test Year Ended 9-30-13” filed by Atmos Energy Corp. on January 15, 2014, are unreasonable and are therefore denied in all respects.

Section 2. That the tariffs attached hereto, including tariffs, R-Residential Sales, C-Commercial Sales, I-Industrial Sales and T-Transportation, and rate riders SUR-Depreciation Regulatory Asset Surcharge and WNA-Weather Normalization Adjustment (Dallas) are hereby approved effective June 1, 2013.

Section 4. That the City's expenses in reviewing the DARR filing and negotiating the settlement are deemed reasonable and Atmos shall reimburse the City in full for the costs of City's consultants and outside legal counsel.

Section 5. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the City Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
WARREN M. S. ERNST
City Attorney

By 
Assistant City Attorney

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC TARIFF NO:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$18.50 per month
Commodity Charge – All Ccf	\$ 0.06980 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC TARIFF NO:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 37.00 per month
Commodity Charge - All Ccf	\$ 0.06351 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC TARIFF NO:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 665.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.1570 per MMBtu
Next 3,500 MMBtu	\$ 0.1142 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0181 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC TARIFF NO:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC TARIFF NO:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 665.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.1570 per MMBtu
Next 3,500 MMBtu	\$ 0.1142 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0181 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC TARIFF NO:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	SUR-DEPRECIATION REGULATORY ASSET SURCHARGE	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2014	PAGE

DEPRECIATION REGULATORY ASSET SURCHARGE

A. APPLICABILITY

The Depreciation Regulatory Asset (DRA) rate as set forth in Section (B) below is pursuant to Ordinance 28984. This rate shall apply to the following rate schedules of Atmos Mid-Tex in the City of Dallas.

B. DRA RATE

Residential Customers:	\$ 0.10 per month
Commercial Customers:	\$ 0.24 per month
Industrial and Transportation Customers:	\$ 4.80 per month

This rate will be in effect for approximately 24 months until all approved expenses are recovered from the applicable customer classes as documented in Ordinance 28984.

C. OTHER ADJUSTMENTS

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

D. CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Exhibit A

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	06/01/2014	PAGE

Provisions for Adjustment

The base rate per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The regional weather station is Dallas.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- WNAF_i = Weather Normalization Adjustment Factor for the ith rate schedule or classification expressed in cents per Ccf
- R_i = base rate of temperature sensitive sales for the ith schedule or classification utilized by the Commission in the Relevant Rate Order.
- HSF_i = heat sensitive factor for the ith schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days
- ADD = billing cycle actual heating degree days
- Bl_i = base load sales for the ith schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

Exhibit A

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	Customers within the City of Dallas	
EFFECTIVE DATE:	06/01/2014	PAGE

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Dallas	13.89	.1925	199.88	.8598

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 47S

SUBJECT

An ordinance abandoning portions of Imperial Street, an alley and a street easement containing a total of approximately 20,835 square feet of land, located near the intersection of Hatcher and Imperial Streets to Frazier Revitalization Inc., Greater Mt. Calvary Church of God In Christ of Dallas, True Lee Missionary Baptist Church (also known as True Lee Baptist Church) and Frazier HS, LP, the abutting owners, and authorizing the quitclaim – Revenue: \$19,130, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of Imperial Street, an alley and a street easement to Frazier Revitalization Inc., Greater Mt. Calvary Church of God In Christ of Dallas, True Lee Missionary Baptist Church (also known as True Lee Baptist Church) and Frazier HS, LP, the abutting owners. The abandonment area will be included with the property of the abutting owners for redevelopment for offices, retail space and parking. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 49 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION /REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: \$19,130, plus the \$20 ordinance publication fee

OWNERS

Frazier Revitalization Inc.

Paul W. Harris, Director

Frazier HS, LP

Paul W. Harris, Director

Greater Mt. Calvary Church of God in Christ of Dallas

H B. Horn Jr. , Director

True Lee Missionary Baptist Church

Donard R. Parish, Sr., President

MAP

Attached

N



Bertrand Street

Montie Street

Lagow Street

York Street

Montie Street

D/4478

D/4478

Imperial Street

Abandonment Ordinance 29312

B/4476




Abandonment Ordinance 29312

Hatcher Street

Scyene Street

York Street

Abandonment Areas

-  Alley
-  Portion of Street ROW
-  Street Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of Imperial Street, alley and street easement, located in and adjacent to City Blocks B/4476 and D/4478 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Frazier Revitalization, Inc., Greater Mt. Calvary Church of God In Christ of God, True Lee Missionary Baptist Church (also known as True Lee Baptist Church), and Frazier HS, LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing for an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Frazier Revitalization, Inc., a Texas non profit corporation, and Greater Mt. Calvary Church of God In Christ of God, a Texas non profit corporation, True Lee Missionary Baptist Church (also known as True Lee Baptist Church), a non profit corporation, and Frazier HS, LP, a Texas limited partnership, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Imperial Street, alley and street easement are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

SECTION 1. That the tracts of land described in Exhibit A, which are attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **NINETEEN THOUSAND ONE HUNDRED THIRTY AND NO/100 DOLLARS (\$19,130.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to those certain tracts of land hereinabove described in Exhibit A as follows: unto Frazier Revitalization Inc., all of its right, title and interest in Tracts 1, 3, 4 of Exhibit A; unto Greater Mt. Calvary Church of God In Christ of Dallas, all of its right, title and interest in Tract 2 of Exhibit A; unto True Lee Missionary Baptist Church (also known as True Lee Baptist Church), all of its right, title and interest in Tract 5 of Exhibit A; unto Frazier HS, LP, all of its right, title and interest in Tract 6 of Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, their successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill

Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this abandonment, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee.

Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
WARREN M. S. ERNST
City Attorney

DAVID COSSUM
Interim Director of Department of
Sustainable Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

ALLEY ABANDONMENT SITUATED IN BLOCK D/4478 THOMPSON AND SWANSON SUBDIVISION AND BEING OUT OF THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: JZ
Date: 4-21-14
SPRG NO: 2914

BEING a 1,838 square foot (0.042 acre) tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas; and being part of a 15-foot wide alley across Block D/4478, created by Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with "KHA" cap found at the intersection of the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way) and the northwest right-of-way line of said 15-foot wide alley across Block D/4478; said point being in the east corner of the remainder of Lot 5 of said Block D/4478;

THENCE with said southwest right-of-way line of Lagow Street, South 47°47'55" East, a distance of 15.00 feet to a 5/8-inch iron rod with "KHA" cap set at the intersection of said southwest right-of-way line of Lagow Street and the southeast right-of-way line of said 15-foot wide alley across Block D/4478; said point also being in the most north corner of the remainder of Lot 6 of said Block D/4478;

THENCE departing said southwest right-of-way line of Lagow Street, with said southeast right-of-way line of the 15-foot wide alley across Block D/4478 and said northwest line of Lot 6, South 42°34'05" West, a distance of 141.07 feet to a 5/8-inch iron rod with "KHA" cap set at the intersection of said southeast right-of-way line of the 15-foot wide alley across Block D/4478 and the north right-of-way line of Imperial Street (a 40-foot wide right-of-way);

THENCE with said north right-of-way line of Imperial Street, North 88°25'55" West, a distance of 19.88 feet to a 5/8-inch iron rod with "KHA" cap set at the intersection of said north right-of-way line of Imperial Street and said northwest right-of-way line of the 15-foot wide alley across Block D/4478; said point also being the southeast corner of Lot 2 of said Block D/4478;

THENCE with said northwest right-of-way line of the 15-foot wide alley across Block D/4478 and the southeast line of said Lot 2, North 42°34'05" East, a distance of 34.01 feet to a 5/8-inch iron rod with "KHA" cap found at the east corner of said Lot 2 and the south corner of Lot 3 of said Block D/4478;

THENCE departing said northwest right-of-way line of the 15-foot wide alley across Block D/4478, South 47°47'55" East, a distance of 7.50 feet to a 5/8-inch iron rod with "KHA" cap set for corner in the centerline of said 15-foot wide alley across Block D/4478;

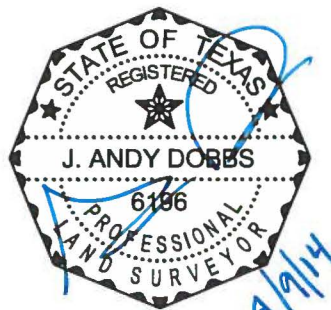
THENCE with said centerline of the 15-foot wide alley across Block D/4478, North 42°34'05" East, a distance of 50.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE departing said centerline of the 15-foot wide alley across Block D/4478, North 47°47'55" West, a distance of 7.50 feet to a 5/8-inch iron rod with "KHA" cap found at the east corner of said Lot 3, at the south corner of Lot 4 of said Block D/4478 and in said northwest right-of-way line of the 15-foot wide alley across Block D/4478;

THENCE with said northwest right-of-way line of the 15-foot wide alley across Block D/4478 and the southeast line of said Lots 4 and 5, North 42°34'05" East, a distance of 70.00 feet to the **POINT OF BEGINNING** and containing 1,838 square feet or 0.042 acres of land.

Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

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FIRM # 101155-00

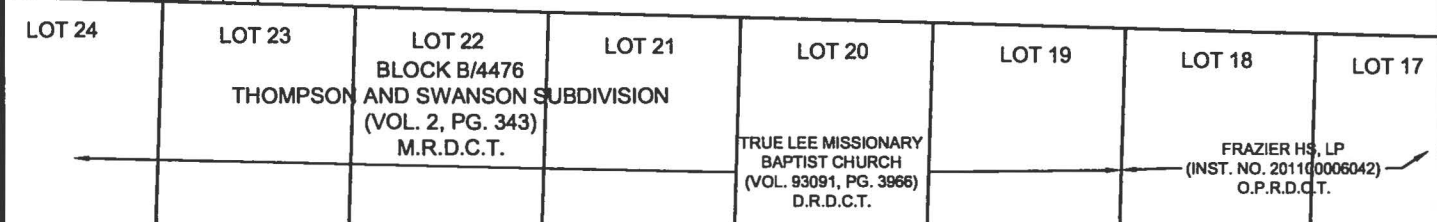
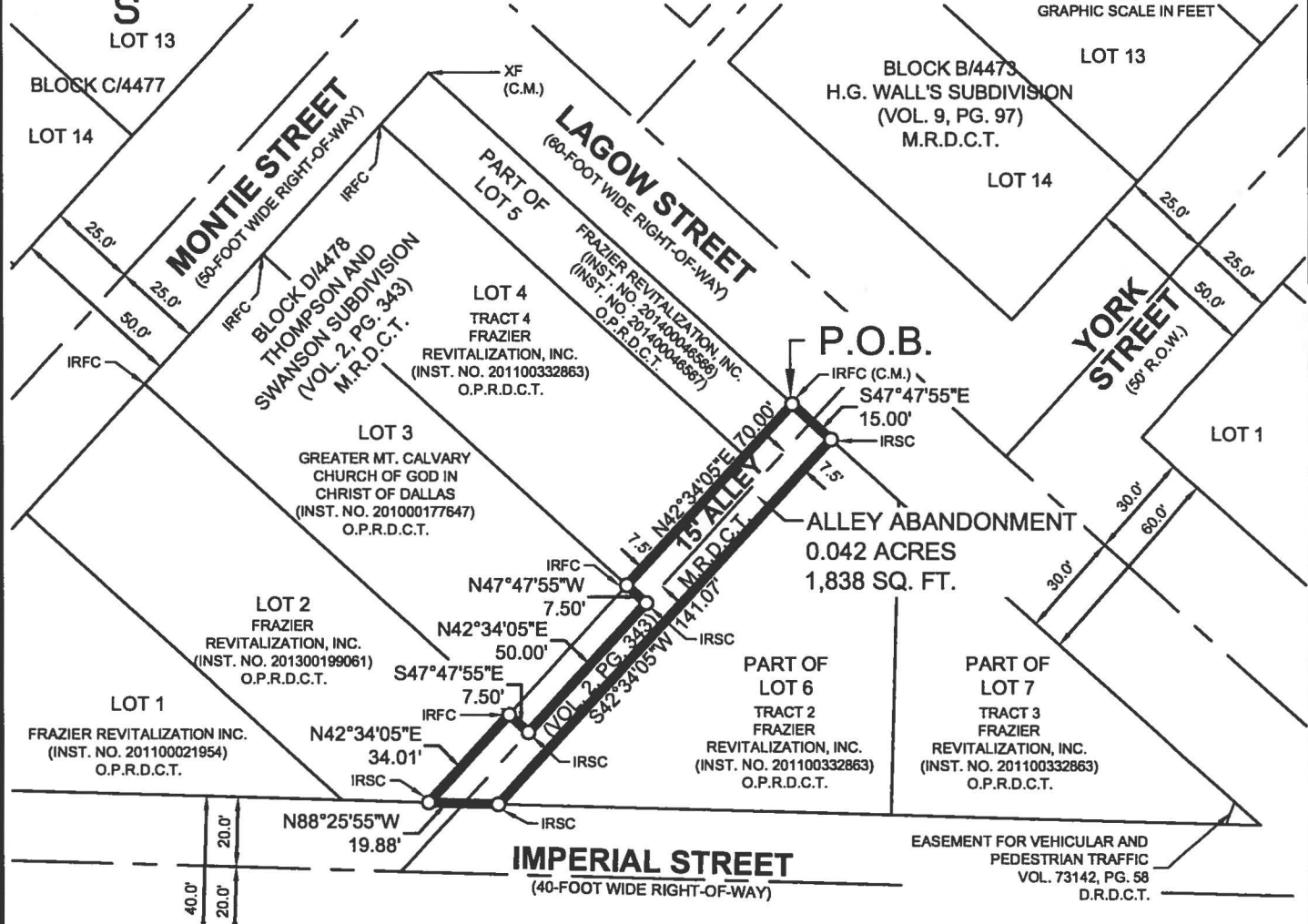
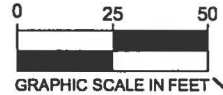
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	JAN. 2014	061279302	1 OF 2

EXHIBIT A-TRACT 1

**ALLEY ABANDONMENT
SITUATED IN BLOCK D/4478
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(For SPRG use only)
Reviewed By: JE
Date: 4-21-14
SPRG NO: 2914



LEGEND

P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/"KHA" CAP FOUND
XF = "X" CUT IN CONCRETE FOUND
C.M.=CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

- Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 101155-00 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	2 OF 2

EXHIBIT A-TRACT 2

ALLEY ABANDONMENT SITUATED IN BLOCK D/4478 THOMPSON AND SWANSON SUBDIVISION AND BEING OUT OF THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: JL

Date: 4-21-14

SPRG NO: 2913

BEING a 375 square foot (0.009 acre) tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas; and being part of a 15-foot wide alley across Block D/4478, created by Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with "KHA" cap found at the east corner of Lot 3 of said Block D/4478, at the south corner of Lot 4 of said Block D/4478 and in the northwest right-of-way line of said 15-foot wide alley across Block D/4478; said point being South 42°34'05" West, a distance of 70.00 feet from a 5/8-inch iron rod with "KHA" cap found at the intersection of the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way) and said northwest right-of-way line of the 15-foot wide alley across Block D/4478;

THENCE departing said northwest right-of-way line of said 15-foot wide alley across Block D/4478, South 47°47'55" East, a distance of 7.50 feet to a 5/8-inch iron rod with "KHA" cap set for corner in the centerline of said 15-foot wide alley across Block D/4478;

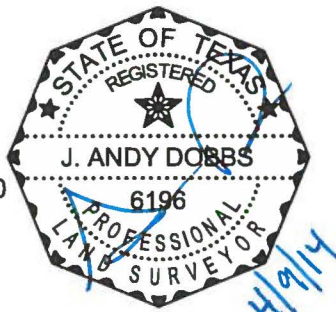
THENCE with said centerline of the 15-foot wide alley across Block D/4478, South 42°34'05" West, a distance of 50.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE departing said centerline of the 15-foot wide alley across Block D/4478, North 47°47'55" West, a distance of 7.50 feet to a 5/8-inch iron rod with "KHA" cap found at the south corner of said Lot 3, at the east corner of Lot 2 of said Block D/4478 and in said northwest right-of-way line of the 15-foot wide alley across Block D/4478;

THENCE with said northwest right-of-way line of the 15-foot wide alley across Block D/4478 and the southeast line of said Lot 3, North 42°34'05" East, a distance of 50.00 feet to the **POINT OF BEGINNING** and containing 375 square feet or 0.009 acres of land.

Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

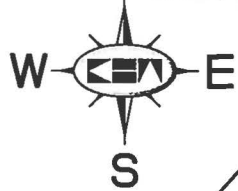
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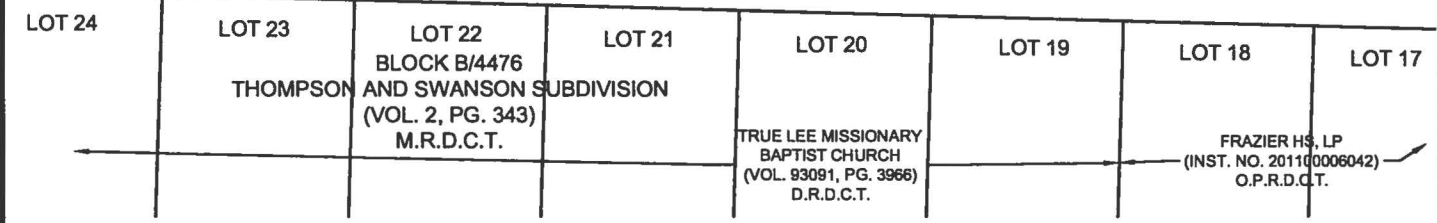
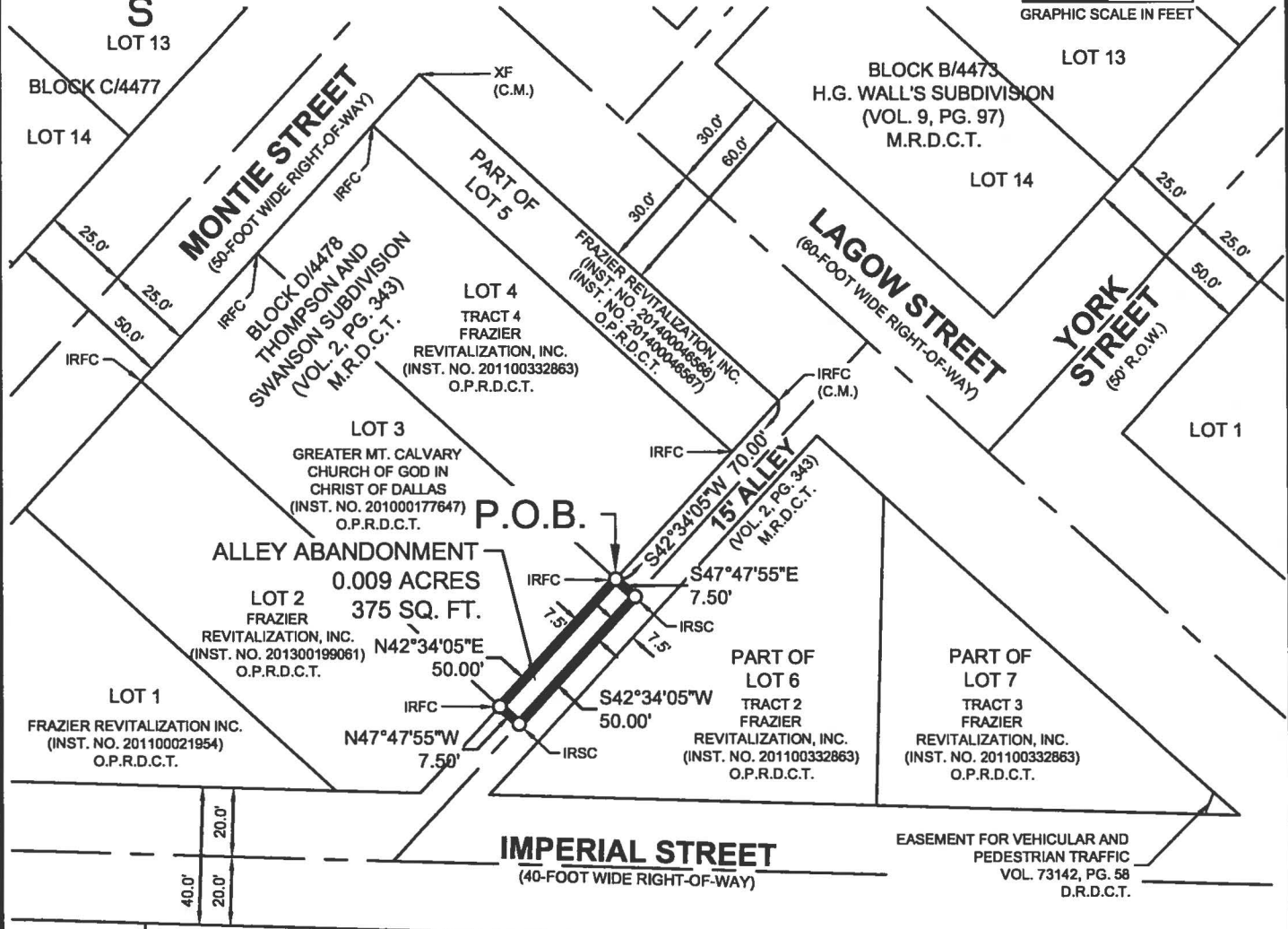
		Kimley-Horn and Associates, Inc.			
12750 Merit Drive, Suite 1000 Dallas, Texas 75251		FIRM # 101155-00		Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	JAN. 2014	061279302	1 OF 2

N EXHIBIT A-TRACT 2

ALLEY ABANDONMENT
SITUATED IN BLOCK D/4478
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
Reviewed By: JL
Date: 4-21-14
SPRG NO: 2913



LEGEND

P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/"KHA" CAP FOUND
XF = "X" CUT IN CONCRETE FOUND
C.M.=CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

- Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	2 OF 2

EXHIBIT A-TRACT 3

**STREET EASEMENT ABANDONMENT
PART OF LOT 7, BLOCK D/4478
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(For SPRG use only)
Reviewed By: JL
Date: 4-21-14
SPRG NO: 2911

BEING a 32 square foot (0.001 acre) tract of land situated in the Thomas Lagow Survey, Abstract No.759, City of Dallas, Dallas County, Texas; and being part of Lot 7, Block D/4478, Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being all of an easement to the City of Dallas recorded in Volume 73142, Page 58 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a "X" cut in concrete set at the intersection of the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way) and the north right-of-way line of Imperial Street (a 40-foot wide right-of-way); said point also being the east corner of the remainder of said Lot 7;

THENCE with said north right-of-way line of Imperial Street, North 88°25'55" West, a distance of 10.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE departing said north right-of-way line of Imperial Street, North 21°38'05" East, a distance of 6.86 feet to a 5/8-inch iron rod with "KHA" cap set for corner in said southwest right-of-way line of Lagow Street;

THENCE with said southwest right-of-way line of Lagow Street, South 48°17'55" East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 32 square feet or 0.001 acres of land.

Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

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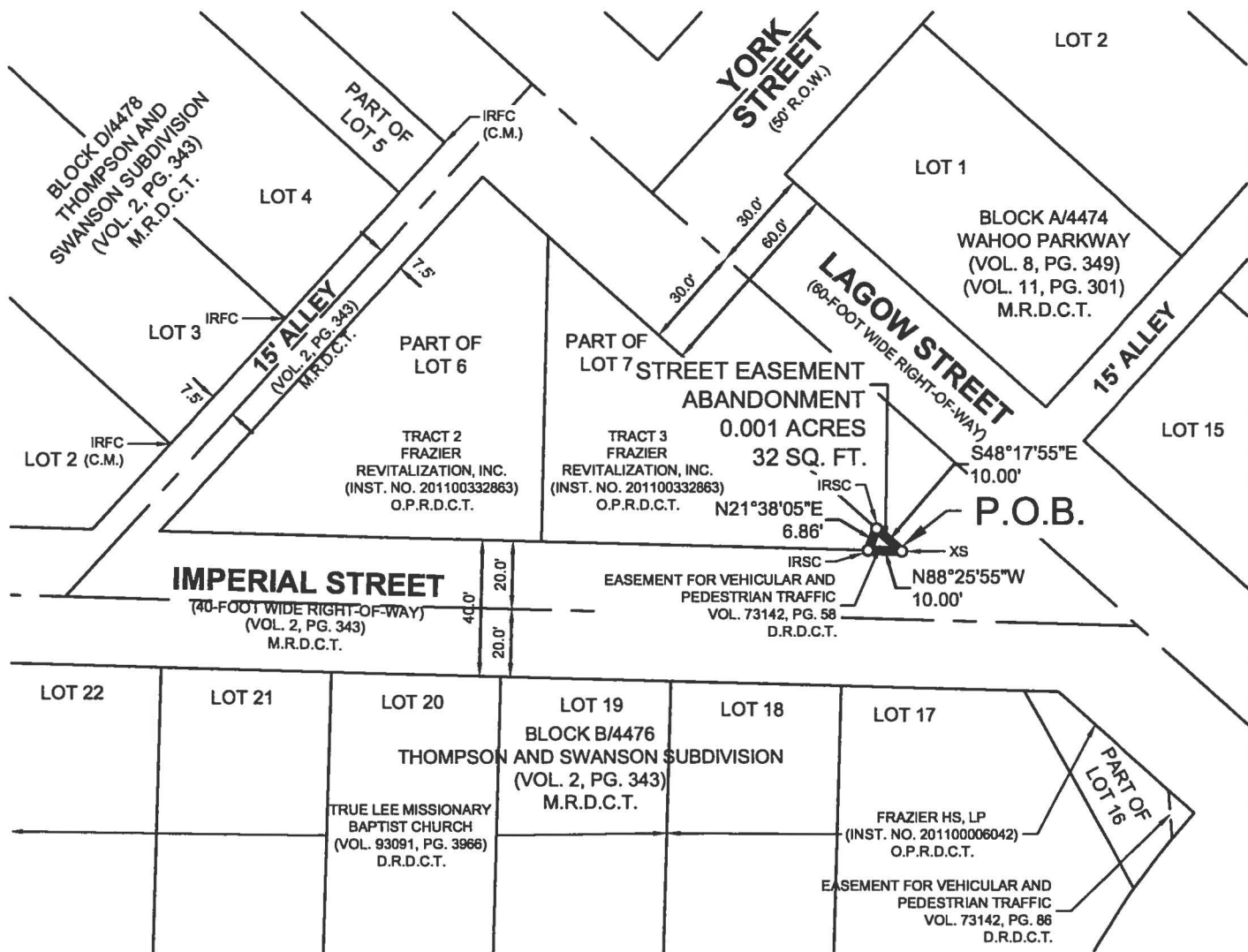
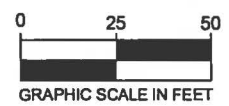
		Kimley-Horn and Associates, Inc.		
12750 Merit Drive, Suite 1000 Dallas, Texas 75251		FIRM # 101155-00	Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>
N/A	JAD	DAB	JAN. 2014	061279302
				<u>Sheet No.</u>
				1 OF 2

EXHIBIT A-TRACT 3

STREET EASEMENT ABANDONMENT
 PART OF LOT 7, BLOCK D/4478
 THOMPSON AND SWANSON SUBDIVISION
 AND BEING OUT OF THE
 THOMAS LAGOW SURVEY, ABSTRACT NO. 759
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
 Reviewed By: SL
 Date: 4-21-14
 SPRG NO: 2911



LEGEND

P.O.B. = POINT OF BEGINNING
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
 IRFC = IRON ROD W/"KHA" CAP FOUND
 XS = "X" CUT IN CONCRETE SET
 C.M.=CONTROLLING MONUMENT
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

- Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

Kimley-Horn and Associates, Inc.
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	2 OF 2

EXHIBIT A-TRACT 4

STREET ABANDONMENT PART OF IMPERIAL STREET SITUATED BETWEEN BLOCKS D/4478 AND B/4476 THOMPSON AND SWANSON SUBDIVISION AND BEING OUT OF THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: JL

Date: 4-18-14

SPRG NO: 2910

BEING a 8,884 square foot (0.204 acre) tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas; and being part of Imperial Street (a 40-foot wide right-of-way), situated between City Blocks D/4478 and B/4476 as created in Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a "X" cut in concrete set at the intersection of the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way) and the north right-of-way line of Imperial Street (a 40-foot wide right-of-way); said point also being the east corner of the remainder of said Lot 7;

THENCE with said southwest right-of-way line of Lagow Street, South 48°17'55" East, a distance of 31.03 feet to a "X" cut in concrete set at the intersection of said southwest right-of-way line of Lagow Street and the centerline of said Imperial Street;

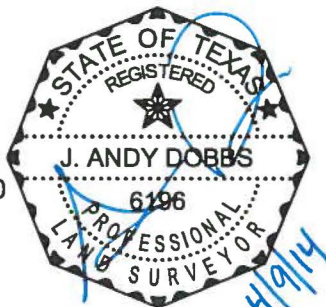
THENCE departing said southwest right-of-way line of Lagow Street, with said centerline of Imperial Street, North 88°25'55" West, a distance of 464.76 feet to a MAG nail set at the intersection of said centerline of Imperial Street and the projection of the southeast right-of-way line of Montie Street (a 50-foot wide right-of-way);

THENCE departing said centerline of Imperial Street, with the projection of said southeast right-of-way line of Montie Street, North 42°34'05" East, a distance of 26.50 feet to the intersection of said southeast right-of-way line of Montie Street and said north right-of-way line of Imperial Street; said point also being the west corner of Lot 1 of said Block D/4478;

THENCE with said north right-of-way line of Imperial Street and the south line of Lots 1, 6 & 7 of said Block D/4478, South 88°25'55" East, a distance of 423.65 feet to the **POINT OF BEGINNING** and containing 8,884 square feet or 0.204 acres of land.

Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

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<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>
N/A	JAD	DAB	JAN. 2014	061279302
				<u>Sheet No.</u>
				1 OF 3

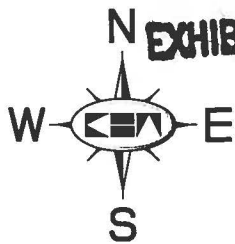
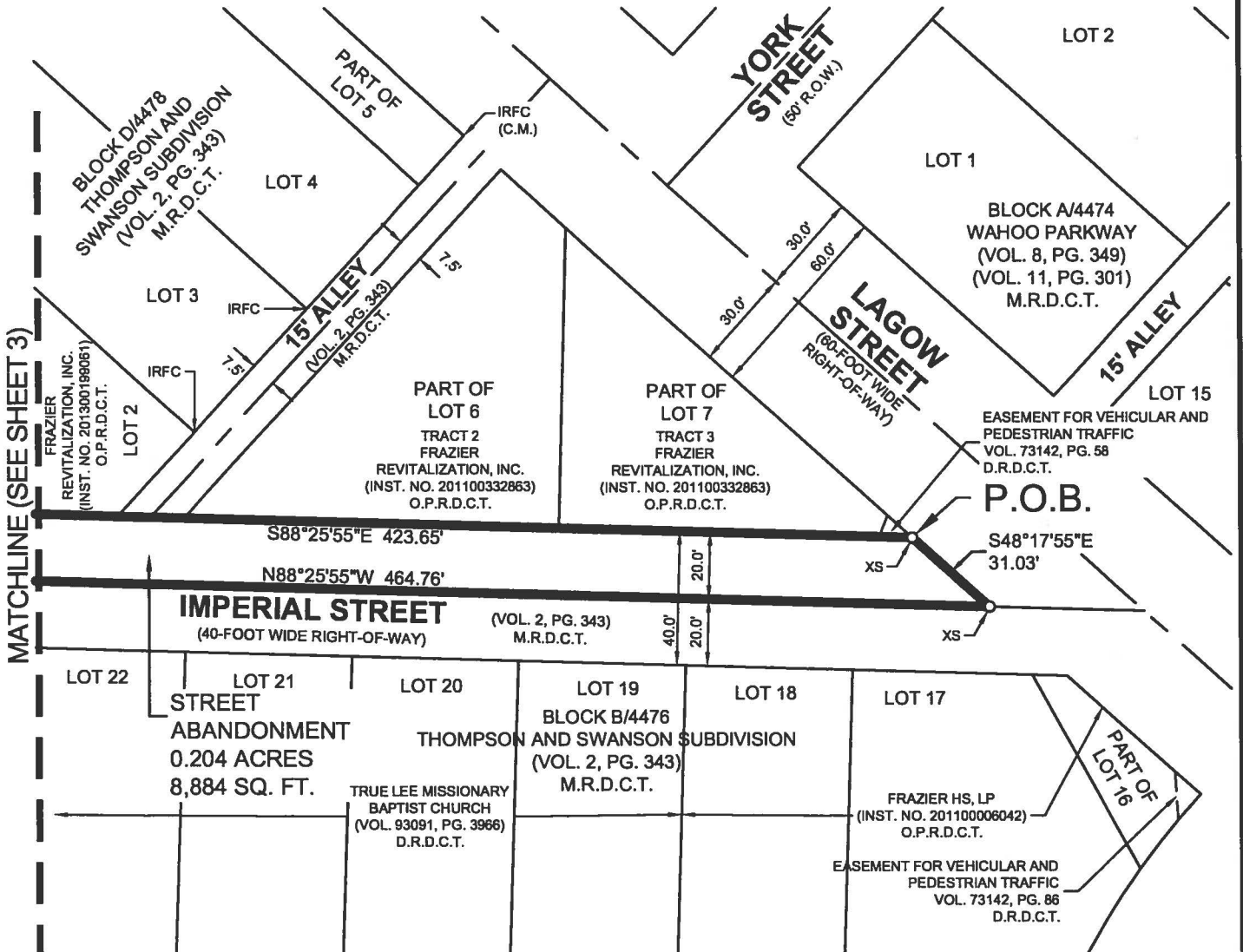


EXHIBIT A-TRACT 4

STREET ABANDONMENT
PART OF IMPERIAL STREET
SITUATED BETWEEN BLOCKS D/4478 AND B/4476
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JL
Date: 4-18-14
SPRG NO: 2910



MATCHLINE (SEE SHEET 3)

LEGEND

- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- IRFC = IRON ROD W/"KHA" CAP FOUND
- XS = "X" CUT IN CONCRETE SET
- C.M.=CONTROLLING MONUMENT
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

- Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.



**Kimley-Horn
and Associates, Inc.**

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 101155-00

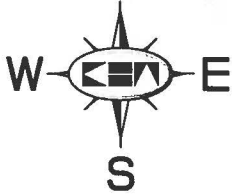
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	2 OF 3

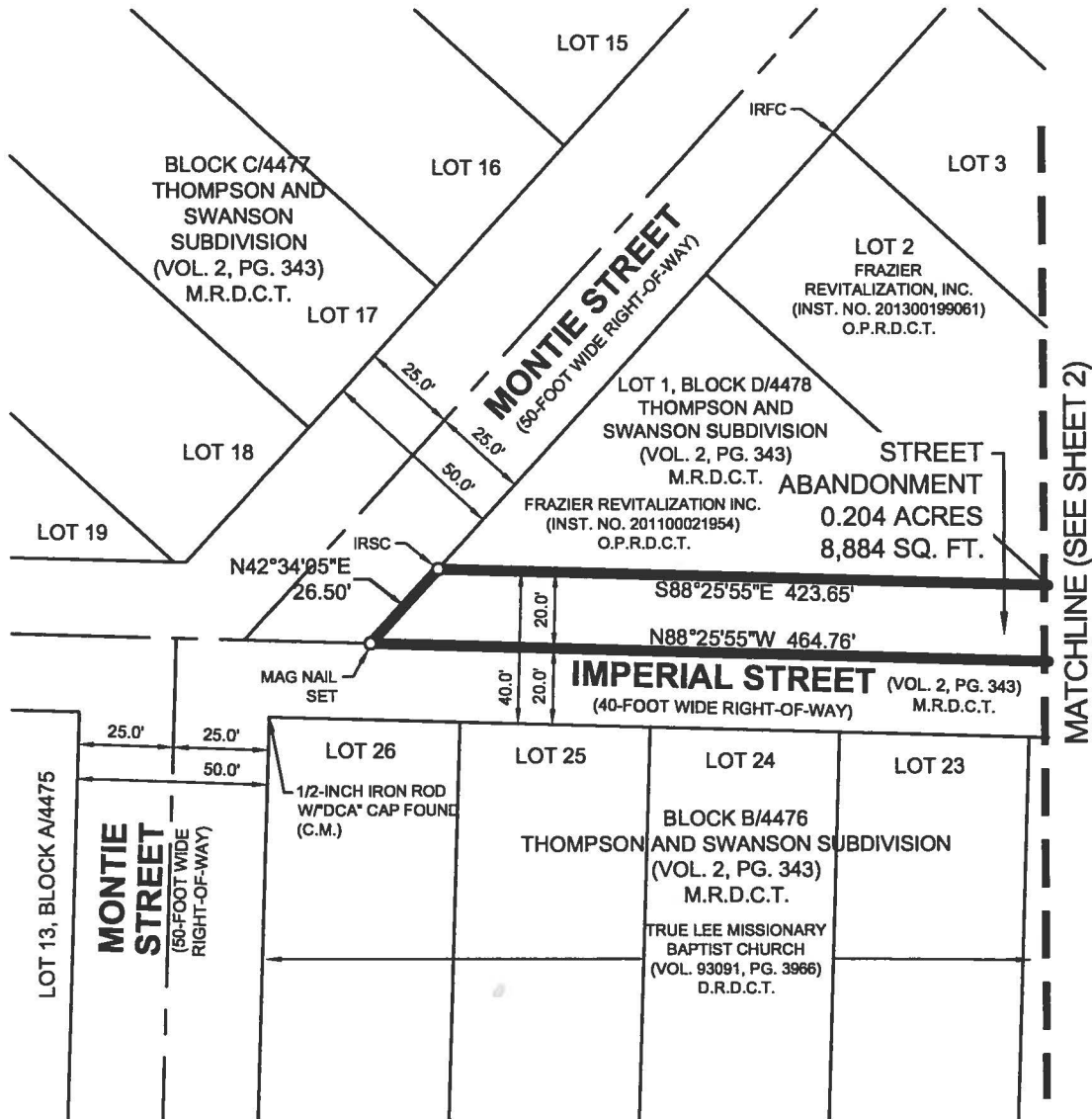
EXHIBIT A-TRACT 4

STREET ABANDONMENT PART OF IMPERIAL STREET

SITUATED BETWEEN BLOCKS D/4478 AND B/4476
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
Reviewed By: JL
Date: 4-18-14
SPRG NO: 2910



LEGEND

P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/"KHA" CAP FOUND
XS = "X" CUT IN CONCRETE SET
C.M.=CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

- Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.



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FIRM # 101155-00

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	3 OF 3

EXHIBIT A-TRACT 5

STREET ABANDONMENT
PART OF IMPERIAL STREET
SITUATED BETWEEN BLOCKS D/4478 AND B/4476
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JL
Date: 4-27-14
SPRG NO: 2912

BEING a 7,654 square foot (0.176 acre) tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas; and being part of Imperial Street (a 40-foot wide right-of-way), situated between City Blocks D/4478 and B/4476 as created in Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with "KHA" cap set at the intersection of the south right-of-way line of Imperial Street (a 40-foot wide right-of-way) and the projection of the southeast right-of-way line of Montie Street (a 50-foot wide right-of-way); said point also being in the north line of Lot 26 of said Block B/4476; from said point a 1/2-inch iron rod with "DCA" cap found at the intersection of said south right-of-way line of Imperial Street and the west right-of-way line of Montie Street and the northwest corner of said Lot 26 bears North 88°25'55" West, a distance of 8.67 feet;

THENCE with the projection of said southeast right-of-way line of Montie Street, North 42°34'05" East, a distance of 26.50 feet to a MAG nail set at the intersection of said southeast right-of-way line of Montie Street and the centerline of said Imperial Street;

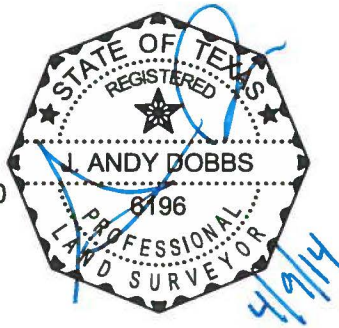
THENCE departing the projection of said southeast right-of-way line of Montie Street, with said centerline of Imperial Street, South 88°25'55" East, a distance of 374.08 feet to a MAG nail set for corner;

THENCE departing said centerline of Imperial Street, South 1°52'25" West, a distance of 20.00 feet to a 5/8-inch iron rod found for corner in said south right-of-way line of Imperial Street; said point being the northwest corner of Lot 18 of said Block B/4476 and the northeast corner of Lot 19 of said Block B/4476;

THENCE with said south right-of-way line of Imperial Street and the north line of Lots 19-26 of said Block B/4476, North 88°25'55" West, a distance of 391.36 feet to the **POINT OF BEGINNING** and containing 7,654 square feet or 0.176 acres of land.

Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



		Kimley-Horn and Associates, Inc.			
12750 Merit Drive, Suite 1000 Dallas, Texas 75251		FIRM # 101155-00	Tel. No. (972) 770-1300 Fax No. (972) 239-3820		
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	JAN. 2014	061279302	1 OF 3

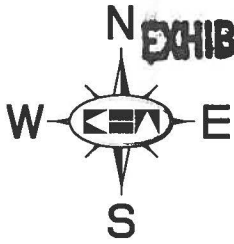
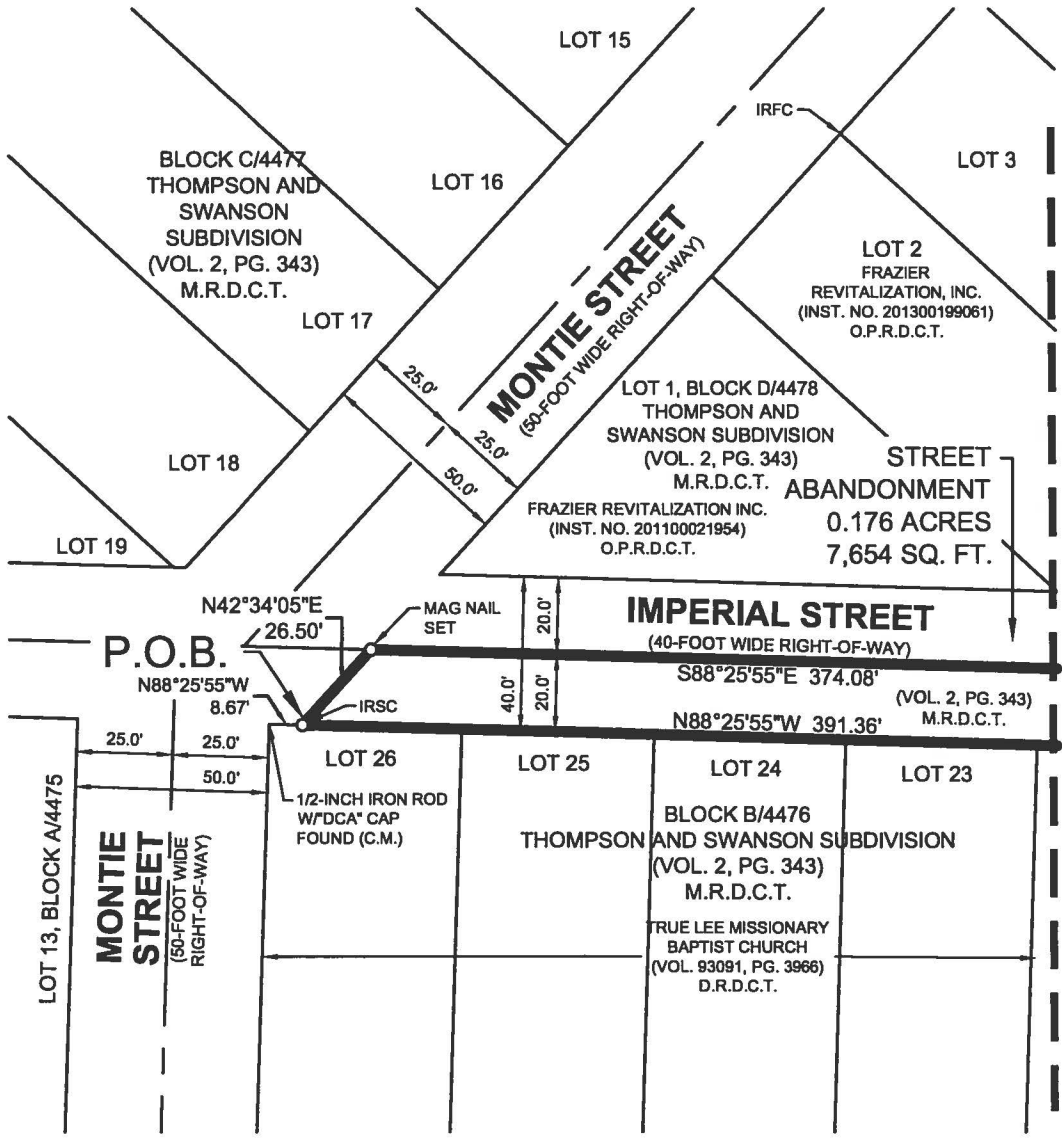


EXHIBIT A-TRACT 5 STREET ABANDONMENT
 PART OF IMPERIAL STREET
 SITUATED BETWEEN BLOCKS D/4478 AND B/4476
 THOMPSON AND SWANSON SUBDIVISION
 AND BEING OUT OF THE
 THOMAS LAGOW SURVEY, ABSTRACT NO. 759
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
 Reviewed By: JL
 Date: 4-21-14
 SPRG NO: 2912



LEGEND

P.O.B. = POINT OF BEGINNING
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
 IRFC = IRON ROD W/"KHA" CAP FOUND
 XS = "X" CUT IN CONCRETE SET
 C.M.=CONTROLLING MONUMENT
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

- Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

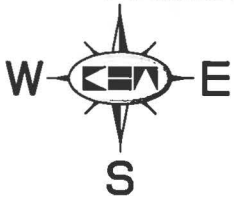
Kimley-Horn and Associates, Inc.
 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 101155-00 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale 1" = 50'	Drawn by JAD	Checked by DAB	Date JAN. 2014	Project No. 061279302	Sheet No. 2 OF 3
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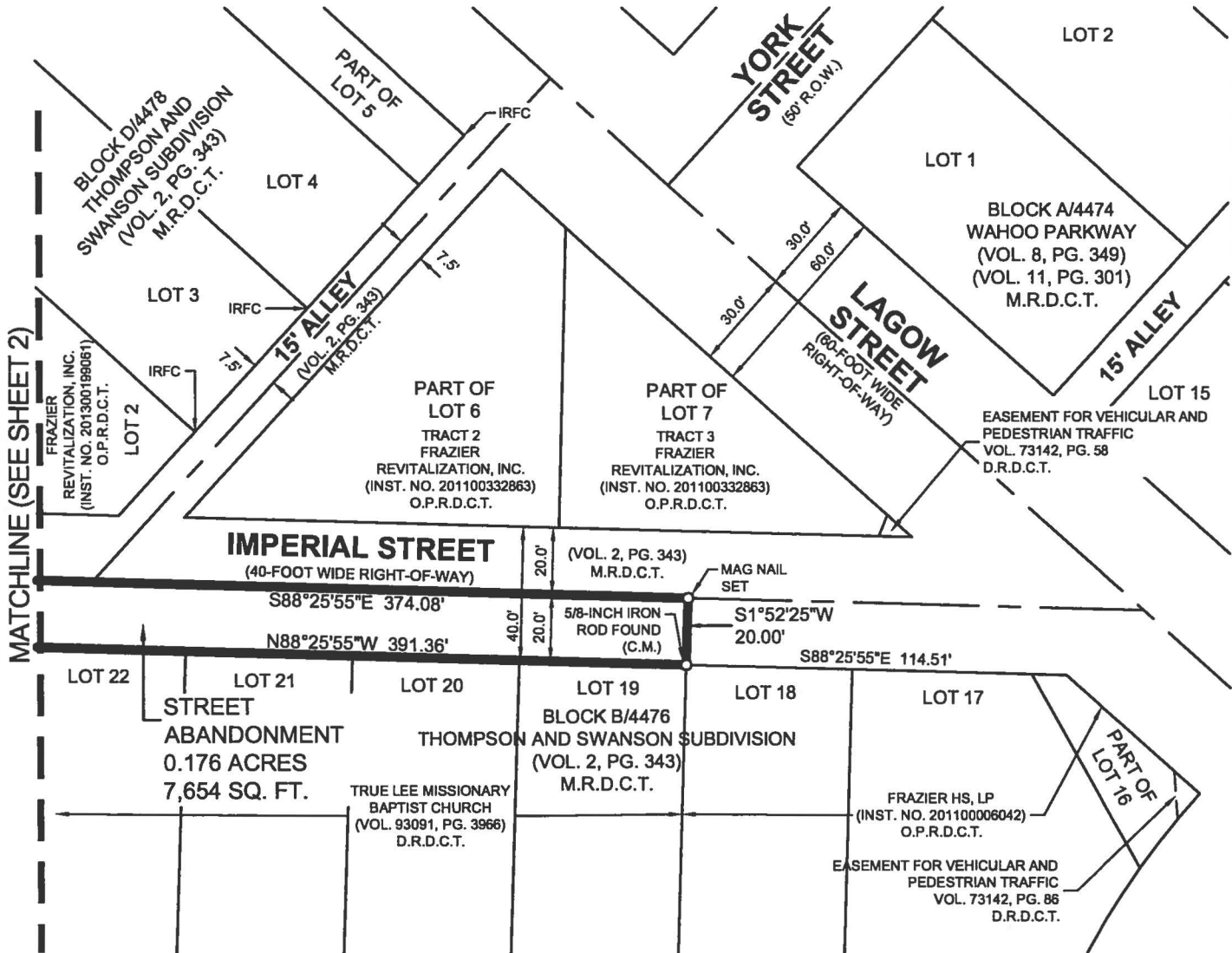
NEXHIBIT A-TRACT 5

STREET ABANDONMENT PART OF IMPERIAL STREET

SITUATED BETWEEN BLOCKS D/4478 AND B/4476
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
Reviewed By: JL
Date: 4-22-14
SPRG NO: 2912



MATCHLINE (SEE SHEET 2)

LEGEND

- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- IRFC = IRON ROD W/"KHA" CAP FOUND
- XS = "X" CUT IN CONCRETE SET
- C.M.=CONTROLLING MONUMENT
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

1. Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

Kimley-Horn and Associates, Inc.
12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 101155-00 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	3 OF 3

EXHIBIT A-TRACT 6

STREET ABANDONMENT
 PART OF IMPERIAL STREET
 SITUATED BETWEEN BLOCKS D/4478 AND B/4476
 THOMPSON AND SWANSON SUBDIVISION
 AND BEING OUT OF THE
 THOMAS LAGOW SURVEY, ABSTRACT NO. 759
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
 Reviewed By: JL
 Date: 4-18-14
 SPRG NO: 2909

BEING a 2,052 square foot (0.047 acre) tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas; and being part of Imperial Street (a 40-foot wide right-of-way), situated between City Blocks D/4478 and B/4476 as created in Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a "X" cut in concrete set at the intersection of the south right-of-way line of Imperial Street (a 40-foot wide right-of-way) and the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way);

THENCE with said south right-of-way line of Imperial Street, North 88°25'55" West, a distance of 114.51 feet to a 5/8-inch iron rod found for corner; said point being the northwest corner of Lot 18 of said Block B/4476 and the northeast corner of Lot 19 of said Block B/4476;

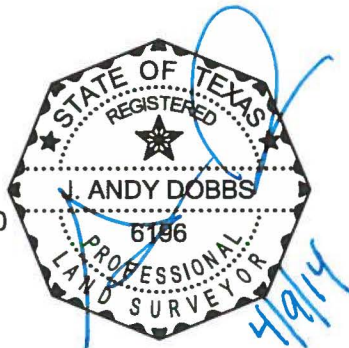
THENCE departing said south right-of-way line of Imperial Street, North 1°52'25" East, a distance of 20.00 feet to a MAG nail set for corner in the centerline of Imperial Street;

THENCE with said centerline of Imperial Street, South 88°25'55" East, a distance of 90.68 feet to a "X" cut in concrete set at the intersection of said centerline of Imperial Street and the projection of said southwest right-of-way line of Lagow Street;

THENCE departing said centerline of Imperial Street, with the projection of said southwest right-of-way line of Lagow Street, South 48°17'55" East, a distance of 31.03 feet to the **POINT OF BEGINNING** and containing 2,052 square feet or 0.047 acres of land.

Bearings based upon the monumented north right of way line of Scyene Road as defined in deeds to the State of Texas as recorded in Volume 76103, Page 656, Volume 75127, Page 1209, Volume 76001, Page 1643, Volume 76001, Page 1647, Volume 76001, Page 1651 and Volume 81034, Page 2687, all of the Deed Records of Dallas County, Texas, said bearing being South 88°30'34" East.

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
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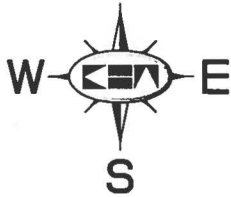


		Kimley-Horn and Associates, Inc.	
12750 Merit Drive, Suite 1000 Dallas, Texas 75251		FIRM # 101155-00	Tel. No. (972) 770-1300 Fax No. (972) 239-3820
Scale	Drawn by	Checked by	Date
N/A	JAD	DAB	JAN. 2014
Project No.		Sheet No.	
081279302		1 OF 2	

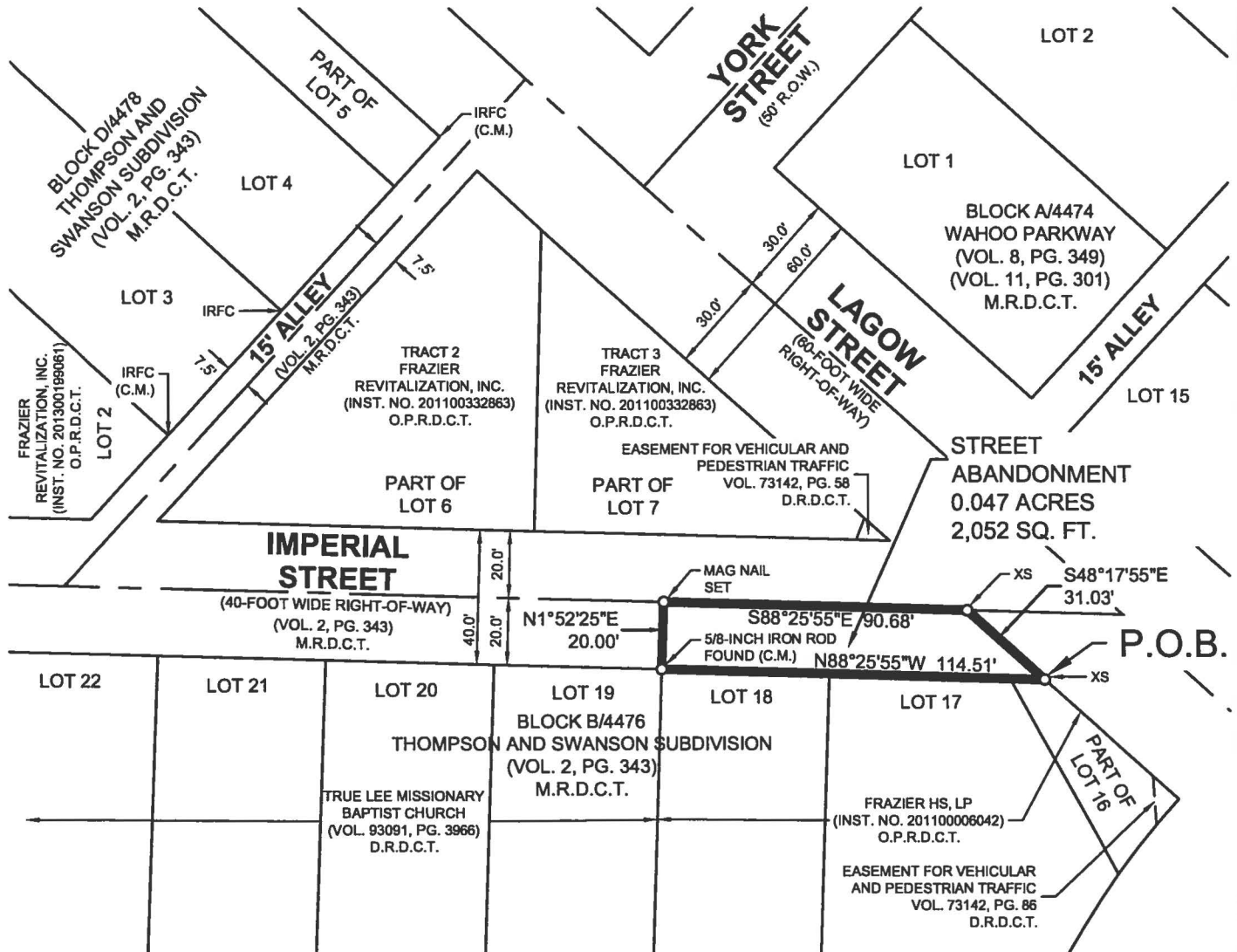
EXHIBIT A-TRACT 6

STREET ABANDONMENT PART OF IMPERIAL STREET

SITUATED BETWEEN BLOCKS D/4478 AND B/4476
THOMPSON AND SWANSON SUBDIVISION
AND BEING OUT OF THE
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
Reviewed By: JL
Date: 4-18-14
SPRG NO: 2809



LEGEND

P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/"KHA" CAP FOUND
XS = "X" CUT IN CONCRETE SET
C.M.=CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
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NOTES

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**Kimley-Horn
and Associates, Inc.**

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 101155-00

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	JAD	DAB	JAN. 2014	061279302	2 OF 2

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Trinity Watershed Management
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 57-P T U X Y & Z, 67-B C & D

SUBJECT

Authorize a contract with DCI Contracting, Inc., lowest responsible bidder of five, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 811 Pemberton Hill Road - Not to exceed \$2,371,711 - Financing: Stormwater Drainage Management Capital Construction Funds (\$2,000,000) and Company of Trinity Forest Golfers Funds (\$371,711) (to be reimbursed by the Company of Trinity Forest Golfer's, Inc.)

BACKGROUND

This item was placed on the addendum to assist with the completion schedule for golf course related improvements. Having this construction contractor, DCI Contracting, Inc., work concurrently with the remediation contractor, L. D. Kemp Excavating, will address stormwater, erosion and vegetative support layer construction issues.

The Elam and South Loop 12 Landfills, also known as Simpkins Landfills, were issued a Municipal Solid Waste (MSW) Permit No. 88 on August 29, 1975, by the Texas State Department of Health. Both landfills are located in the vicinity of Great Trinity Forest Way (also known as Loop 12) and Pemberton Hill Road. The total permitted landfill area is approximately 340 acres; 85 acres for Elam and 255 acres for South Loop.

On May 15, 2013, Council authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course. As part of the agreement, the City agreed to pursue certain infrastructure improvements. On April 9, 2014, Council approved a remediation contract with L.D. Kemp Excavating to obtain a permit from the Texas Commission on Environmental Quality (TCEQ). Additionally, Council approved an engineering design contract with Pacheco Koch Consulting for golf course related improvements. The construction contract will be conducted concurrently with the L.D. Kemp Excavating contract.

BACKGROUND (Continued)

Based on prior environmental investigations, remediation efforts are to be made for environmental conditions at the site to be in compliance with regulations by the state regulatory agency, TCEQ. The Elam and South Loop Landfills require additional fill to be placed on top of this remediation area to preserve the existing landfill cap as the remediation work will restore the clay cap to the 2-foot minimum clay cap. Additional fill will ensure that this clay cap within the Simpkins Remediation area is not disturbed or structural integrity damaged due to future golf course related improvements. In addition, structural fill is necessary for the golf course's clubhouse, entrance and parking lot area.

This action will authorize a construction contract with DCI Contracting, Inc. for the additional fill for the Simpkins Remediation area and the structural fill for the golf course's clubhouse, entrance and parking lot area. The Company of Trinity Forest Golfer's, Inc. will reimburse the City in the amount of \$371,711 for the structural fill.

ESTIMATED SCHEDULE OF PROJECT

Began Engineering Design	March 2014
Completed Engineering Design	April 2014
Begin Construction	May 2014
Complete Construction	October 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. on April 28, 2004, by Resolution No. 04-1416.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized acquisition of approximately 1,415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08-0398.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

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

Authorized Supplemental Agreement No. 1 with Terracon Consultants, Inc., on April 9, 2014, by Resolution No. 14-0629.

Authorized an engineering design contract with Pacheco Koch Consulting on April 9, 2014, by Resolution No. 14-0627.

Authorized a construction contract with L.D. Kemp Excavating, Inc., on April 9, 2014, by Resolution No. 14-0628.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$2,000,000.00
Company of Trinity Forest Golfers Funds - \$371,711.00

Engineering Design Cost	\$842,290.00
Construction Cost (this action)	<u>\$2,371,711.00</u>
Total Project Cost	\$3,214,001.00

<u>Council District</u>	<u>Amount</u>
7	\$ 806,381.74
8	<u>\$1,565,329.26</u>
Total	\$2,371,711.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

DCI Contracting, Inc.

Hispanic Female	1	Hispanic Male	11
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	1	White Male	11

BID INFORMATION

The following bids with quotes were received and opened on Thursday, May 1, 2014:

*Denotes successful bidder

BID INFORMATION (Continued)

BIDDERS

BID AMOUNT

* DCI Contracting, Inc. 2045 East Highway 380, Suite 100 Decatur, Texas 76234	\$2,371,711.00
Vilhauer Enterprises	\$2,798,692.90
Longhorn Excavators, Inc.	\$3,350,799.60
L.D. Kemp Excavating, Inc.	\$3,463,246.10
FCS Construction	\$3,583,785.65

OWNER

DCI Contracting, Inc.

