

**JANUARY 7, 2015 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated January 7, 2015. 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

1.2.15

Date



Edward Scott
City Controller

1/2/15

Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

January 7, 2015

Date

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

General Information

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

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

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

Rules of Courtesy

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

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

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

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes.

Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

Reglas de Cortesía

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

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

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

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JANUARY 7, 2015
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the December 3, 2014 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR INDIVIDUAL CONSIDERATION

Note: Item Nos. 3 and 4 must be considered collectively.

Housing/Community Services

3. Authorize an amendment to Resolution No. 13-1926, previously approved on November 12, 2013, to subordinate the possibility of reverter with right of reentry contained in the Deed Without Warranty conveying six tracts of land to City Wide Community Development Corporation to the first lien deed of trust in favor of Bank of America and any other first lien deed of trust related to a new refinanced loan (list attached) - Financing: No cost consideration to the City
4. Authorize an amendment to Resolution No. 14-1728, previously approved on October 8, 2014, to redefine loan terms for a \$1,000,000 loan and a \$959,913 grant to City Wide Community Development Corporation from Community Development Block Grant funds for construction costs for the Serenity Place Apartments - Financing: No cost consideration to the City

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JANUARY 7, 2015

BRIEFINGS

6ES

- A. Dallas Water Utilities: Drought Status Update

Lunch

- B. Lean Six Sigma Initiative

- C. City Manager Update (CuSP Report)
- Development Review Process Improvement Initiative

Closed Session

6ES

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

- Legal issues related to gate accommodations requested by Delta Airlines at Dallas Love Field.
- Randolph Glenn v. Officer Bunthavuth Te et al., Civil Action No. 3:13-cv-4446-N
- Roland Moreno et al. v. Albert Sanchez et al., Civil Action No. 3:13-cv-4106-B, and Rita Moreno v. City of Dallas et al., Civil Action No. 3:13-cv-4086-B
- Vickie Cook, et al. v. City of Dallas, et al., Civil Action No. 3:12-CV-03788-P, and Vickie Cook, et al. v. T-Mobile USA, Inc., et al., Civil Action No. 3:14-cv-02907-P
- Koby Maxwell et al. v. City of Dallas, Cause No. DC-13-04584

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

- Discussion regarding evaluation of the performance of City Attorney Warren M. S. Ernst.

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

**Lots Previously Conveyed to
City Wide Community Development Corporation
Draft Agenda Item # 4**

<u>Parcel No.</u>	<u>Address</u>	<u>DCAD Amount</u>
1	1310 E. Corning	\$24,000
2	3106 S. Denley	\$11,000
3	3110 S. Denley	\$26,490
4	3114 S. Denley	\$23,430
5	3118 S. Denley	\$26,700
6	3122 S. Denley	\$38,990

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 7, 2015
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 55X

SUBJECT

Authorize an amendment to Resolution No. 13-1926, previously approved on November 12, 2013, to subordinate the possibility of reverter with right of reentry contained in the Deed Without Warranty conveying six tracts of land to City Wide Community Development Corporation to the first lien deed of trust in favor of Bank of America and any other first lien deed of trust related to a new refinanced loan (list attached) - Financing: No cost consideration to the City

BACKGROUND

The City conveyed the six tracts of land to City Wide Community Development Corporation for the development of affordable housing pursuant to that certain Deed Without Warranty dated December 12, 2013. Due to the complexity of the financing for the project and since the statutory requirement to develop the property as affordable housing has been satisfied by the award of the 9% Low Income Housing Tax Credits, the developer has requested release of the possibility of reverter with right of reentry and termination of the Deed Restrictions.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On November 12, 2013, the City Council approved the conveyance of six tracts of land to be included in the Serenity Place Apartments for the development of affordable housing by Resolution No.13-1926.

On February 26, 2014, the City Council approved an amendment to the Deed Restrictions for the Serenity Place Apartments development to remove the definition of "Permanent Supportive Housing" and to revise the definition of "Low Income Family" to include both men and women with children by Resolution No. 14-0451.

FISCAL INFORMATION

No cost consideration to the City

OWNER(S)

City Wide Serenity Place Apartments, L.P.

