



CITY OF DALLAS

**STATE OF TEXAS**

**COUNTY OF DALLAS**

**CITY OF DALLAS**

I, **DEBORAH WATKINS**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of documents from

**FILE NO. 04- 3085**

filed in my office as official records of the City of Dallas, and that I have custody and control of said records.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **9th day of November, 2004.**

**DEBORAH WATKINS  
ASSISTANT CITY SECRETARY  
CITY OF DALLAS, TEXAS**

rw

COD\_HOU 0002439

**GOVERNMENT  
EXHIBIT**

**1541**

**3:07-CR-0289-M**



CITY OF DALLAS

November 10, 2004

Edwina P. Carrington  
Executive Director, TDHCA  
507 Sabine, Suite 400  
Austin, Texas 78711-394

Southwest Housing Development  
5910 N. Central Expressway  
Suite 1145  
Dallas, Texas 75206

Re: Compliance and Eligibility with Sec. 50.5(a)(7)(B) and §50.5(a)(8)(d)(iv) of the qualified Allocation Plan for the Rosemont at Laureland Apartments (250 Units), a family development

Dear Ms. Carrington:

On October 27, 2004, the City Council of the City of Dallas passed Resolution No. 04-3085 demonstrating approval of the tax-exempt bonds in a face amount not to exceed \$15,000,000 and support of the award of 4% tax credits for the new development the 250 unit-Rosemont at Laureland Apartments, a project developed by the TX CW Housing, L.P. This letter, together with Dallas City Council Resolution No. 04-3085 is being sent to you to demonstrate compliance and eligibility pursuant to Sec. 50.5(a)(7)(B) and §50.5(a)(8)(d)(iv) of the 2004 Qualified Allocation Plan for the award of 4% tax credits to be used for the financing of the new construction of the 250-unit Rosemont at Laureland Apartments by TX CW Housing, L.P. This resolution was approved by the Dallas City Council with a requirement that the annual social service expenditure at the Rosemont at Laureland Apartments be an estimated \$50,000, but no less than \$200 per unit annually or \$40,000 annually, whichever is higher.

It is our understanding that this letter along with the Dallas Council Resolution must accompany the application for the Rosemont at Laureland which is due in your offices by November 25, 2004 in order to be considered for the 4% tax credit award at the next TDHCA Board Meeting. If you need additional information please contact Jerry Killingsworth, Housing Director, at (214) 670 - 4028.

Sincerely,

Mary K. Suhm  
Interim City Manager



Cc: Jerry Killingsworth, Director Housing Department  
Jen Joyce, Texas Department of Housing and Community Affairs  
Robbye Meyers, Texas Department of Housing and Community Affairs

COD\_HOU 0002440

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

October 27, 2004

04-3085

Item 72: **Dallas Housing Finance Corporation Projects**

- \* A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the construction of 250 multifamily units for families, to be known as the Rosemont at Laureland Apartments located at 330 E. Camp Wisdom Road - Financing: No cost consideration to the City  
**Recommendation of Staff: Denial**

Councilmember Fantroy announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Fantroy left the city council chamber.

Deputy Mayor Pro Tem Hill moved to approve the resolution.

Motion seconded by Councilmember Chaney and unanimously adopted. (Fantroy abstain; Oakley absent on city business)

COD\_HOU 0002441

11/3/2004 8:34 AM  
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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

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

**WHEREAS**, on October 9, 2003, DHFC issued a preliminary inducement for the issuance of a multifamily mortgage revenue bonds in an amount not to exceed \$15,000,000 tax-exempt and \$1,500,000 taxable for the benefit of TX CW Housing (Applicant) to finance land acquisition and construction of 250 new multifamily units for families, referred to as the Rosemont at Laureland Apartments; and

**WHEREAS**, on August 25, 2004, the Applicant was issued a Certificate of Reservation for a tax-exempt bond allocation from the Texas Bond Review Board in the amount of \$15,000,000; and

