

Memorandum



CITY OF DALLAS

DATE May 19, 2023

TO Honorable Mayor and Members of the City Council

SUBJECT **May 24, 2023 City Council FINAL Agenda – Additions/Revisions/Deletions Memorandum**

On May 12, 2023, a DRAFT City Council Agenda for May 24, 2023, was provided for your review. This memorandum outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda. In addition, we have highlighted agenda items which have been briefed to the City Council and/or Committee by briefing memorandums.

Additional items and deletions to the DRAFT agenda are outlined below, including *revisions* to the FINAL agenda are underlined in blue and *deletions* are strikethrough in red. A brief explanation for revisions along with staff's contact information is provided.

Additions:

44. 23-1417 An ordinance amending Chapter 12A, "Code of Ethics," of the Dallas City Code, **(1)** adding a substantial interest in business entity conflict of interest; **(2)** providing that the rules against impermissible financial interest in discretionary contracts or sales during service with the city do not apply to volunteers on a committee or task force formed by a board or commission; **(3)** requiring a disclosure for those who were paid to work on councilmember campaigns when representing interests before the city council; **(4)** creating an offense for disclosing confidential information; **(5)** prohibiting campaign/political consultants from lobbying councilmembers for one year following an election; **(6)** amending the standard of proof to be a preponderance of the evidence; **(7)** providing updated subpoena processes for the inspector general and ethics advisory commission and updated hearing procedures; and **(8)** updating definitions and simplifying and clarifying language - Financing: No cost consideration to the City
45. 23-1449 Authorize the Dallas Public Facility Corporation to acquire, develop, and own The Elms, a mixed-income, multifamily development to be located at 1710 Morrell Avenue (Project) and enter into a seventy-five-year lease agreement with 1710 Morrell Avenue, LLC or its affiliate, for the development of the Project - Estimated Revenue Foregone: General Fund \$50,517.00 (15 Years of Estimated Taxes)

46. 23-1448 Authorize the City Manager or designee to execute development agreements with the SoGood Cedars Municipal Management District and the NewPark Municipal Management Agreement -- Financing: No cost consideration to the City
- PH9. 23-1468 A public hearing to receive comments and to approve an ordinance amending Chapter 2, "Administration," of the Dallas City Code by amending Section 2-120; **(1)** extending the sunset date for the environmental commission; **(2)** providing a saving clause; **(3)** providing a severability clause; and **(4)** providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information)

Revisions:

7. 23-983 Authorize **(1)** [the City Manager to negotiate and execute](#) a development loan agreement and security documents [covering a loan](#) with TX Ferguson 2022, Ltd., or affiliate(s) thereof (Applicant) in an amount not to exceed \$4,618,487.00 in HOME Investment Partnerships Program Funds, conditioned upon Applicant, [or the entity named by the award](#), receiving 2023 4% Housing Tax Credit award [or other funding source subject to approval of the City](#) for the development of [a](#) mixed-income affordable multi-family senior living community known as Estates at Ferguson, located at 9220 Ferguson Road, Dallas, Texas 75228 (Property); **(2)** [the City Manager to negotiate and execute](#) a development loan agreement and security documents with the Dallas Housing Finance Corporation (DHFC), or [an](#) affiliate(s) thereof in an amount not to exceed \$3,965,000.00 in Community Development Block Grant Disaster Recovery (CDBG-DR) Funds to purchase and own the Property; and **(3)** [approve](#) the DHFC [as long-term ground lessor of the property](#) to enter into a long-term ground lease with Applicant and/or its affiliate(s), for the development of the Property pursuant to 24 CFR 570.201(a) and (b), [subject to compliance with all funding source requirements](#) - Not to exceed \$8,583,487.00 - Financing: HOME Investment Partnerships Funds (\$4,618,487.00) and Community Development Block Grant Disaster Recovery Funds (\$3,965,000.00)
This item is being revised to update the Subject and Resolution to include compliance and legal requirements. Please contact David Noguera, Director, Department of Housing & Neighborhood Revitalization, at 214-671-5336, for more information.
20. 23-765 Authorize a professional engineering services contract with Half Associates, Inc. to provide engineering services for the Oak Farms Local Corridors conceptual engineering study in the area from Interstate Highway 30 to the north; Trinity River to the northeast; Beckley Avenue, Elsbeth Street, and Zang Boulevard to the west; Cumberland Street and

Marsalis Avenue to the southwest; and DART Red Line to the southeast - Not to exceed \$1,078,824.36 - Financing: Oak Farms Project Fund
This item is being revised to update the M/WBE Information section. Please contact Joyce Williams, Director, Small Business Center Department, at 214-500-4217, for more information.