Greg Sherman, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with DCI Contracting, Inc., lowest responsible bidder of five, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 811 Pemberton Hill Road - Not to exceed \$2,371,711 - Financing: Stormwater Drainage Management Capital Construction Funds (\$2,000,000) and Company of Trinity Forest Golfers Funds (\$371,711) (to be reimbursed by the Company of Trinity Forest Golfer's, Inc.)

DCI Contracting, 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	\$0.00	0.00%
Total non-local contracts	\$2,371,711.00	100.00%
TOTAL CONTRACT	\$2,371,711.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

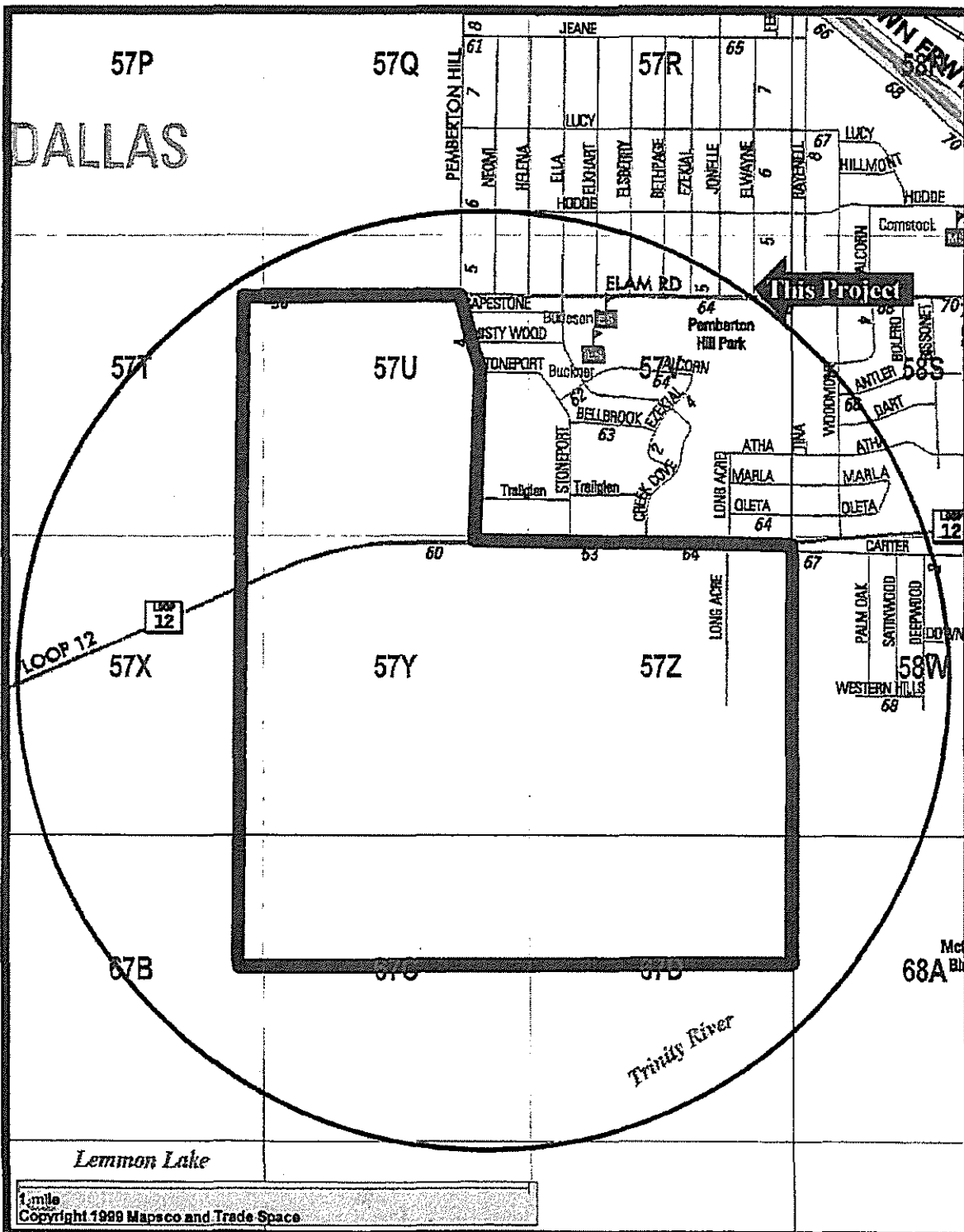
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Champion Fuel Solutions	WFDB57670Y0614	\$493,870.00	20.82%
G. J. Seeding, LLC	WFWB61254N0415	\$77,000.00	3.25%
J.M. Materials, Inc.	WFDB61580Y0515	\$20,000.00	0.84%
Total Minority - Non-local		\$590,870.00	24.91%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
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%	\$590,870.00	24.91%
Total	\$0.00	0.00%	\$590,870.00	24.91%

Simpkins Remediation



Mapscos 57-P, T, U, X, Y, Z, and 67-B, C, D

May 14, 2014

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and,

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and,

WHEREAS, Terracon Consultants Inc., conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommends further detailed investigations and assessment, before remedial designs are prepared; and,

WHEREAS, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for such detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and,

WHEREAS, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and,

WHEREAS, on April 9, 2014, Resolution No. 14-0627 authorized an engineering design contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design for improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and,

WHEREAS, on April 9, 2014, Resolution No. 14-0628 authorized a construction contract with L. D. Kemp Excavating, Inc. for the construction of closed landfill improvements for Simpkins Remediation in an amount not to exceed \$2,530,276.20, this being the lowest responsive bid as indicated by the tabulation of bids; and,

May 14, 2014

WHEREAS, on April 9, 2014, Resolution 14-0629 authorized Supplemental Agreement No. 1 to the engineering services contract with Terracon Consulting, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ associated with Simpkins Remediation in an amount not to exceed \$273,720.00; increasing the contract from \$814,464.00 to \$1,088,184.00; and,

WHEREAS, bids were received on May 1, 2014, for the construction of closed landfill improvements for Simpkins Remediation, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
DCI Contracting, Inc.	\$2,371,711.00
Vilhauer Enterprises	\$2,798,692.90
Longhorn Excavators, Inc.	\$3,350,799.60
L.D. Kemp Excavating, Inc.	\$3,463,246.10
FCS Construction	\$3,583,785.65

WHEREAS, it is now necessary to enter into a contract with DCI Contracting, Inc. lowest responsible bidder of five, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 811 Pemberton Hill Road in an amount not to exceed \$2,371,711.

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 DCI Contracting, Inc. lowest responsible bidder of five, for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, 6300 Great Trinity Forest Way Boulevard, and 811 Pemberton Hill Road in an amount not to exceed \$2,371,711.

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 receive and deposit funds in the amount of \$371,711.00 from the Company of Trinity Forest Golfers, Inc. in the Company of Trinity Forest Golfers Fund, Fund 0289, Dept. TWM, Revenue Source 8476, Act. CTFG.

Section 4. That the City Manager is hereby authorized to establish appropriations in the amount of \$371,711.00 in the Company of Trinity Forest Golfers Fund 0289, Dept. TWM, Unit P891, Object 4599.

May 14, 2014

Section 5. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts from:

Stormwater Drainage Management Capital Construction Fund
Fund 0063, Department SDM, Unit 4796, Act. SD01
Obj. 4599, Program # PBSWM007, CT SDM4796BM06
Vendor #VS0000052497, in an amount not to exceed \$2,000,000.00

Company of the Trinity Forest Golfers Fund
Fund 0289, Dept. TWM, Unit P891, Act. CTFG
Obj. 4599, Program # PBSWM007, CT TWMP891VH01
Vendor #VS0000052497, in an amount not to exceed \$ 371,711.00

Total Amount not to exceed \$2,371,711.00

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

ADDENDUM ITEM # 7

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

An ordinance **(1)** appointing 12 full-time municipal judges and 13 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2016; **(2)** designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2016; and **(3)** establishing the annual salary for the full-time and associate municipal judges and the administrative municipal judge - Financing: This action has no cost consideration to the City

BACKGROUND

State law and the Dallas City Charter provide that the City Council shall appoint, to serve a two-year term, full-time municipal judges and associate (part-time) municipal judges to preside over the City of Dallas municipal court of record and designate an administrative judge.

On April 4, 2014, as required by Sections 13-5.2(d) and (g) of the Dallas City Code, the Judicial Nominating Commission recommended to the City Council Ad Hoc Judicial Nominations Committee 18 nominees for the 12 full-time municipal judge vacancies and 27 nominees for the 18 associate municipal judge vacancies.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 29, 2014, the Ad Hoc Judicial Nominations Committee interviewed the nominees for the full-time municipal judge vacancies and the administrative municipal judge vacancy. The Committee then forwarded its recommended lists of nominees for the full-time municipal judge vacancies, the associate municipal judge vacancies, and the administrative municipal judge vacancy to the City Council. The list of the Ad Hoc Judicial Nominations Committee recommended nominees is attached hereto.

FISCAL INFORMATION

This action has no cost consideration to the City.

Memorandum



CITY OF DALLAS

DATE May 2, 2014

TO Daniel Perez, Chair
Judicial Nominating Commission

SUBJECT Ad Hoc Committee Judicial Nomination Follow Up

On Tuesday, April 29, 2014, the Ad Hoc Judicial Nominations Committee convened and took action as follows:

1. Recommending 18 candidates for 12 Full-time Municipal Judge positions (list attached);
2. Recommending Daniel Solis for Administrative Judge;
3. Recommending 13 candidates for 18 Associate Municipal Judge positions (list attached);
4. Directing the Judicial Nominating Commission to interview, as necessary, and recommend an additional 14 candidates for Associate Municipal Judge positions to the Committee for consideration, prior to the Ad Hoc Committee's next meeting scheduled for June, 2014; and
5. Directing the Commission to interview five (5) specific candidates for associate judge, which are Melodee Armstrong, Nina Bujosa, Roxann Cotroneo, Reina Gonzalez and John P, McCall, Jr., and an additional 9 candidates of the Commission's choice from either the first or second posting for candidates.

On April 23, 2014, the Commission was provided with additional Municipal Judge applicants from the second posting dates: Thursday, April 17, 2014 - Tuesday, April 22, 2014.

Please contact me if you need additional information.

A handwritten signature in black ink that reads "Scott Griggs".

Scott Griggs, Chair
Ad Hoc Judicial Nominations Committee

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager

Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, Interim Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

DATE May 2, 2014
SUBJECT Ad Hoc Judicial Nominations Committee Follow Up

The Ad Hoc Judicial Nominations Committee Recommendations

Administrative Municipal Judge:

Daniel F. Solis

Full-time Municipal Judges:

Jay E. Robinson
Cheryl D. Williams
Daniel F. Solis
Michael Acuna
Julie Clancy
C. Victor Lander
Preston W. Robinson, Jr.
Kathryn Hoang
Paula M. Rosales Aldana
Demetrius E. Blacklock
Henry Wade
Daniel L. Ryan
William Marple
Lawrence D. Sharp
David W. Barlow
Roland Monteros
Aura L. Pleitez
Sandra H. White

Associate (part-time) Municipal Judges:

Cadoc Tim A. Menchu
E.A. (Elizabeth) Srere
Carl Hays
Kristine S. Primrose
Roland C. Anderson
Daniel E. McDonald, Jr.
Esther A. Grossman
Timoteo F. Gonzalaz
Aura L. Pleitez
Tonya L. Goffney
Marilyn Y. Davis
Tony L. Martin
Michelle Buendia

ORDINANCE NO. _____

An ordinance appointing certain persons as full-time municipal judges and associate (part-time) municipal judges for a two-year term ending May 31, 2016; designating Daniel F. Solis as administrative municipal judge for a two-year term ending May 31, 2016; establishing the annual salaries for the administrative municipal judge, full-time municipal judges, and associate municipal judges; providing restrictions on the practice of law by full-time municipal judges; providing a severability clause; and providing an effective date.

WHEREAS, state law (Chapters 29 and 30, Texas Government Code) and Chapter VII of the Dallas City Charter provide that the municipal court of record be presided over by municipal court judges; and,

WHEREAS, the Dallas City Charter provides that the city council shall appoint the municipal court judges and designate the administrative judge biennially in May of each even-numbered year to serve a two-year term; and,

WHEREAS, as required by Section 13-5.2(d) of the Dallas City Code, on April 4, 2014, the judicial nominating commission recommended to the Ad Hoc Judicial Nominations Committee 18 nominees for 12 full-time municipal judge vacancies and 27 nominees for 18 associate municipal judge vacancies; and,

WHEREAS, as required by Section 13-5.2(g) of the Dallas City Code, on April 4, 2014, the judicial nominating commission recommended to the Ad Hoc Judicial Nominations Committee for its consideration three nominees for the administrative municipal judge vacancy; and,

WHEREAS, on April 29, 2014, the Ad Hoc Judicial Nominations Committee interviewed the nominees for the full-time municipal judge vacancies, and the administrative municipal judge vacancy and forwarded its list of nominees for the administrative, full-time and associate municipal judge vacancies to the city council; and,

WHEREAS, on May 14, 2014, the city council, at its regularly scheduled meeting, considered the full-time and associate municipal judge nominees and the nominees for administrative municipal judge; **Now, Therefore,**

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

Section 1. That the following 12 persons are appointed as full-time municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2016:

Jay E. Robinson	Preston W. Robinson, Jr.
Cheryl D. Williams	Kathryn Hoang
Daniel F. Solis	Paula M. Rosales Aldana
Michael Acuna	Demetrius E. Blacklock
Julie Clancy	Henry Wade
C. Victor Lander	Daniel L. Ryan

Section 2. That the following 13 persons are appointed as associate municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2016:

Cadoc Tim A. Menchu	Tonya L. Goffney
E.A. (Elizabeth) Srere	Marilyn Y. Davis
Carl Hays	Tony L. Martin
Kristine S. Primrose	Michelle Buendia
Roland C. Anderson	
Daniel E. McDonald, Jr.	
Esther A. Grossman	
Timoteo F. Gonzalez	
Aura L. Pleitez	

Section 3. That Daniel F. Solis is hereby designated administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2016.

Section 4. That the salary is \$109,242.00 per year for the administrative municipal judge, \$101,198.73 per year for full-time municipal judges with two or more years of judicial experience, \$90,043.20 per year for full-time municipal judges with less than two years of judicial experience, \$48.65 per hour for associate municipal judges with two or more years of judicial experience, and \$43.29 per hour for associate municipal judges with less than two years of judicial experience, in each case the salary to include such adjustments in salaries and number of paid working days and furlough days as are designated by the City of Dallas as to its salaried non-uniformed employees generally.

Section 5. That a full-time municipal judge for the City of Dallas shall not practice law except as permitted by the authorization of the Dallas City Council. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.

Section 6. That it is the intent of the city council that the judicial appointments set forth in this ordinance are severable, and if any appointment is declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining judicial appointments, since the same would have been approved by the city council without the invalid appointment.

Section 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY _____

Assistant City Attorney

Passed _____

ADDENDUM ITEM # 8

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: May 14, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members a sufficient amount of time to request approval of their outstanding absences (if applicable) as "Official City Business," as the request for approval of absences for "Official City Business" by Councilmember Carolyn R. Davis.