**WHEREAS**, under the TDHCA 2004 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 Low Income Housing Tax Credits or private activity bonds, the Applicant must obtain prior approval of the development from the governing bond of the municipality; and

**WHEREAS**, as a condition for being awarded the 4% tax credits from the TDHCA, the Applicant has committed to renting 125 units to tenants with incomes and rents capped at 50% or below the Area Median Family Income (AMFI) and 125 units to tenants with incomes and rents capped at 60% or below AMFI, in compliance with the maximum Housing Tax Credit and Tax Exempt Bond rents as published by the Texas Department of Housing and Community Affairs, with all units for families; The Applicant will also receive tax credit equity in the approximate amount of \$4,534,910; and

**WHEREAS**, the Owner of the project will expend an estimated \$50,000, but no less than \$200 per unit annually or \$40,000 annually, whichever is higher, for tenant support social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after school programs, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities; and

COD\_HOU 0002442

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY CONTROLLER

APPROVED

CITY MANAGER

October 27, 2004

**WHEREAS**, of the 250 total units, TX CW Housing, L.P. has agreed to set aside for a period of fifteen (15) years, 5 units for long-term affordable housing for very low income tenants with household incomes at or below 50% AMFI consisting of 2 three-bedroom, 2 two-bedroom and 1 one-bedroom with housing costs, (rent plus utilities), not to exceed 25% of the households' gross income, down to a floor housing cost (rent plus utilities) set at 25% of the income of households earning 30% of AMFI adjusted for family and unit size (Walker Units); **NOW THEREFORE**,

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

**SECTION 1.** That the DHFC is authorized to issue a Multifamily Mortgage Revenue Bond, Series 2004, for the land acquisition and new construction of the 250-unit Rosemont at Laureland Apartments for families to be located at 330 E Camp Wisdom Road in a face amount not to exceed \$15,000,000 tax-exempt and \$1,500,000 taxable for the benefit of TX CW Housing, L.P., a Texas Limited Partnership whose General Partner will be an entity initially owned by Brian Potashnik.

**SECTION 2.** That the City of Dallas approves and supports the new construction of the Rosemont at Laureland Apartment project, consisting of 250 multifamily housing units for families, comprised of 34 one-bedroom units; 108 two-bedroom units and 108 three-bedroom units located at 330 E Camp Wisdom Road by TX CW Housing, L. P. and further supports the award of 4% low income housing tax credits pursuant to §50.5(a)(7)(B) and §50.5(a)(8)(D)(iv) of the Texas Department of Housing and Community Affairs Qualified Allocation Plan, subject to the conditions set forth herein.

**SECTION 3.** That the DHFC will include language in the Land Use Restriction Agreement for the Rosemont at Laureland Apartment Project that will require: (1) that the Applicant expend a minimum amount of \$200 per unit annually or \$40,000 annually, whichever is greater, for tenant support social services for the tenants of the Rosemont at Laureland Apartments; (2) that the Applicant shall determine the services to be provided based upon a survey of tenant needs performed within six months after completion of the construction and initial occupancy of the project; (3) that the services shall be provided at no cost to the tenants and include all or some of the following services after school programs, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, job training, life skills, parenting and nutrition classes, etc.) and social services and recreational activities; (4) that staffing for after school programs will maintain a ratio of no less than one adult instructor for every 20 participating children; and (5) that a third party contractor acceptable to the DHFC shall annually monitor and report to the DHFC on the compliance with the tenant support social services and rental restrictions on the Project at the expense of the Applicant;

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APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY CONTROLLER

APPROVED

CITY MANAGER

October 27, 2004

**SECTION 3.(continued) and (6),** if the LURA does not require the tenant support social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City guaranteeing the City that the social services expenditures will be made. In-kind social services may count toward meeting up to 50% of the tenant support social services requirements, with prior City approval.

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

**SECTION 5.** That the DHFC will provide an annual report to the City on the expenditures for tenant support social services programs made by the borrower for residents of the Rosemont at Laureland Apartments, including the types of programs provided and the amounts expended by program.