22. 23-1186 Authorize ~~(1)~~ an increase in the construction services contracts [for job order contract](#) with Nouveau Construction and Technology Services, L.P. ~~to continue~~ to provide [additional construction services at Stemmons Municipal Center located at 7800 North Stemmons Freeway](#) ~~job order contracting services at City facilities; and (2) an increase in appropriations in an amount not to exceed \$124,420.78 in the Building Inspection Fund~~ – Not to exceed \$124,420.78, from \$456,586.99 to \$581,007.77 – Financing: Building Inspection Fund (subject to annual appropriations)
This item is being revised to update the Agenda Information Sheet and Resolution. Please contact Jennifer Nicewander, Director, Office of Bond and Construction Management, at 214-671-8450, for more information.

31. 23-1205 Authorize Supplemental Agreement No. 3 to increase to the service price agreement with Miner Ltd. dba Overhead Door Co. of Dallas for citywide overhead door repair, maintenance, parts, and labor - Not to exceed \$1,143,472.98, from \$4,573,891.92 to \$5,717,364.90 - Financing: General Fund (\$571,736.98), Capital Construction Fund (\$190,579.00), Aviation Fund (\$190,578.00), Dallas Water Utilities Fund (\$185,528.66), and Stormwater Drainage Management Operations Fund (\$5,050.34) (subject to annual appropriations)
This item is being revised to update the M/WBE Information section. Please contact Joyce Williams, Director, Small Business Center Department, at 214-500-4217, for more information.

Deletions:

35. 23-1296 Authorize a decrease to the construction services contract with the Fain Group, Inc. for a reduced scope of work to delete accent lighting and underground electrical service rerouting and adjust for construction material cost increased due to delays postponing the project start date by nine months on the Hi-Line Connector Trail along Victory Avenue and Hi Line Drive between the Katy Trail and the Trinity Strand Trail - Not to exceed (\$96,486.41), from \$11,531,424.84 to \$11,434,938.43 - Financing: Circuit Trail Conservancy Fund
This item is being deleted to allow time to further discuss certain details for the Hi-Line Connector Trail Change Order No.1. This item will return at a later date. Please contact John Jenkins, Director, Park & Recreation Department, at 214-670-4073, for more information.

40. 23-1279 Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Positions 03, 04, 05, 06, 07, and 08 (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City **This item is being deleted due to the recommendation of the Transportation and Infrastructure Committee to hold in-person interviews. This item will return at a later date. Please contact Bilierae Johnson, City Secretary, City Secretary's Office, at 214-670-5654, for more information.**

Memorandums:

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

2. 23-1306 An ordinance denying rates as requested by Atmos Energy Corp. Mid-Tex Division provided pursuant to its January 13, 2023, Dallas Annual Rate Review filing and setting rates as recommended by the City Manager - Financing: No cost consideration to the City
[The Government Performance and Financial Management Committee was briefed by memorandum on the Dallas Annual Rate Review filing on May 12, 2023.](#)
3. 23-928 Authorize a construction services contract for installation of solar photovoltaic and battery energy storage system at Bachman Recreation Center located at 2750 Bachman Drive - Ameresco, Inc., most advantageous proposer of three - Not to exceed \$975,000.00 - Financing: Capital Construction Fund
[The City Council was briefed by memorandum regarding this matter on May 5, 2023.](#)
7. 23-983 Authorize **(1)** [the City Manager to negotiate and execute](#) a development loan agreement and security documents [covering a loan](#) with TX Ferguson 2022, Ltd., or affiliate(s) thereof (Applicant) in an amount not to exceed \$4,618,487.00 in HOME Investment Partnerships Program Funds, conditioned upon Applicant, [or the entity named by the award](#), receiving 2023 4% Housing Tax Credit award [or other funding source subject to approval of the City](#) for the development of [a](#) mixed-income affordable multi-family senior living community known as Estates at Ferguson, located at 9220 Ferguson Road, Dallas, Texas 75228 (Property); **(2)** [the City Manager to negotiate and execute](#) a development loan agreement and security documents with the Dallas Housing Finance Corporation (DHFC), or [an](#) affiliate(s) thereof in an amount not to exceed \$3,965,000.00 in Community Development Block Grant Disaster