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

May 14, 2014

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Carolyn R. Davis participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required her to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore,**

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

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Carolyn R. Davis because of her participation in any event(s) and/or meeting(s) will not be counted against her in determining her annual compensation under Chapter III, Section 4 of the Dallas City Charter.

May 14, 2014

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Carolyn R. Davis in determining her annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Carolyn R. Davis as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENT AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
Carolyn R. Davis	Attended the Community Justice 2014 International Summit	San Francisco, California	04/21/2014	Representing the City of Dallas	Arts, Culture & Libraries Committee	Absent
Carolyn R. Davis	Attended the Community Justice 2014 International Summit	San Francisco, California	04/23/2014	Representing the City of Dallas	City Council Agenda Meeting	Absent

OFFICE OF THE CITY SECRETARY
V:\Attendance\Exhibit A (5-14-14).doc

DALLAS, TEXAS

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2014
COUNCIL DISTRICT(S): 5
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 57Q

SUBJECT

Authorize modifications to the Development and Operations Agreement with Equest for the Texas Horse Park to: **(1)** allow for a line of credit for Equest’s operating account balance; **(2)** reduce the operating balance from three month average to one month average; and **(3)** strengthen the termination clauses - Financing: No cost consideration to the City

BACKGROUND

This action would approve modifications to the development and operations agreement with Equest approved on December 12, 2012, where the City is constructing a facility at the Texas Horse Park and Equest, a non-profit corporation, will operate a therapeutic riding program as more fully described in the agreement between the City of Dallas and Equest. The Texas Horse Park has long been part of the Dallas’ Trinity River Project vision. Equest operates in Wylie, Texas, providing therapeutic riding for children and adults with physical, cognitive, emotional and learning disabilities. To operate at the Horse Park, Equest agreed to the following terms as part of the original agreement:

A six-year agreement with five 5-year renewal options with mutual consent subject to City approval.

Equest is responsible for all operating and maintenance costs, including major maintenance and utilities, associated with the facilities and portion of the site that they utilize.

A minimum of 75% of Equest’s patrons at the Texas Horse Park location shall be residents of the city of Dallas.

Equest will endeavor to host the Special Olympics and other similar events at the Texas Horse Park site, including charity fund-raising events.

City reserves the right to reserve the event portion (including ancillary components, such as restrooms, visitor center, etc.) of the facility at no charge up to six dates per year, if not previously reserved, on mutually agreed upon terms and conditions.

BACKGROUND (Continued)

The modifications to the Development and Operations Agreement are as follows:
Requested clarification in Section 4.1 to address operating account balances, which clarifies the ability to use a line of credit and reduces number of months from three to one:

"Equest shall maintain a one-month balance equivalent to its one-month average operating costs either; 1) in cash deposited in an insured depository institution within the city limits of Dallas or; 2) through a line of credit; beginning upon City Council award of the construction contract and during the remaining Term of this Agreement."

Requested clarification to Exhibit C (Insurance Requirements) to include a schedule of activities. Insurance cannot be obtained for some items until actual activities begin.

Addition of Section 9.1(f) and 9.1(g) to address default in the event of moral turpitude, which requires conviction. This provides for Equest remedies to personnel issues prior to default:

"(f) conviction or a plea of nolo contendere (no contest) of Equest, or a then-serving member of Equest's Board of Directors, executive officers, or senior management, of any felony criminal statute(s) involving moral turpitude, or the harming of, or the intent to harm, persons or animals;

(g) conviction or a plea of nolo contendere (no contest) of Equest, or a then-serving member of Equest's Board of Directors, executive officers, or senior management, of any misdemeanor criminal statute(s) involving moral turpitude, or the harming of, or the intent to harm, persons or animals provided that Equest does not take immediate and decisive action to 1) remedy the harm caused by the violation; and 2) to take steps to City's (through its Director) reasonable satisfaction to ensure that future misdemeanor violations of a similar nature will not occur; and"

Addition of Section 9.1(h) to address default in the event of accreditation of therapeutic services is not maintained:

"(h) failure of Equest to maintain its status as an "Accredited Center" as determined by the Professional Association of Therapeutic Horsemanship International ("PATH"). Alternatively, should PATH cease offering this accreditation, the failure of Equest to maintain an accreditation, if available, at a level commensurate with the standards set forth in the most current PATH-issued Standards of Certification and Accreditation Manual."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 7, 2012, City Council was briefed on the Horse Park and Equest Educational Charities.

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

On December 12, 2012, City Council approved Resolution No. 12-3068, authorizing a six-year development and operations agreement, with five five-year renewal options, with Equest, for the Texas Horse Park.

On May 7, 2014, the Transportation and Trinity River Project Committee was briefed on the Texas Horse Park update.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Equest

Patrick J. Bricker, Chief Executive Officer

2012 Equest Board of Directors Executive Committee:

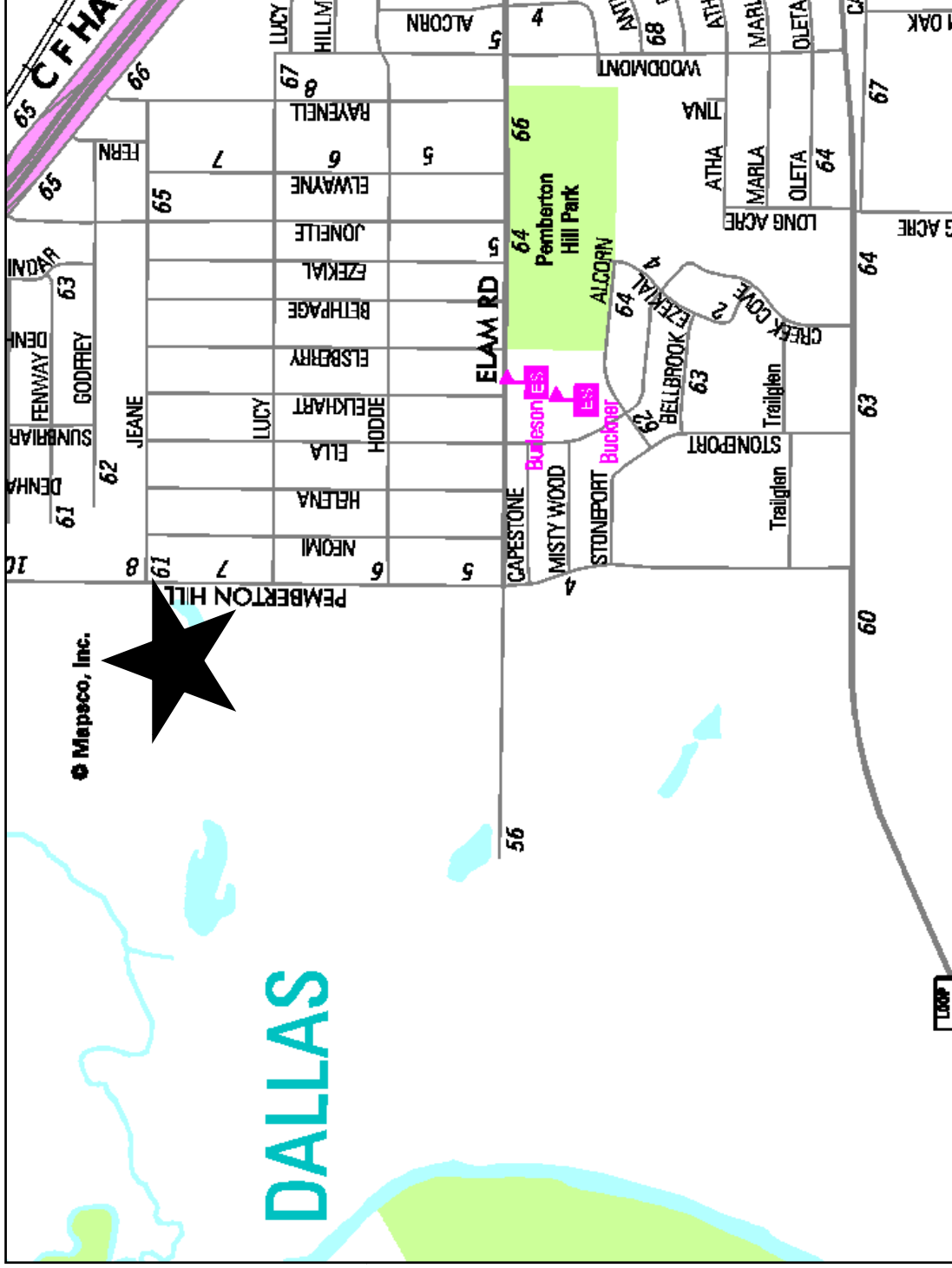
Emily Hargrove, Chairman
Dawn Spalding, Chairman-Elect
Natalie Snyder, Secretary
William J. Seeger, Ph.D., Treasurer
Melissa Cooksey, Chairman-Emeritus
Nekima Booker
Christina Collins
William Earhart
Tom Floyd
Phyllis Glazer
Paulette Hopkins
David Johnson
Terri Kennedy
William Noble
Susan Schwartz
Waverly Smith
Terry Stallcup
Andy Steingasser
Jocelyn White

MAP

Attached

Texas Horse Park

Council District 5



May 14, 2014

WHEREAS, the City is presently undertaking the Trinity River Corridor Project that will provide economic development opportunities along the Trinity River Corridor and the Great Trinity Forest located in Dallas County, Texas, and a component of the Trinity River Corridor Project is the development of an equestrian center, (the “ Texas Horse Park”); and

WHEREAS, \$12 million for the development of the Horse Park was approved in the 2006 Bond election; and

WHEREAS, Equest is a Texas non-profit corporation organized and existing under Texas law for the purpose of empowering, enriching, and educating children and adults with physical, cognitive, emotional, and learning disabilities, primarily through equine-assisted therapy; and

WHEREAS, the City is constructing the Texas Horse Park and the parties desire for Equest to provide therapeutic and other enrichment, educational equine-related services for the citizens of Dallas, particularly children and veterans with physical, cognitive and emotional learning disabilities; and

WHEREAS, Equest will operate its program at its own cost and maintain and manage a portion of the Texas Horse Park as discussed in the Agreement; and

WHEREAS, on December 12, 2012, City Council approved Resolution No. 12-3068, authorizing a six-year development and operations agreement, with five five-year renewal options, with Equest, for the Texas Horse Park.

Now, Therefore,

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

Section 1. That modifications to the development and operations agreement with Equest for the Texas Horse Park to: **(1)** allow for a line of credit for Equest’s operating account balance; **(2)** reduce the operating balance from three month average to one month average; and **(3)** strengthen the termination clauses be approved.

Section 2. That the City Manager be authorized to execute an amendment to the Equest development and operation agreement, reflecting the modifications herein, subject to the terms and conditions, after approval as to form by the City Attorney’s Office.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 55X

SUBJECT

Authorize **(1)** an amendment to the development agreement with Rudolph Edwards, Linda Edwards, and RLE Properties, LLC (collectively referred to herein as "Rudy's"), previously approved on May 22, 2013, by Resolution No. 13-0916, to **(a)** allow the conveyance of certain parcels of real property located at 3111 and 3115 South Lancaster Road to City Wide Community Development Corporation (CWCDC) rather than to the City for the appraised value of \$548,200; and **(b)** reduce the original \$890,000 grant to Rudy's by \$548,200, being the appraised value of the parcels no longer being conveyed to the City, and requiring Rudy's to refund to the City said \$548,200; and **(2)** an amendment to the existing development loan with CWCDC for the Lancaster/Kiest project by increasing the loan amount by **(a)** \$548,200 to facilitate purchase of the parcels from Rudy's; and **(b)** \$50,000 for environmental, demolition, and other predevelopment costs to prepare the parcels for redevelopment - Total not to exceed \$598,200 - Financing: Lancaster Corridor Redevelopment Funds (\$548,200) and General Obligation Commercial Paper Funds (\$50,000) (Total net cost to the City \$50,000)

BACKGROUND

This item has been placed on the addendum to allow conveyance of the old Rudy's Chicken Restaurant site to CWCDC and facilitate timely demolition and site preparation without the City having to be in the chain of title.

City Wide Community Development Corporation (CWCDC) proposed to work with the City of Dallas to undertake the Lancaster/Kiest Redevelopment Project which is a part of the Economic Development Plan for the Lancaster Corridor. There are four phases of development with CWCDC on the corner of Lancaster and Kiest including: (1) Rudy's Redevelopment, (2) Retail/Office New Construction, (3) High Density Live/Work affordable housing, and (4) High Density Multi-family affordable housing.

BACKGROUND (Continued)

Phase I of redevelopment, which includes a new building for Rudy's Chicken, located at 3103 South Lancaster, has been completed. Phase II will include new construction of retail/office space on the old site. One of the conditions of Rudy's grant to build the new store was to convey the old restaurant site at 3111 and 3115 S. Lancaster Road to the City for redevelopment. The old site properties have been valued at \$548,200.

This action would (i) allow the conveyance of the old site from Rudy's directly to CWCDC to facilitate the second phase of redevelopment without the City having to come into title of the old site; (ii) reduce the grant to Rudy's and secure repayment by Rudy's to the City of the \$548,200 amount attributable to the old site acquisition; and (iii) increase CWCDC's loan by \$548,200 to facilitate purchase of the old site directly from Rudy's and \$50,000 for demolition, environmental work, and other predevelopment costs to prepare the site for the second phase of redevelopment, for a total loan increase of \$598,200. Simultaneous closings will be required to ensure the overall integrity of the transactions.

The original development agreement required Rudy's to transfer the title to the site of the former restaurant to the City in return for the City's conditional grant for the vertical construction of the new Rudy's establishment. It was envisioned that the old site would be acquired by the City to facilitate further development. The amendments to the agreements with Rudolph Edwards and CWCDC will more efficiently accomplish the transfer and development of the old site.

CWCDC has facilitated the purchase of sixteen improved and unimproved properties for the four phase Lancaster/Kiest redevelopment. To date, they have expended \$978,174 on activities to prepare all four Phases for redevelopment in accordance with the Master Plan for the Lancaster Corridor, particularly covering acquisition, demolition and predevelopment costs. CWDC has also prepared Phase III for the development of forty five permanent supportive housing units.

The terms of the loan with CWDC, as amended, will remain at 0% interest with a maturity date of December 2016 for full completion. As each phase of redevelopment is completed with a certificate of occupancy, CWDC will be released from the indebtedness on the note corresponding to the amount of loan proceeds that were advanced and the City of Dallas will release the Deed Restrictions for that parcel. The City of Dallas will allow interim construction financing subordination and other related financing to effectuate construction.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2006, City Council authorized an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements.

On November 7, 2006, the voters of Dallas approved a \$1.35 billion General Obligation Bond Program of which \$41,495,000 was set aside for the purpose of providing funds for promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development.

On December 12, 2007, City Council authorized an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas.

On August 1, 2012, City Council authorized an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2012, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements.

On December 5, 2012, the Housing Committee was briefed on all four phases of the Lancaster/Kiest development.

On December 12, 2012, City Council authorized a development loan in the amount of \$450,000 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 12-3075.

On April 24, 2013, City Council authorized an amendment to the development loan from \$450,000 to \$600,000 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 13-0733.

On May 22, 2013, City Council authorized a conditional grant with Rudolph Edwards, Linda Edwards, and RLE Properties, LLC, the owners of Rudy's Chicken, in the amount of \$890,000 for the construction of a commercial building at 3103 S. Lancaster, by Resolution No. 13-0916.

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

On June 26, 2013, City Council authorized an amendment to the development loan from \$600,000 to \$734,500 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 13-1159.

On August 28, 2013, City Council authorized an amendment to the development loan from \$734,500 to \$978,174 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 13-1515.