**SECTION 6.** That the approval of the City is provided solely for the purpose of satisfying the conditions and requirements of Section 147(f) of the Internal Revenue Code and the Corporation's Articles of Incorporation and By-Laws and the City's consent to issuance and plan of financing of the DHFC's Multifamily Mortgage Revenue Bonds – Rosemont at Laureland Apartments, shall not be construed so as to subject the City, its officers or employees to any liability or obligation with respect to the Bonds. The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas, Dallas County and State of Texas and that the City of Dallas, Dallas County and State of Texas are not liable with respect to the Bonds.

**SECTION 7.** 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 §50.5(a)(7)(B) and §50.5(a)(8)(D)(iv) of the Qualified Allocation Plan, subject to the conditions set forth herein.

**SECTION 8.** 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.

APPROVED BY  
CITY COUNCIL

OCT 27 2004

*Shirley Gray*  
City Secretary

COD\_HOU 0002444

**DISTRIBUTION:**

- Housing Department
- City Attorney's Office
- Office of Financial Services/Community Development, 4FN

APPROVED *[Signature]* HEAD OF DEPARTMENT

APPROVED *[Signature]* CITY CONTROLLER

APPROVED *[Signature]* CITY MANAGER

043085

RECEIVED

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CITY SECRETARY  
DALLAS, TEXAS

For Official Use Only



### DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One	Fill in Appropriate Information	
<input checked="" type="checkbox"/> Elected Official	Office Held	
<input type="checkbox"/> Appointed Official	Board or Commission/ Title	
<input type="checkbox"/> City Employee	Title/Department	

1. Name of Employee/Official: James L. Farther

James L. Farther have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

ITEM 77 - 78

COD\_HOU 0002445

043085

Memorandum

RECEIVED

OCT 26 11 19 07



CITY OF DALLAS

DATE October 25, 2004  
TO Honorable Mayor and Members of the City Council  
SUBJECT October 27, 2004 Agenda Item Nos. 71 - 78, Bond and Tax Credit Projects

The purpose of this memo is to summarise the status of the proposed tax-exempt bond and tax credit projects, following the City Council's October 20, 2004 briefing.

Agenda Item 71, Cherrycrest Villas

Councilmember Chaney indicated he would move for approval of this senior housing project. Three community meetings have been held. The project and developer financials have been received and reviewed.

Agenda Item 72, Rosemont at Laureland

Deputy Mayor Pro Tem Hill indicated he would move for approval of this project. A community meeting was held. The project and developer financials have been received and reviewed. The rezoning of the property to a Planned Development District was previously deferred and is Item Number 50 on the October 27, 2004 agenda. City Plan Commissioner Carol Brandon has advised the Housing Department that she is seeking to have this item deferred to November 10, 2004. Mr. Hill is aware of Ms. Brandon's desire.

Agenda Item 73, Rosemont at Scyene

Deputy Mayor Pro Tem Hill indicated he would move for approval of this project. A community meeting was held. The project and developer financials have been received and reviewed.

Agenda Item 74, Simpson Villas

This item was deleted on the Addendum. It will be considered on the November 10 agenda following a Dallas Housing Finance Corporation (DHFC) TEFRA public hearing on the bonds, scheduled for November 9, 2004. City Plan Commissioner Carol Brandon has advised the Housing Department that, following the conclusion of the previous DHFC community meeting, neighborhood residents remained and reached a consensus of opposition to this project.

Agenda Item 75, Providence at Village Fair

Councilmember Thornton-Reese indicated she would move for approval of this project. On October 20, 2004, Dr. Thornton-Reese advised the Mayor and City Council members that she hosted a community meeting to discuss the proposed project and that the neighborhood supported the project. The project and developer financials have been received and reviewed.