Recovery (CDBG-DR) Funds to purchase and own the Property; and **(3)** [approve](#) the DHFC [as long-term ground lessor of the property](#) to enter into a long-term ground lease with Applicant and/or its affiliate(s), for the development of the Property pursuant to 24 CFR 570.201(a) and (b), [subject to compliance with all funding source requirements](#) - Not to exceed \$8,583,487.00 - Financing: HOME Investment Partnerships Funds (\$4,618,487.00) and Community Development Block Grant Disaster Recovery Funds (\$3,965,000.00)
[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on March 21, 2023.](#)

8. 23-1265 Authorize the approval of the **(1)** City Council of the City of Dallas, to act as the applicable elected representative, as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (Code), of the issuance of multifamily residential mortgage revenue bonds (Bonds) issued by the City of Dallas Housing Finance Corporation (DHFC or Issuer) in one or more series of tax-exempt bonds in an amount not to exceed \$45,000,000.00; proceeds of the Bonds will be loaned to Ash Creek Housing, LLC to finance a portion of the cost for the acquisition and renovation of units for an affordable multifamily complex to be known as Rosemont at Ash Creek, located at 2605 John West Road, Dallas, Texas (Development); and **(2)** application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code (Act), to the property on which the Development will be constructed and the use of proceeds of the bonds issued by the DHFC pursuant to the Act to finance and acquire and construct the Development; a public hearing with respect to the Bonds and the Development was held on April 10, 2023 after reasonable public notice was published in a newspaper of general circulation in the City of Dallas all in compliance with Section 147(f) of the Code - Financing: No cost consideration to the City
[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on April 24, 2023.](#)

9. 23-1266 Authorize the approval of the **(1)** City Council, to act as the applicable elected representative, as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (Code), of the issuance of multifamily residential mortgage revenue bonds (Bonds) issued by the Dallas Housing Finance Corporation (DHFC) or Issuer in one or more series of tax-exempt bonds in an amount not to exceed \$35,000,000.00; proceeds of the Bonds will be loaned to Positano Acquisition, LLC to finance a portion of the cost for the acquisition and renovation of units for an affordable multifamily complex for seniors to be known as The Positano and located at 2519 John West Road, Dallas, Texas (Development); and **(2)** application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code (Act), to the property on which the

Development will be constructed and the use of proceeds of the bonds issued by the DHFC pursuant to the Act to finance and construct the Development; a public hearing with respect to the Bonds and the Development was held on April 10, 2023 after reasonable public notice was published in a newspaper of general circulation in the City of Dallas, all in compliance with Section 147(f) of the Code - Financing: No cost consideration to the City

[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on April 24, 2023.](#)

10. 23-1260 Authorize the Dallas Housing Finance Corporation to acquire and own Axis Kessler Park, a multifamily development located at 2400 Fort Worth Avenue - Estimated Revenue Foregone: General Funds \$7,880,155.00 (15 Years of Estimated Taxes)
[The Housing and Homelessness Solutions Committee was briefed by memorandum on April 24, 2023.](#)

11. 23-1261 Authorize the Dallas Housing Finance Corporation to acquire and own Domain at Midtown, a multifamily development located at 8169 Midtown Boulevard - Estimated Revenue Foregone: General Funds \$10,191,769.00 (15 Years of Estimated Taxes)
[The Housing and Homelessness Solutions Committee was briefed by memorandum on April 24, 2023.](#)

19. 23-1253 Authorize a resolution to support the “Refined Hybrid Option” as recommended by the Texas Department of Transportation for future redevelopment of Interstate Highway 345 and the accommodation of the interface with Dallas Area Rapid Transit’s D2 alignment - Financing: No cost consideration to the City
[The City Council was briefed by memorandum regarding this matter on March 24, 2023.](#)

[The City Council was briefed by memorandum regarding this matter on April 21, 2023.](#)