FISCAL INFORMATION

Decreasing the grant funding to Rudy's by \$548,200

Increasing the development loan to City Wide CDC by \$598,200, consisting of:

\$548,200 for acquisition of old site; and

\$50,000 for demolition, etc. - 2012 Bond Program (General Obligation Commercial Paper Funds)

OWNER(S)

City Wide CDC

Sherman Roberts, President

RLE Properties, LLC

Rudolph Edwards and Linda Edwards

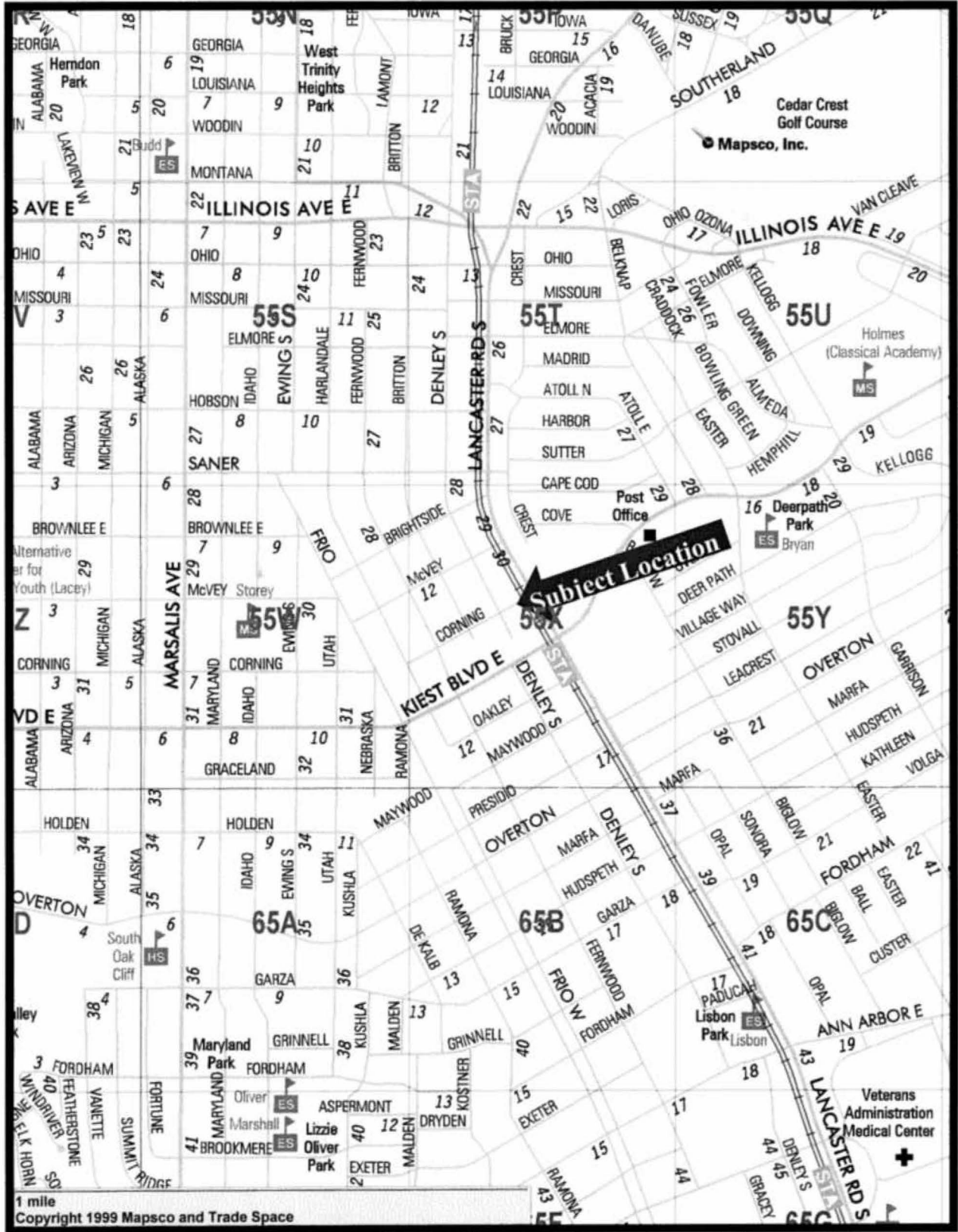
MAP

Attached.

DEVELOPER

City Wide CDC

Sherman Roberts, President



MAPSCO 55X

May 14, 2014

WHEREAS, on August 1, 2012, City Council authorized an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2012, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements; and

WHEREAS, on December 5, 2012, the Housing Committee was briefed on all four phases of the Lancaster/Kiest development; and

WHEREAS, on December 12, 2012, City Council authorized a development loan in the amount of \$450,000 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 12-3075; and

WHEREAS, on April 24, 2013, City Council authorized an amendment to the development loan from \$450,000 to \$600,000 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 13-0733; and

WHEREAS, on May 22, 2013, City Council authorized a conditional grant with Rudolph Edwards, Linda Edwards, and RLE Properties, LLC, the owners of Rudy's Chicken, in the amount of \$890,000 for the construction of a commercial building at 3103 S. Lancaster and transfer of the old restaurant site to the City upon completion of the new store, by Resolution No. 13-0916; and

WHEREAS, on June 26, 2013, City Council authorized an amendment to the development loan from \$600,000 to \$734,500 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 13-1159; and

WHEREAS, on August 28, 2013, City Council authorized an amendment to the development loan from \$734,500 to \$978,174 with City Wide CDC for the Lancaster/Kiest project, by Resolution No. 13-1515; and

WHEREAS, the demolition, environmental remediation, and concrete flatwork involving the old store site will further the redevelopment of the site and the City's goals for redevelopment in the Southern Sector; and

WHEREAS, the City, Rudolph Edwards, Linda Edwards, RLE Properties, LLC, and City Wide CDC desire to amend their respective development agreements and loans to better facilitate development of the old store site as a part of the Lancaster/Kiest redevelopment project.

NOW, THEREFORE,

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

May 14, 2014

Section 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to: (1) amend the development agreement with Rudolph Edwards, Linda Edwards, and RLE Properties, LLC (collectively referred to herein as "Rudy's), to (a) allow the conveyance of those certain parcels at 3111 and 3115 S. Lancaster Road to City Wide Community Development Corporation (CWCDC) and (b) decrease the grant amount by \$548,200 and require Rudy's to refund said amount to the City; and (2) amend the existing development loan with CWCDC for the Lancaster/Kiest project to increase the loan by a total of \$598,200, consisting of (a) \$548,200 to facilitate purchase of the old site parcels from Rudy's, and (b) \$50,000 for environmental, demolition, and other predevelopment costs to prepare the said property for redevelopment.

Section 2. That the stated amendments and transactions hereby authorized be conditioned and contingent on each other, such that Rudy's shall not be relieved of the obligation to convey the old store site to the City unless and until it refunds the \$548,200 of grant funds to the City and CWCDC shall not receive the \$598,200 increase in its development loan unless and until Rudy's has refunded the \$548,200 of grant funds to the City and conveyed the old site to CWCDC, all such transactions being completed by December 31, 2014 and, if necessary, by simultaneous closings.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordinations to other interim construction lenders and provide releases of liens upon completion of work and obtaining a Certificate of Occupancy.

Section 4. That all other provisions of the grant agreement with Rudy's and the development loan with CWCDC be and remain in effect, except as may otherwise be necessary to effectuate the amendments herein provided and as are approved as to form by the City Attorney.

Section 5. That the City Controller is hereby authorized to receive and deposit the refund of grant funds from Rudy's, in accordance with the amended terms of the grant agreement, in Fund 2T53, Department ECO, Unit P892, Revenue Source 8488, Activity INFS, in an amount not to exceed \$548,200.

Section 6. That the City Manager is hereby authorized to increase appropriations in Fund 2T53, Department ECO, Unit P892, Object 3015, Activity INFS in an amount not to exceed \$548,200.

May 14, 2014

Section 7. That the City Controller is hereby authorized to increase encumbrance and disburse additional funds to CWCDC in accordance with the terms and conditions of the contracts as follows:

The additional economic development loan amount to City Wide Community Development Corporation Fund 2T53, Department ECO, Unit P892, Object Code 3015, (developers loan), Activity INFS, Encumbrance No. ECOP892H274, Vendor No. VS0000026872, Balance Sheet Account 033F (debit notes receivable – developers loan), Balance Sheet Account 0898 (credit deferred revenue - business loan), as necessary to make payments in an additional amount not to exceed \$548,200.

Section 8. That the City Controller is hereby authorized to receive and deposit loan principal repayments, in accordance with the terms of the loan agreement, in Fund 2T53, Department ECO, Unit P892, Revenue Source 847G (credit principal repayment), Activity INFS, Balance Sheet Account 0898 (debit deferred revenue), Balance Sheet Account 033F (credit notes receivable), in an amount up to \$548,200.

Section 9. That the City Controller is hereby authorized to increase encumbrance and disburse funds in accordance with the terms and conditions of the contracts as follows:

City Wide Community Development Corporation Fund 2U53, Department HOU, Unit S803, Object Code 3015, Encumbrance No. CT HOUT808H1111, Vendor No. VS0000026872, in an amount not to exceed \$50,000

Section 10. That the City Controller is hereby authorized to set up receivable balance sheet account(033F) and an allowance for uncollectible debt (022D) in Fund 2U53 for the amount of the loan.

Section 11. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, nor will there be any liability or obligation on the City unless and until final contract documents are approved, executed and final closing completed, and any and all obligations of the City are subject to available bond funding.

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: May 14, 2014

COUNCIL DISTRICT(S): 1

DEPARTMENT: Public Works Department
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 54 B

SUBJECT

Authorize a contract with Gilbert May, Inc. dba Phillips/May Corporation, lowest responsive bidder of three, for construction of the Kessler Theater pedestrian amenities project - Not to exceed \$195,323 – Financing: Regional Toll Revenue II Funds (\$179,200) and Davis Garden TIF District Funds (\$16,123)

BACKGROUND

Bids were received on February 27, 2014 for construction of the Kessler Theater pedestrian amenities project. This action will authorize a construction contract with Gilbert May, Inc. dba Phillips/May Corporation (Phillips May Corporation), as they were the lowest responsive bidder. The Kessler Theater project is funded from the State Highway 161 Subaccount regional toll road revenues (“RTR funds”) in partnership with the North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TXDOT). The estimated construction cost for the Kessler Theater Pedestrian Amenities project is \$195,323.

~~The \$179,200 in RTR funds was leveraged (including required local match) by approximately \$60,000 of the \$1 million that the Stratford Land Fund III, L.P., deposited into Davis Garden TIF District Tax Increment Fund pursuant to Resolution No. 11-1750 on June 22, 2011, and pursuant to a development agreement with Kessler Theater, LLC as amended, by Resolution No. 13-0209 on January 23, 2013. Design of the project has been commissioned by the Kessler Theater, LLC, utilizing a portion of this TIF funding.~~

BACKGROUND (Continued)

The \$179,200 in RTF funds were leveraged by Davis Garden TIF District funds (design - \$23,599 previously funded; allocation for construction - \$16,123). The TIF funding was available due to a previous development agreement (Resolution No. 11-1750) with Stratford Land Fund III, L.P. ("SLF"), which required SLF to contribute \$1,000,000 to the Davis Garden TIF District to be used for public infrastructure improvements. Using the TIF funds as a match for this grant funding increases the ability for the district to fund needed infrastructure upgrades in the area. There is also a separate development agreement (Resolution No. 13-0209) related to the redevelopment of the Kessler Theater that authorizes other TIF funding related to the building.

The Kessler Theater Pedestrian Amenities project will construct streetscape amenities within public right-of-way outside of the Kessler Theater.

Phillips May has completed 14 projects with City of Dallas, to date:

	<u>PBW</u>	<u>WTR</u>	<u>PKR</u>
Projects On-going	1	0	1
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2013
Completed Design	April 2014
Begin Construction	July 2014
Complete Construction	January 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, City Council authorized the Third Amendment to the Development Agreement with Stratford Land Fund III, L.P. (formerly INCAP) that included the acceptance of funds in the amount of \$1 million for future TIF infrastructure improvements that benefit the Davis Garden TIF District by Resolution No. 11-1750.

On September 23, 2011, the Davis Garden Board voted to approve funding for a prioritized list of potential streetscape and open space improvements in the District, including an amount not to exceed \$60,000 in matching funds for the Kessler Theater streetscape project, from the \$1 million advanced by Stratford Land Fund III, L.P. and recommended each for approval by City Council.

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

On January 17, 2012, the Economic Development Committee approved the Davis Garden TIF Board’s recommendation to utilize Stratford Land Fund III, L.P.’s \$1 million deposit into the Davis Garden TIF District Increment Fund to fund the prioritized list of potential streetscape and open space improvements including an amount not to exceed \$60,000 in matching funds for the Kessler Theater streetscape project.

On January 23, 2013, City Council authorized an amendment to the development agreement with the Kessler Theater, LLC that included a deadline extension for completion of streetscape improvements associated with the RTR funds by Resolution No. 13-0209.

On February 27, 2013, City Council authorized an agreement with the State of Texas and receipt of payment for the Kessler Theater Pedestrian Amenities project by Resolution No. 13-0403.

On May 5, 2014, a memo was submitted to the Economic Development Committee to consider authorizing the construction contract with Gilbert May, Inc. dba Phillips/May Corporation for the Kessler Theater Pedestrian Amenities project.