City Wide Community Development Corp.
Sherman Roberts, President & CEO

CWCDC Serenity GP, Inc., GP

MAP

Attached

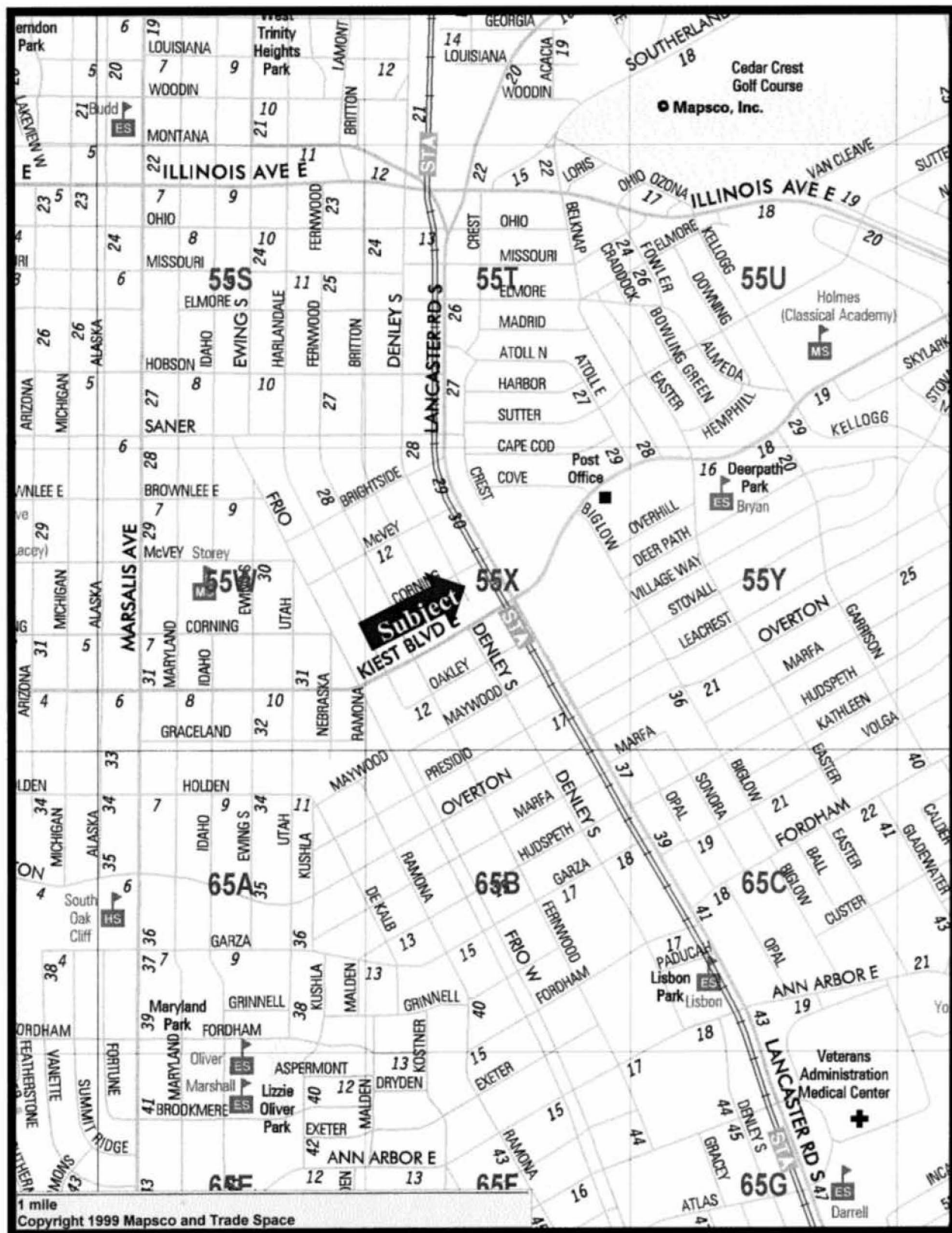
DEVELOPER

**Carleton Residential
Properties**

Carleton Construction, Ltd.
Neal Hildebrandt, President

**Lots Previously Conveyed to
City Wide Community Development Corporation**

Parcel No.	Address	DCAD Amount
1	1310 E. Corning	\$24,000
2	3106 S. Denley	\$11,000
3	3110 S. Denley	\$26,490
4	3114 S. Denley	\$23,430
5	3118 S. Denley	\$26,700
6	3122 S. Denley	\$38,990