23. 23-1225 Authorize a public hearing to be held on June 14, 2023 to receive comments on the proposed amendment to the Project Plan and Reinvestment Zone Financing Plan (“Plan”) for Tax Increment Reinvestment Zone Number Three, the Oak Cliff Gateway Tax Increment Financing (“TIF”) District (the “TIF District”) to: **(1)** increase the geographic area of the Bishop/Jefferson Sub-District by approximately 7 acres to include properties at 1200 and 1400 East Jefferson Boulevard; **(2)** increase the geographic area of the Clarendon/Beckley/Kiest Sub-District by approximately 11 acres to include: **(a)** approximately 4 acres generally on the northeast and southeast corners of Grant Street and Ridge Street,

west of the terminus of Grant Street and north of the terminus of Ridge Street, and **(b)** approximately 7 acres generally in the 900 and 1000 blocks of Morrell Avenue at Fernwood Avenue and the 1200 and 1300 blocks of Morrell Avenue at Denley Drive; and **(3)** make corresponding modifications to the TIF District’s boundary and Plan; and, at the close of the public hearing on June 14, 2023, consider an ordinance amending Ordinance No. 21466, as amended, previously approved on November 11, 1992, and Ordinance No. 23033, as amended, previously approved on February 12, 1997, to reflect this amendment - Financing: No cost consideration to the City

[The Economic Development Committee was briefed by memorandum regarding this matter on May 1, 2023.](#)

28. 23-1233 Authorize **(1)** service contracts for shelter capacity overflow services to increase sheltering capacity services for the homeless in the amount of \$375,000 for Austin Street Center; in the amount of \$375,000 for Bridge Steps dba The Bridge; and in the amount of \$250,000 for Family Gateway, Inc., most advantageous proposers of five for the period from January 19, 2023 through September 30, 2023; and **(2)** ratification(s) for the Office of Homeless Solutions to pay outstanding invoices for services provided from January 19, 2023 through May 1, 2023 in the amount of \$210,000 for Austin Street Center; in the amount of \$128,240 for Bridge Steps dba The Bridge; and in the amount of \$75,000 for Family Gateway, Inc. - Total not to exceed \$1,000,000 - Financing: U.S. Department of Housing and Urban Development Emergency Solutions Grant Funds

[The Housing and Homelessness Solutions Committee was briefed by memorandum on the status and Council date for this project on April 24, 2023.](#)

45. 23-1449 Authorize the Dallas Public Facility Corporation to acquire, develop, and own The Elms, a mixed-income, multifamily development to be located at 1710 Morrell Avenue (Project) and enter into a seventy-five-year lease agreement with 1710 Morrell Avenue, LLC or its affiliate, for the development of the Project - Estimated Revenue Foregone: General Fund \$50,517.00 (15 Years of Estimated Taxes)

[The Housing and Homelessness Solutions Committee will be briefed by memorandum regarding this matter on May 22, 2023.](#)

- PH3. 23-1228 A public hearing to receive comments on the Proposed FY 2023-24 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds - Financing: No cost consideration to the City

[The City Council was briefed by memorandum on the “FY 2023-24 HUD Consolidated Plan Budget” on April 21, 2023, due to the cancelled City Council meeting on April 19, 2023.](#)

[The City Council was briefed on the “FY 2023-24 HUD Consolidated Plan Budget: City Council Discussion and Amendments” on May 3, 2023.](#)

- PH4. 23-1262 A public hearing to receive comments regarding an application by LDG The Crossing at Clear Creek, LP, or its affiliates (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for The Crossing at Clear Creek located at the Northeast Corner of Highway I75 and Woody Road, Dallas, TX 75253 (the “Development”); and, at the close of the public hearing adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Crossing at Clear Creek and in accordance with 10 TAC § 11.3(d) (the “Administrative Code”), specifically allow the construction of the development, as required by the Administrative Code, because the Development is within one linear mile or less of Meadowbrook (a 4% housing tax credit development located at 910 South Beltline Road), and is therefore subject to the One Mile Three Year Rule - Financing: No cost consideration to the City
[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on October 24, 2022.](#)
- PH5. 23-1263 A public hearing to receive comments regarding an application by LDG The Ridge at Loop 12, LP, or its affiliates (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for The Ridge at Loop 12 located at 1200 North Walton Walker Boulevard, Dallas, TX 75211 (the “Development”); and, at the close of the public hearing adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Ridge at Loop 12 and in accordance with 10 TAC § 11.3(d) (the “Administrative Code”), specifically allow the construction of the development, as required by the Administrative Code, because the Development is within one linear mile or less of Meadowbrook (a 4% housing tax credit development located at 910 S. Beltline Road), and is therefore subject to the One Mile Three Year Rule - Financing: No cost consideration to the City
[The Housing and Homelessness Solutions Committee was briefed regarding this matter on April 24, 2023.](#)
- PH6. 23-1264 A public hearing to receive comments regarding an application by LDG The Terrace at Highland Hills, LP, or its affiliates (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for The Terrace at Highland Hills located at 3100 Persimmon Road, Dallas, Texas 75241; and, at the close of the public hearing **(1)** adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Terrace at Highland Hills, a multifamily development (Development); **(2)**