COD\_HOU 0002446

**CATEGORY: ITEMS FOR INDIVIDUAL CONSIDERATION**

**AGENDA DATE:** October 27, 2004  
**COUNCIL DISTRICT(S):** 5, 8  
**DEPARTMENT:** Housing  
**CMO:** *RSE* Ryan S. Evans, 670-3314  
**MAPSCO:** 65S

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**SUBJECT**

A resolution supporting the Dallas Housing Finance Corporation tax-exempt bonds and 4% tax credits for the construction of 250 multifamily units for families, to be known as the Rosemont at Laureland Apartments located at 330 E. Camp Wisdom Road - Financing: No cost consideration to the City

Recommendation of Staff: Denial

**BACKGROUND**

The Dallas City Council created the Dallas Housing Finance Corporation (DHFC) in 1984 to provide financing for affordable single family ownership and multifamily rehabilitation and development within the city. The DHFC has received an application from TX CW Housing, L.P. (Applicant) for the issuance of tax-exempt multifamily mortgage revenue bonds in the amount of \$15,000,000 and taxable bonds in the amount of \$1,500,000 for the acquisition and construction of new multifamily units to be known as the Rosemont at Laureland Apartments located at 330 E Camp Wisdom Road. The re-zoning of this property from MF-1(A) and TH-3(A) to a Planned Development District was scheduled for City Council consideration on October 13, 2004. On October 9, 2004, the DHFC provided a preliminary inducement for the project, subject to City Council approval. On August 25, 2004, the Applicant was issued a Certificate of Reservation for a tax-exempt bond allocation from the Texas Bond Review Board, not to exceed \$15 Million.

The Applicant's proposed income mix is 125 units for tenants with incomes at 50% and below the Area Median Family Income (AMFI) and 125 units for tenants with incomes at 60% and below AMFI. Two units may be occupied by management or maintenance personnel. The proposed unit mix is 34 one-bedroom, 108 two-bedroom and 108 three-bedroom units.

The proposed community will have common area amenities such as a pool, fitness center, business center/computer lab, children's play area and community center.

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**BACKGROUND (continued)**

The project owner will conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants: health screenings; counseling/domestic crisis intervention; emergency assistance; adult education programs (such as: ESL, life skills and nutrition classes, etc.); any social and recreational activities.

The DHFC held a community meeting on October 2, 2004, to receive public input. The Tax Equity and Fiscal Responsibility Act (TEFRA) hearing was held on October 19, 2004.

The TDHCA has received an application for low income housing tax credit financing under the new TDHCA rules in the 2004 Qualified Allocation Plan and Rules (QAP). TDHCA funding for projects in the city of Dallas must be approved by City Council. Under the 2004 QAP rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, the Applicant must obtain prior approval of the governing body of the municipality. The resolution must include a written statement of support from the governing body referencing the State rule and authorizing an allocation of housing tax credits for the development.

In addition, the City Council must vote to allow the construction of the proposed new development if the proposed new development is located within one linear mile or less from a project that: (1) has received housing tax credits or tax exempt bond financing within the preceding three year period; (2) has not been withdrawn or terminated from the States' tax credit program; and (3) serves the same type of household as the proposed development. The resolution must include a written statement of support from the governing body referencing the State rule and authorizing an allocation of housing tax credits for the development. The Rosemont at Laureland project will be located within one mile of the Memorial Park Townhomes project which is also proposed for 2004 tax credits.

Approval of this application will enable the Applicant to develop 250 units of affordable housing for families. The Housing Department did not recommend approval of this project without a City-approved development plan for the entire parcel.

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

On October 9, 2003, the Dallas Housing Finance Corporation voted to preliminarily induce tax-exempt bonds for the Rosemont at Laureland Apartments.

On September 20, 2004, the Housing and Neighborhood Development Committee was briefed on proposed tax credit projects receiving 2004 Private Activity Bond allocations from the Texas Bond Review Board.

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

On October 4, 2004, the Housing and Neighborhood Development Committee was briefed on the Rosemont at Laureland project.

On October 11, 2004, the Finance and Audit Committee was briefed on the Rosemont at Laureland project.

FISCAL INFORMATION

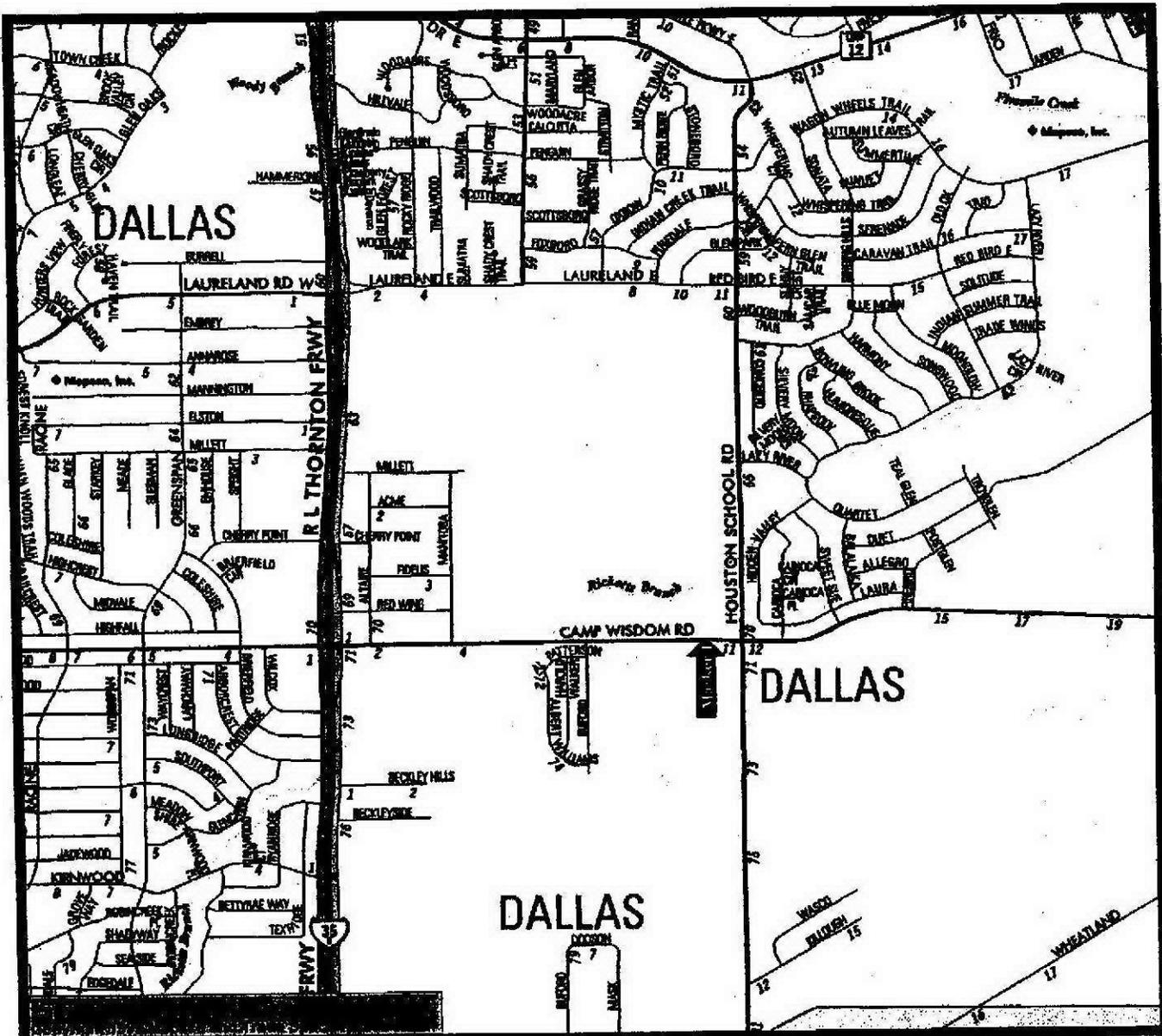
No cost consideration to the City

MAP

Attached

COD\_HOU 0002449

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1 : 330 E. Camp Wisdom Rd

COD\_HOU 0002450