MAPSCO 55X

January 7, 2015

WHEREAS, on November 12, 2013, the City Council approved the conveyance of six tracts of land identified by legal description (“Property”) on Exhibit A attached hereto and made a part hereof to City Wide Community Development Corporation, a Texas nonprofit corporation (“City Wide”), for the development of a forty-five (45) unit low-income housing project to be known as Serenity Place Apartments (the “Project”); and

WHEREAS, the Deed Without Warranty contains certain deed restrictions and a possibility of reverter with right of reentry to ensure that the Property is developed as an affordable housing project leased to eligible low-income families; and

WHEREAS, City Wide has obtained approval from the City to replat the Property with additional real property owned by City Wide, in satisfaction of requirement for the same contained in the deed restrictions and the possibility of reverter with right of reentry; and

WHEREAS, City Wide, by and through its ownership and control over is the sole shareholder of CWCDC Serenity GP, Inc., a Texas corporation, and has formed City Wide Serenity Place Apartments, LP, a Texas limited partnership, for the purpose of owning, developing, and leasing the Project as affordable housing for homeless families; and

WHEREAS, City Wide Serenity Place Apartments, LP has secured Low Income Housing Tax Credits (“LIHTC”) and other financing; and

WHEREAS, City desires to release the possibility of reverter with right of reentry and terminate the deed restrictions since the intended use as affordable housing has been satisfied by the LIHTC award;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City’s reverter rights and terminating the deed restrictions to the Property.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A

<u>Parcel No.</u>	<u>Property Address</u>	<u>Legal Lot</u>	<u>Description Block</u>
1	1310 E. Corning	1	D/3891
2	3106 S. Denley	2	D/3891
3	3110 S. Denley	3	D/3891
4	3114 S. Denley	4	D/3891
5	3118 S. Denley	5	D/3891
6	3122 S. Denley	6	D/3891

AGENDA ITEM # 4

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 7, 2015
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: A. C. Gonzalez, 670-3297
MAPSCO: 55X

SUBJECT

Authorize an amendment to Resolution No. 14-1728, previously approved on October 8, 2014, to redefine loan terms for a \$1,000,000 loan and a \$959,913 grant to City Wide Community Development Corporation from Community Development Block Grant funds for construction costs for the Serenity Place Apartments - Financing: No cost consideration to the City

BACKGROUND

In July 2014, City Wide Community Development Corporation was approved for 9% Low Income Housing Tax Credits for Serenity Place Apartments, L.P. by the Texas Department Housing Community Affairs (TDHCA) for the 2014 Low Income Housing Tax Credit Program. The project includes 45 multifamily units for permanent supportive housing, consisting of 40 two-bedroom units and 5 three-bedroom units.

Due to the complexity of the financing for the project, the developer has requested redefined terms be detailed in the resolution.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

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

On February 18, 2014, the Serenity Place Apartments' Low Income Housing Tax Credit multifamily project was briefed to the Housing Committee.

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

On February 26, 2014, the City Council authorized (1) support for the TDHCA 9% LIHTC application for Serenity Place Apartments; (2) a loan in the amount of \$1,000,000 for the construction costs; (3) a grant in the amount of \$959,913 for construction costs; and (4) a predevelopment grant in the amount of \$38,000 for costs associated with the tax credit by Resolution No. 14-0462.

On October 8, 2014, the City Council authorized more defined terms to the loan agreement by Resolution No. 14-1728.

FISCAL INFORMATION

No cost consideration to the City

OWNER(S)

City Wide Serenity Place Apartments, L.P.

City Wide Community Development Corp.
Sherman Roberts, President & CEO

CWCDC Serenity GP, Inc., GP

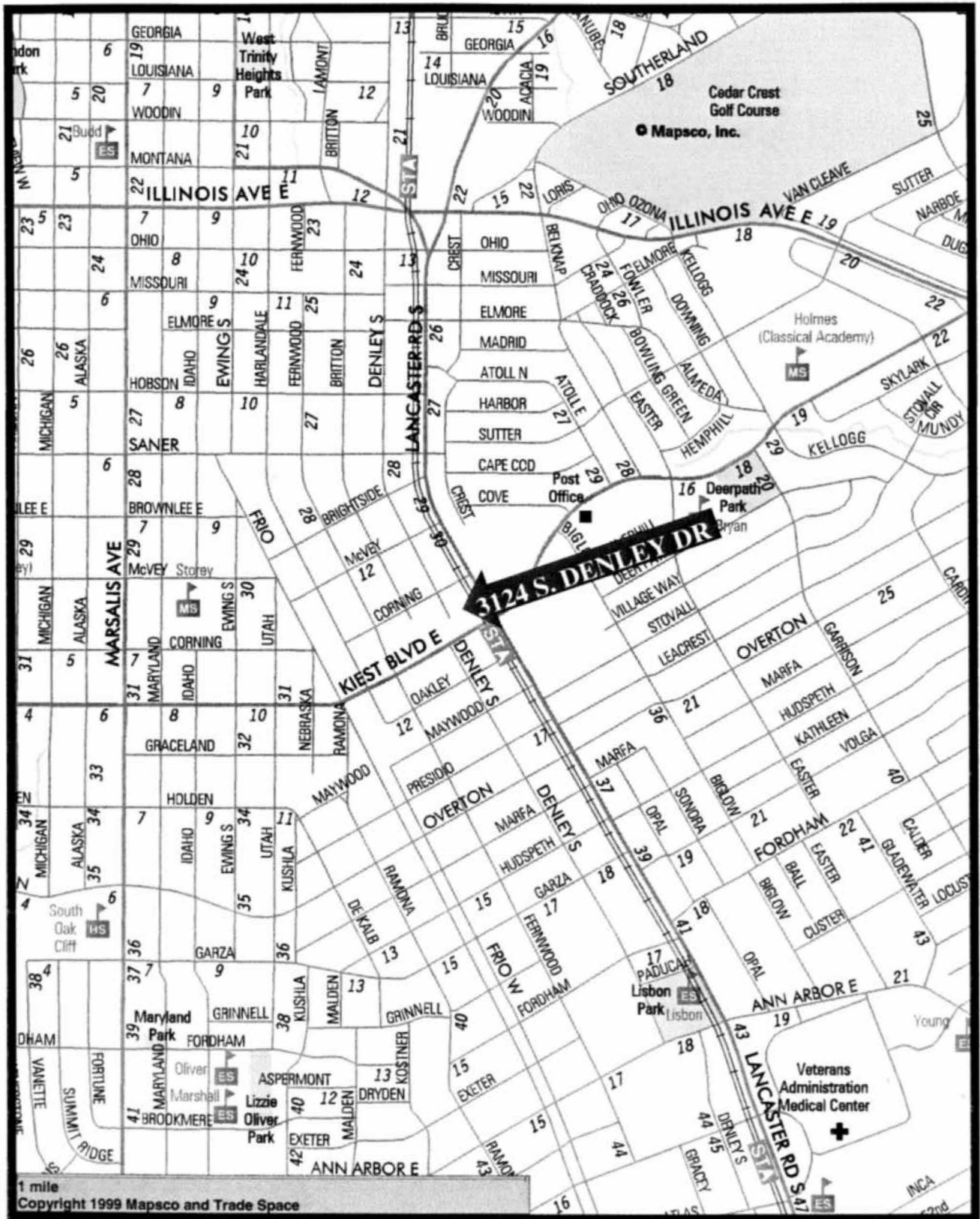
DEVELOPER

**Carleton Residential
Properties**

Carleton Construction, Ltd.
Neal Hildebrandt, President

MAP

Attached



MAPSCO 55X

January 7, 2015

WHEREAS, City Wide Community Development Corporation, on behalf of City Wide Serenity Place Apartments, L.P. was approved by the Texas Department of Housing & Community Affairs (TDHCA) for 2014 9% Housing Tax Credits for Serenity Place Apartments, a development for affordable rental housing at 3124 South Denley in the City of Dallas; and

WHEREAS, pursuant to §11.9(d)(7) Community Revitalization Plan, the Lancaster Corridor/Cigarette Hill Community Revitalization Plan (CRP) was adopted by the City Council on December 12, 2012 with a total budget or projected economic value of \$6,000,000 or greater and Serenity Place Apartments is located within this CRP area; and

WHEREAS, the Housing Tax Credit multifamily project to be located at 3124 South Denley Drive is selected as contributing most significantly to the concerted revitalization efforts of the city, pursuant to §11.9(d)(7)(A)(ii)(III) of the 2014 Housing Tax Credit Qualified Allocation Plan; and

WHEREAS, on February 26, 2014, the City Council approved (1) support for the TDHCA 9% LIHTC application for Serenity Place Apartments; (2) a loan in the amount of \$1,000,000 for the construction costs; (3) a grant in the amount of \$959,913 for construction costs; and (4) a predevelopment grant in the amount of \$38,000 for costs associated with the tax credit by Resolution No. 14-0462 the Applicant has submitted a request for gap funding of \$1,997,913 from the City of Dallas which has been authorized by Resolution No. 14-0462; and

WHEREAS, the City Council authorized more defined terms to the loan agreement by Resolution No. 14-1728; and

WHEREAS, the City of Dallas desires to provide terms to the contract; **NOW, THEREFORE,**

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

SECTION 1. That the City Manager or his designee, upon approval as to form by the City Attorney, is hereby authorized to execute a loan agreement in the amount of \$1,000,000 to City Wide Community Development Corporation (CWCDC), or Applicant for the development costs, including soft and hard construction costs, at 3124 South Denley Drive with the following terms:

SECTION 2. The loan agreement is contingent upon,

- a. CWCDC, or its wholly owned subsidiary, being awarded 2014 9% tax credits.
- b. CWCDC must adhere to all applicable CDBG Program requirements.

January 7, 2015

- c. CWCDC must execute a note, deed of trust, and deed restriction to the City for a 35-year affordability period.
- d. The outstanding principal balance of the City's \$1,000,000 loan shall bear an interest rate of 1% with interest only annual payment from available cash flow over a period of 35 years. The loan's maturity date shall be the earlier of (i) completion of the 35-year term, or (ii) sale or other transfer of the property.
- e. The loan may be subordinated to lenders.

SECTION 3. That the City Manager or his designee, upon approval as to form by the City Attorney, is hereby authorized to execute a grant in the amount of \$959,913 to City Wide Community Development Corporation (CWCDC), or Applicant, to mitigate basis and tax issues only, for construction costs for the development at 3124 South Denley Drive. The following terms apply:

- a. CWCDC, or its wholly owned subsidiary, must be awarded 2014 9% tax credits.
- b. CWCDC must adhere to all applicable CDBG Program requirements.
- c. CWCDC must complete construction and receive a certificate of occupancy.
- d. Fifty one percent of the units must be occupied by low-income households at or below 80% AMFI.
- e. Rents will be set at Fair Market Rents or other acceptable levels defined by TDHCA.
- f. CWCDC must execute a note, deed of trust, and deed restriction to the City for performance only. Once 51% of the units are occupied, the loan will be forgiven.
- g. The loan may be subordinated to construction and permanent lenders.

SECTION 4. That the City Manager or his designee, upon approval as to form by the City Attorney, is hereby authorized to execute a predevelopment grant in the amount of \$38,000 to City Wide Community Development Corporation (CWCDC), or Applicant, for costs associated with the TDHCA 9% application, not conditioned upon 2014 9% LIHTC award.

SECTION 5. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a subordination of lien to a lender who is providing construction financing on the property.

January 7, 2015

SECTION 6. That the City of Dallas' funding and endorsement of the TDHCA LIHTC application for the project, Serenity Place Apartments, will be contingent on the following: (1) the Project Owner expending a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services for the residents of the development, at no cost, based on a survey of resident's needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the City's Deed Restrictions containing the social services requirement (up to 50% of the social services requirement can be fulfilled with in-kind social services provided the Housing/Community Services Department gives prior approval to the social services plan).

SECTION 7. That before receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related design standards.

SECTION 8. That the City of Dallas' funding and endorsement for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the 9% tax credits and ending at the end of the tax credit compliance.

SECTION 9. 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 10. 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.