FISCAL INFORMATION

Regional Toll Revenue II Funds - \$179,200
Davis Garden TIF District Funds - \$16,123

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Gilbert May, Inc. dba Phillips/May Corporation

Hispanic Female	8	Hispanic Male	44
African-American Female	0	African-American Male	4
Other Female	0	Other Male	1
White Female	7	White Male	43

BID INFORMATION

The following bids with quotes were received and opened on February 27, 2014:

*Denotes successful bidder

BID INFORMATION (Continued)

Bidders

Bid Amount

*Gilbert May, Inc. dba Phillips/May Corporation	\$195,323.00
Texas Standard Construction	\$ 214,138.50
Forward Concept	\$ 326,466.00
Nissi Group	Non-responsive**

**Nissi Group was deemed non-responsive for submitting an incomplete bid.

Original estimate: ECO - \$204,650

OWNER(S)

Gilbert May, Inc. dba Phillips/May Corporation

Gilbert May, President
Gilbert May III, Treasurer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Gilbert May, Inc. dba Phillips/May Corporation, lowest responsive bidder of three, for construction of the Kessler Theater Pedestrian Amenities project in an amount not to exceed \$195,323 – Financing: Texas Department of Transportation RTR II Funds (\$179,200) and Davis Garden TIF District Funds (\$16,123)

Gilbert May, Inc. dba Phillips/May Corporation a local, 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	\$159,773.00	81.80%
Total non-local contracts	\$35,550.00	18.20%
TOTAL CONTRACT	\$195,323.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

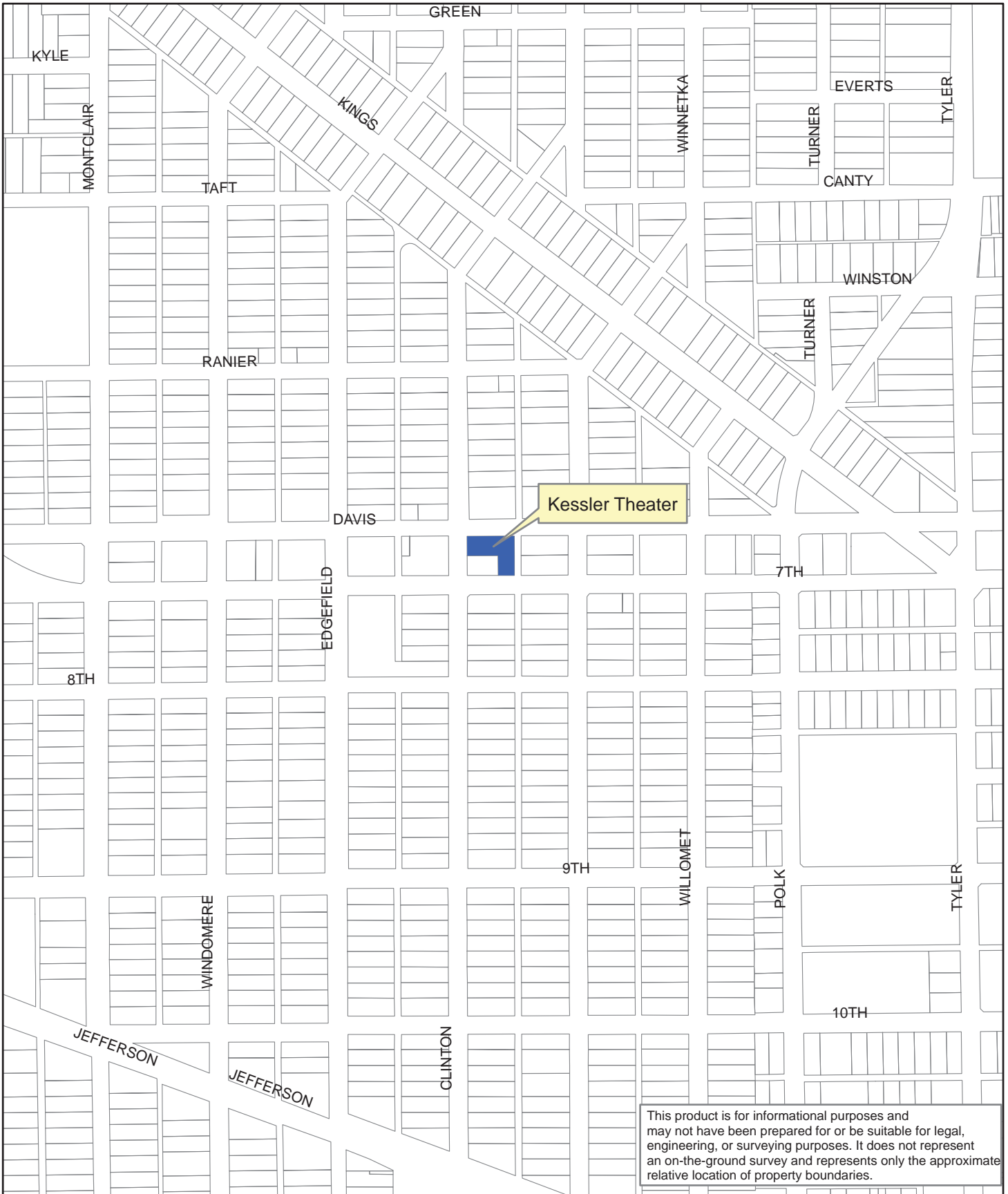
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Chubbs Construction	HFDB57366Y0514	\$23,820.00	14.91%
Gilbert May, Inc. dba Phillips/May Corp.	HMMB59343Y1114	\$73,343.00	45.90%
MB Concrete	HMMB60270N0215	\$62,610.00	39.19%
Total Minority - Local		\$159,773.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$159,773.00	100.00%	\$159,773.00	81.80%
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%
Total	\$159,773.00	100.00%	\$159,773.00	81.80%



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Kessler Theater Project Location



Office of Economic Development
January 2013

May 14, 2014

WHEREAS, on September 29, 2011, the RTC selected the Kessler Theater pedestrian amenities project to be funded from the State Highway 161 Subaccount regional toll road revenues (“RTR funds”) for the construction of sidewalk enhancements and pedestrian improvements; and

WHEREAS, on June 22, 2011, City Council authorized the Third Amendment to the Development Agreement with Stratford Land Fund III, L.P. (formerly INCAP) that included the acceptance of funds in the amount of \$1 million for future TIF infrastructure improvements that benefit the Davis Garden TIF District by Resolution No. 11-1750; and

WHEREAS, on September 23, 2011, the Davis Garden TIF District Board of Directors voted to approve funding for a prioritized list of potential streetscape and open space improvements in the District, including an amount not to exceed \$60,000 in matching funds for the Kessler Theater streetscape project, from the \$1 million advanced by Stratford Land Fund III, L.P. and recommended each for approval by City Council; and

WHEREAS, on January 17, 2012, the Economic Development Committee approved the Davis Garden TIF District Board of Directors recommendation to utilize Stratford Land Fund III, L.P.’s \$1 million deposit into the Davis Garden TIF District Increment Fund to fund the prioritized list of potential streetscape and open space improvements including an amount not to exceed \$60,000 in matching funds for the Kessler Theater streetscape project; and

WHEREAS, the development agreement with the Kessler Theater, LLC, as amended by Resolution No. 13-0209, included a deadline extension for completion of streetscape improvements associated with the RTR funds; and

WHEREAS, on February 27, 2013, City Council authorized an agreement with the State of Texas and receipt of payment for the Kessler Theater pedestrian amenities project in the amount of \$179,200 by Resolution No. 13-0403; and

WHEREAS, bids were received on February 27, 2014, for the construction of the Kessler Theater pedestrian amenities project, as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Gilbert May, Inc. dba Phillips/May Corporation	\$ 195,323.00
Texas Standard Construction	\$ 214,138.50
Forward Concept	\$ 326,466.00
Nissi Group	Non-responsive

May 14, 2014

WHEREAS, on May 5, 2014, a memo was submitted to the Economic Development Committee to consider authorizing the construction contract with Gilbert May, Inc. dba Phillips/May Corporation for the Kessler Theater pedestrian amenities project.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Gilbert May, Inc. dba Phillips/May Corporation for the construction of the Kessler Theater pedestrian amenities project in an amount not to exceed \$195,323, this being the lowest responsive bid received as indicated by the tabulation of bids.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

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

Regional Toll Revenue II Funds: Fund S260, Department ECO, Unit. P782, Activity INGV, Object Code 4510, Program No. DGTIF0011, CT ECOP782G266-01, Vendor No. VS0000039750, in an amount not to exceed \$179,200; and

Davis Garden TIF District Fund: Fund 0060, Department ECO, Unit. P754, Activity DGTI, Object Code 4510, Program No. DGTIF0011, CT ECOP782G266-02, Vendor No. VS0000039750, in an amount not to exceed \$16,123.

Total in an amount not to exceed \$195,323.

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: May 14, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 65D

SUBJECT

Authorize a housing development loan in an amount not to exceed \$900,000 with Dallas Area Habitat for Humanity, Inc. (DAHFH), a non-profit developer, for construction of up to thirty affordable single family homes for the Jimmy & Rosalynn Carter project to be located on Exeter, Wilhurt, Landrum, and Custer Streets – Not to exceed \$900,000 - Financing: 2013-14 HOME Investment Partnership Program Grant Funds (\$300,000) and FY 13-14 HOME Program Income #1 (\$600,000)

BACKGROUND

DAHFH has been incorporated as a nonprofit developer in Dallas County since 1986. During this time, they have built over 1,200 homes investing over \$120M and recruited over 12,000 volunteers. They serve a target population of families at or below 60% AMFI.

In February 2014, Dallas Area Habitat for Humanity, Inc. submitted a proposal to the City of Dallas requesting gap financing of \$900,000 for the development of up to 30 single family affordable housing units for low and moderate income families at or below 60% AMFI.

In partnership with Pioneer Natural Resources, DAHFH plans to revitalize the Oak Cliff Gardens-Lisbon Heights Neighborhood, to include land acquisition (including nuisance properties), demolition, new construction, and home repair (Brush of Kindness Program).

The proposed new construction of single family homes will be part of the scheduled nationally recognized Jimmy & Rosalynn Carter build-out in October 2014. The homes will be 3 to 4 bedroom, 1,200 to 1,400 square feet, priced between \$85,000 - \$92,500, and located on Exeter, Wilhurt, Landrum, and Custer Streets.

BACKGROUND (continued)

The FY 2013-14 HOME Investment Partnership Program Funds (HOME) from the Department of Housing and Urban Development (HUD) would be utilized for this project which the City Council appropriated for housing developments such as this. The City of Dallas will provide gap construction financing for the units to be built and sold to eligible low and moderate income families. Habitat will leverage approximately \$3M with City funds to complete this build-out. The construction work will be completed within two years with occupancy within the same year.

City Council approval of this agenda item will authorize the City Manager to execute the loan documents with DAHFH for these HOME Funds, subject to environmental review by the City of Dallas and HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds, CHDO Development Loans, by Resolution No. 13-1142.

On April 21, 2014, the Housing Committee was briefed on the Dallas Area Habitat for Humanity, Inc. Jimmy & Rosalynn Carter Work Project.

FISCAL INFORMATION

2013-14 – HOME Investment Partnership Program Grant Funds - \$300,000
FY 13-14 HOME Program Income #1 - \$600,000

OWNERS

DEVELOPER

Dallas Area Habitat for Humanity, Inc.

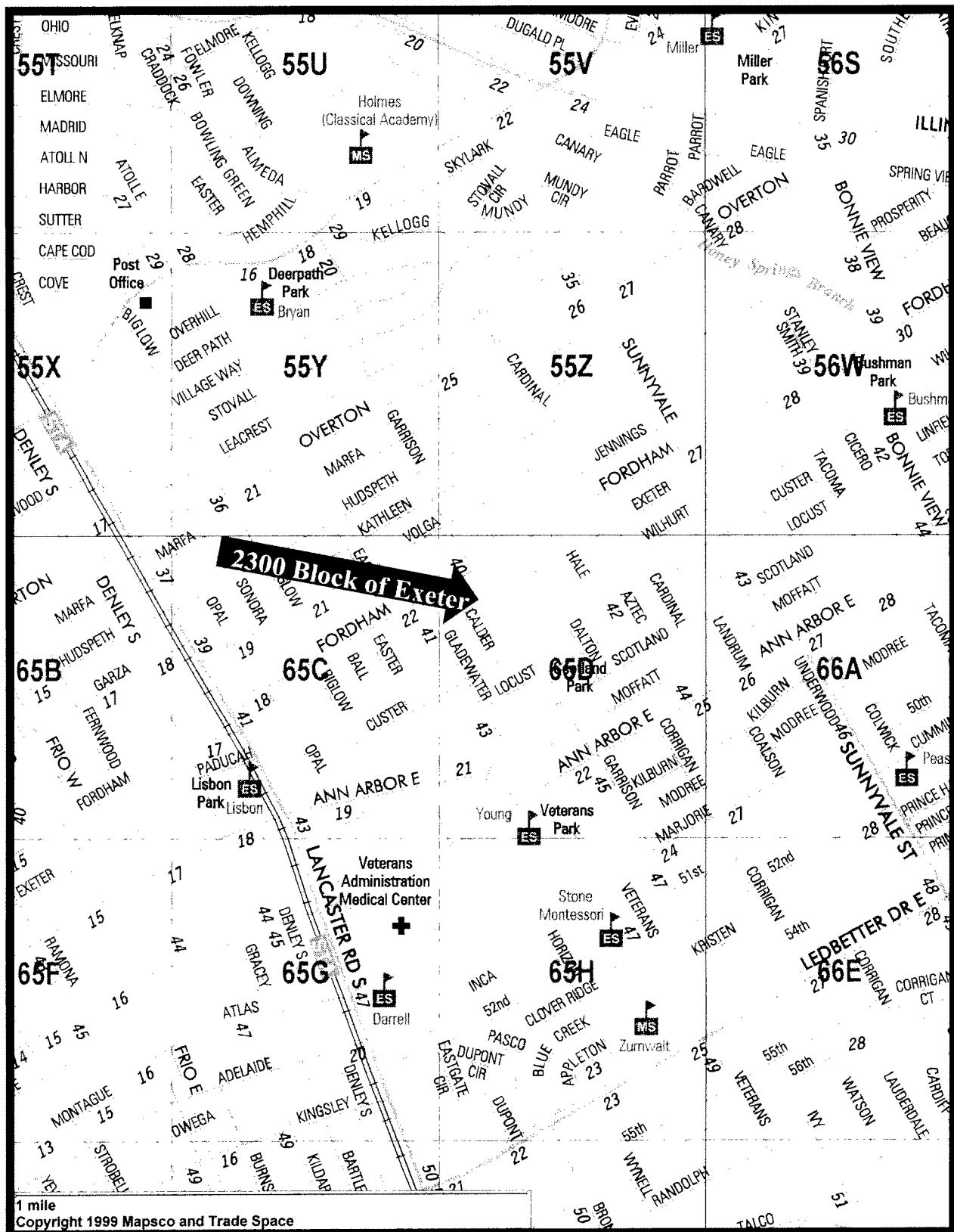
Dallas Area Habitat for Humanity, Inc.

William Hall, Chief Executive Officer

William Hall, Chief Executive Officer

MAP

Attached



1 mile
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MAPSCO 65D

May 14, 2014

WHEREAS, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

WHEREAS, on June 26, 2013, the City Council approved the FY 2013-14 Consolidated Plan Budget which included the HOME Investment Partnership Program, CHDO Development Loan funds, by Resolution No. 13-1142; and

WHEREAS, on April 21, 2014, the Housing Committee was briefed on the Dallas Area Habitat for Humanity, Inc. Jimmy & Rosalynn Carter Work Project for \$900,000; and

WHEREAS, Dallas Area Habitat for Humanity, Inc. proposed to work with the City of Dallas to undertake the development of up to 30 affordable single family units on Exeter and Custer Streets; and

WHEREAS, the City desires for Dallas Area Habitat for Humanity, Inc. to develop affordable single family units for low and moderate income families; **NOW, THEREFORE,**

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute a housing development loan in an amount not to exceed \$900,000 with Dallas Area Habitat for Humanity, Inc., a certified nonprofit organization, for the development of up to 30 affordable single family homes to be located on Exeter, Wilhurt, Landrum, and Custer Streets.

Section 2. The terms of the loan agreement include:

- (a) Dallas Area Habitat for Humanity, Inc. must execute a deed of trust and a note payable to the City of Dallas for \$900,000 for the loan.
- (b) Dallas Area Habitat for Humanity, Inc. will execute a lien through a Deed of Trust for a 10-year term for the affordable units.
- (c) Dallas Area Habitat for Humanity, Inc. will have two (2) years to fully complete the project.
- (d) Dallas Area Habitat for Humanity, Inc. must build and occupy the affordable units to low and moderate income families with incomes at or below 60% of area median family income.
- (e) Upon completion of each home, Dallas Area Habitat for Humanity, Inc. will be released of a prorated indebtedness and each homebuyer will assume a ten year deed restriction to ensure affordability.
- (f) The City will subordinate its lien and deed of trust to Dallas Area Habitat for Humanity, Inc. financing.

May 14, 2014

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

Section 4. That the City Controller is hereby authorized to disburse funds in accordance with this resolution and the terms and conditions of the loan agreement as follows:
Dallas Area Habitat for Humanity, Inc. Vendor VC0000002756

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>
HM13	HOU	233F	3015	HOU310FG112	\$300,000
13M1	HOU	310F	3015	HOU310FG112	\$600,000

Section 5. That the City Controller is hereby authorized to modify receivable balance sheet account 033F and an allowance for uncollectible debt 022D in funds HM13, 13M1 for the amount of the loan.

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

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