in accordance with 10 TAC § 11.3(d) (Administrative Code) and the Qualified Allocation Plan (QAP), specifically allow the construction of the Development, as required by the Administrative Code, because the Development is within one linear mile or less of the Ridge at Lancaster and Palladium Simpson Stuart (recent 4% housing tax credit projects located at 5703 South Lancaster Road and 3380 Simpson Stuart Road, respectively), and is therefore subject to the One Mile Three Year Rule; **(3)** pursuant to 10 TAC §11.3(e) and §11.4(c)(1) and the QAP, specifically acknowledge that the Development is located in a census tract that has more than 20% Housing Tax Credit Units per total households and the proposed Development is consistent with the City’s obligation to affirmatively further fair housing; and **(4)** pursuant to 10 TAC §11.101(a)(3) and the QAP, specifically acknowledge that the proposed Development is located in a census tract that has a poverty rate above 40 percent for individuals - Financing: No cost consideration to the City
[The Housing and Homelessness Solutions Committee was briefed regarding this matter on October 24, 2022.](#)

PH7. 23-1226 A public hearing to receive comments concerning the Dallas Tourism Public Improvement District (the District) expansion in accordance with Chapter 372 of the Texas Local Government Code (the Act), allowing the City to include property in a hotel-public improvement district (hotel-PID) with the property owner’s consent if such property could have been included in the District, when created, without violating the petition thresholds, to provide supplemental public services funded by assessments on Dallas hotels with 100 or more rooms (Qualifying hotels); and, at the close of the hearing, authorize a resolution approving District boundary expansion to include an estimated two additional Qualifying hotels in the District not described in the resolution or petition renewing the District in 2016 and the resolutions approving the 2020 or 2022 boundary expansions (District expansion) - Financing: This action has no cost consideration to the City (see Fiscal Information)
[The Economic Development Committee was briefed by a memorandum regarding this matter on April 3, 2023.](#)

PH8. 23-1227 A public hearing to receive comments concerning the renewal of the Oak Lawn Hi-Line Public Improvement District (the District), in accordance with Chapter 372 of the Texas Local Government Code (the Act), for the specified area of the District, to provide supplemental public services to be funded by assessments on real property and real property improvements in the District; and, at the close of the public hearing, authorize: **(1)** approval of a resolution renewing the District for a period of 10 years, from 2024 to 2033; **(2)** approval of the District’s Service Plan for 2024-2033 to provide supplemental public services, to be funded by assessments on real property and real property improvements in the

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District; and **(3)** a management contract with Oak Lawn-Hi Line Improvement Corporation, a Texas nonprofit corporation as the management entity for the District – Financing: This action has no cost consideration to the City (see Fiscal Information)

[The Economic Development Committee was briefed by a memorandum regarding this matter on April 3, 2023.](#)

PH9. 23-1468 A public hearing to receive comments and to approve an ordinance amending Chapter 2, “Administration,” of the Dallas City Code by amending Section 2-120; **(1)** extending the sunset date for the environmental commission; **(2)** providing a saving clause; **(3)** providing a severability clause; and **(4)** providing an effective date – Financing: This action has no cost consideration to the City (see Fiscal Information)

[The City Council was briefed by memorandum regarding this matter on May 19, 2023.](#)

Please feel free to reach out to me or Kimberly Bizer Tolbert, Deputy City Manager if you have questions or should you require additional information at this time.



T.C. Broadnax
City Manager

c: Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors