



STATE OF TEXAS

COUNTY OF DALLAS

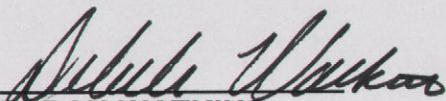
CITY OF DALLAS

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

FILE NO. 04-3473

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 12th day of **June, 2009**.


DEBORAH WATKINS
CITY SECRETARY
CITY OF DALLAS, TEXAS

TM

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 8, 2004

04-3473

Item 61: Authorize approval of amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval for tax-exempt mortgage revenue bond and/or low income housing tax credits financing - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill requested that consent agenda item 61 be considered as an individual item. Mayor Miller stated that consent agenda item 61 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 61 was brought up for consideration.

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 replace item d under #1 criteria with:

"where the proposed project is a mixed use development that includes a minimum of 10,000 square feet of retail space".

Create item e with the former d: "New construction of housing for low and moderate income households".

Motion seconded by Councilmember Chaney.

Councilmember Finkelman moved to substitute for Deputy Mayor Pro Tem Hill's motion a motion to pass the item and refer the changes requested by Deputy Mayor Pro Tem Hill to the Housing and Neighborhood Services Committee.

Motion seconded by Councilmember Lill.

During discussion, Deputy Mayor Pro Tem Hill withdrew his motion.

Councilmember Chaney withdrew his second.

Mayor Miller stated that Councilmember Finkelman's substitute motion was the only motion on the table.

After discussion, Mayor Miller called for a vote on Councilmember Finkelman's motion to refer the changes requested by Deputy Mayor Pro Tem Hill to the Housing and Neighborhood Services Committee.

Mayor Miller declared the motion adopted. (Fantroy abstain)

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December 8, 2004

WHEREAS, on October 8, 2003, the City Council approved project specific review criteria for consideration of tax-exempt mortgage revenue bond projects proposed by the Dallas Housing Finance Corporation (DHFC) by Resolution No. 03-2754; and

WHEREAS, under the Texas Department of Housing and Community Affairs (TDHCA) rules in the 2004 Qualified Allocation Plan and Rules (QAP), if a proposed 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 body of the municipality; and

WHEREAS, on February 25, 2004, the Dallas City Council extended the October 8, 2003 DHFC project review criteria to tax credit projects proposed by the TDHCA that are subject to Dallas City Council approval, by Resolution No. 04-0764; and

WHEREAS, there are no tax-exempt bond or low income tax credit applications currently pending before the Dallas City Council for consideration; and

WHEREAS, the Dallas City Council desires to amend the review criteria for consideration of new tax-exempt mortgage revenue bond and tax credit funded projects; **NOW, THEREFORE,**

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

Section 1. That the project specific review criteria for DHFC proposed tax-exempt bond projects and TDHCA low income housing tax credit projects that require Dallas City Council approval, as amended and attached hereto as "Exhibit A", are hereby approved.

Section 2. 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.

DISTRIBUTION:

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

APPROVED BY
CITY COUNCIL

DEC 08 2004

Shirley Geif
City Secretary

APPROVED *Daniel A. Nyf*
HEAD OF DEPARTMENT

APPROVED *R. Williams*
CITY CONTROLLER

APPROVED *Tyler S. E...*
CITY MANAGER

EXHIBIT A
Tax-Exempt Mortgage Revenue Bond and Low Income Housing Tax Credit
Projects
Multifamily Project Review Criteria

In determining whether to grant tax-exempt bond financing or approve an allocation of low income housing tax credits for any ~~new construction of a~~ multifamily project, including senior, disabled or family projects, the City Council and, where appropriate, the Dallas Housing Finance Corporation, shall evaluate whether the proposed project is in the best interest of the City of Dallas. The decision will be evaluated based upon the following factors. No single factor is determinative or controlling.

1. Where the proposed project fits within the City's priorities which follow in order of priority:
 - a. Demolition and reconstruction of an existing substandard multifamily development;
 - b. Rehabilitation of an existing multifamily development;
 - c. New construction of housing for senior households; or
 - d. New construction of housing for low and moderate income households.
2. Whether the City has already provided, or committed to provide, direct financial assistance to the project.
3. Whether the project involves the elimination of slum or blight already existing on the subject property.
4. Whether the site has appropriate zoning for the project.
5. The proximity and capabilities of nearby schools, and comments of school district officials regarding the project.
6. The comments of owners and residents of properties located in the surrounding area at a public meeting held in the community in which the project will be located, attended by City of Dallas or Dallas Housing Finance Corporation representatives.
7. Whether there is already an over-concentration of multifamily development in the surrounding area.
8. Whether the applicant has agreed to incorporate appropriate safety and security features into the project.
9. Whether the applicant has responded to and/or plans to address the lawful concerns, if any, raised by residents or owners of properties in the

- surrounding area.
10. Whether the proposed project will be of high quality.
 11. Whether the applicant has taken into consideration, in the project design, the standard or specialized needs of expected tenants.
 12. Whether the proposed project will have an adverse effect on the surrounding area.
 13. Whether the project is compatible with existing or anticipated single-family developments in the surrounding area.
 14. Whether the project is compatible with existing or anticipated uses allowed under current or anticipated zoning in the surrounding area.
 15. Whether the estimated parking demand and trip generation for the project will impose an undue burden on public facilities.
 16. Whether the current and probable future capacities of adjacent and nearby streets on the City's thoroughfare plan are adequate to address any anticipated changes caused by the project.
 17. Whether there is existing or proposed adequate public transit available.
 18. Whether the location, density and height of the buildings, structures, and equipment will be detrimental or injurious to future development of the surrounding area or otherwise impose an undue burden on public facilities.
 19. Whether trees will be planted or protected and other landscaping provided to create, preserve, and enhance the natural beauty and vegetative space in the vicinity of the project.
 20. Whether managers of the project will reside on site.
 21. Whether the Applicant has demonstrated the financial capacity to complete and operate the project.
 22. Whether the proposed project's rental market has the ability to absorb the proposed additional rental units.

23. If two or more new projects are proposed within a mile of each other, whether either or any of the projects:
- a. Contributes to the rehabilitation or elimination of substandard housing;
 - b. Provides a significantly lower density of units per acre; or
 - c. Provides revenues for the creation or support of additional affordable housing.
24. Whether the Applicant has presented a suitable development plan for the entire development site, including property acquired by the Applicant in excess of that to be developed specifically for the project.
25. Whether there exists any other factor relevant to the issue of whether the project is in the best interest of the City of Dallas.

Memorandum

CITY OF DALLAS

DATE December 3, 2004

TO Honorable Mayor and Members of the City Council

SUBJECT Revised December 8, 2004 Agenda Item Number 61

Item Number 61 on your December 8, 2004 Consent Agenda amends the current criteria for consideration of proposed multifamily tax-exempt bond and tax credit projects. Attached is a revised Exhibit A to the Resolution which adds a new Section 1 to the review criteria to reflect City Council's approval priorities with regard to such proposals.

Please let me know if you have questions.

Ryan S. Evans
Assistant City Manager

Attachment

c: Mary K. Suhm, Interim City Manager
Shirley Acy, City Secretary
Madeleine B. Johnson, City Attorney
Paul Garner, Interim City Auditor
Judge Jay Robinson
Ramon F. Miguez, P.E., Assistant City Manager
Charles W. Daniels, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Ramiro S. Salazar, Interim Assistant City Manager
Dave Cook, Chief Financial Officer
Jerry Killingsworth, Housing Director

EXHIBIT A
Tax-Exempt Mortgage Revenue Bond and Low Income Housing Tax Credit
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7. Whether there is already an over-concentration of multifamily development in the surrounding area.
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 16. Whether the current and probable future capacities of adjacent and nearby streets on the City's thoroughfare plan are adequate to address any anticipated changes caused by the project.
 17. Whether there is existing or proposed adequate public transit available.
 18. Whether the location, density and height of the buildings, structures, and equipment will be detrimental or injurious to future development of the surrounding area or otherwise impose an undue burden on public facilities.
 19. Whether trees will be planted or protected and other landscaping provided to create, preserve, and enhance the natural beauty and vegetative space in the vicinity of the project.
 20. Whether managers of the project will reside on site.
 21. Whether the Applicant has demonstrated the financial capacity to complete and operate the project.
 22. Whether the proposed project's rental market has the ability to absorb the proposed additional rental units.

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 - c. Provides revenues for the creation or support of additional affordable housing.
24. Whether the Applicant has presented a suitable development plan for the entire development site, including property acquired by the Applicant in excess of that to be developed specifically for the project.
25. Whether there exists any other factor relevant to the issue of whether the project is in the best interest of the City of Dallas.



043473

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	
Elected Official	Office Held	
Appointed Official	Board or Commission/ Title	
City Employee	Title/Department	

1. Name of Employee/Official: JAMES L. FAULKNER

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

Item #1 (12-7-04)

043473

Nature of Conflict:

As a result of this conflict, I will not take any official action in regard to the matter stated above.

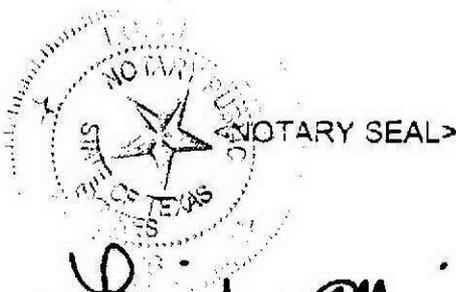
James L. Fartrou
Signature of Employee/Official

Date

BEFORE ME, the undersigned authority, on this day personally appeared

James L. Fartrou, who on oath stated that the above facts are
within his personal knowledge and are true
and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 29 day of August,
2006, to certify which, witness my hand and seal.



Lornn Ann Ellis
Signature of officer administering oath

Lornn Ann Ellis
Printed name of officer administering oath

Notary Public
Title of officer administering oath

DATE OF COUNCIL MEETING: 12/8/04 AGENDA ITEM: 61

NAME: JAMES L. FANTROY

DALLAS CITY COUNCIL
AFFIDAVIT ON ABSTENTION FROM VOTING

STATE OF TEXAS §
COUNTY OF DALLAS §

I, James L. Fantroy, a member of the City Council of the City of Dallas, Texas, file this affidavit in accordance with the provisions of Chapter 171 of the Texas Local Government Code, and hereby on oath state the following:

A. Business Entity Name of Entity: _____

I and/or person(s) related to me* have a substantial interest in a business entity that would be specially affected economically by the matter presently pending before the City Council. The nature and extent of the interest is:

_____ Ownership of 10 percent or more of the voting stock or shares of the business entity or ownership of \$15,000 or more of the fair market value of the business entity.

_____ Funds received from the business entity exceed 10 percent of gross income for the previous twelve months.

B. Real Property

I and/or person(s) related to me*, have an interest in real property that has a fair market value of \$2,500 or more, and it is reasonably foreseeable that the action presently pending before the City Council will have a special economic effect on the value of the property, distinguishable from the effect on the public.

*For purposes of this affidavit, "person(s)" refers to first degree by consanguinity (parent or child, natural or adoptive), or first degree by affinity (spouse, step child, mother-in-law, father-in-law, daughter-in-law, son-in-law). (In cases of divorce or death, if a child is living, the marriage is considered as continuing, even after divorce or death.)

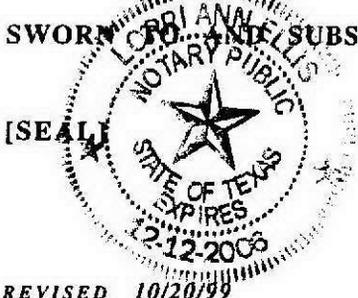
As a result of this interest, I will refrain from participating in discussion and voting on the item(s); and, I will leave the council chambers immediately before the discussion and vote on the item(s).

James L. Fantroy
Signature of Council Member

9-01-05
Date

BEFORE ME, the undersigned authority, on this day personally appeared James L. Fantroy who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN AND SUBSCRIBED BEFORE ME on this 1st day of Sept, 2005.



Ben Ann Gilles
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12-12-06

CATEGORY: MISCELLANEOUS

AGENDA DATE: December 8, 2004
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing
CMO: Ryan S. Evans, 670-3314
MAPSCO: N/A

SUBJECT

Authorize approval of amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval for tax-exempt mortgage revenue bond and/or low income housing tax credits financing – Financing: No cost consideration to the City

BACKGROUND

Under Internal Revenue Service regulations, the City of Dallas must approve the plan of financing for the issuance of tax-exempt mortgage revenue bonds by the Dallas Housing Finance Corporation to finance multifamily housing affordable to low- and moderate income households. Under the Texas Department of Housing and Community Affairs (TDHCA) approved 2004 Qualified Allocation Plan (QAP) and proposed 2005 QAP, the City of Dallas must approve the allocation of low income housing tax credits for multifamily projects to be located within the city of Dallas. Also, under the State's approved 2004 QAP and proposed 2005 QAP, proposed projects are ineligible for low income housing tax credits if they would be located within one mile of a project that received tax credits within the prior three years, unless the City specifically approves an exception to the rule by resolution.

On October 8, 2003, the Dallas City Council approved a set of criteria to be considered during deliberation on multifamily applications for Dallas Housing Finance Corporation tax-exempt mortgage revenue bond financing. On September 25, 2004, the City Council extended the use of those criteria to deliberation of multifamily applications for TDHCA allocation of low income housing tax credits that require City Council approval. During fiscal year 2003-04, the City received multiple applications for approval of tax-exempt bonds and tax credits, many of which were located within one mile of each other and/or previously approved tax credit funded projects. This agenda item provides an amendment to the review criteria that would be applied to future applications for tax-exempt bond or low income housing tax credit projects in which such financing is subject to City of Dallas approval.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On October 8, 2003, by Resolution No. 03-2754, the City Council approved review criteria for consideration of multifamily project applications for Dallas Housing Finance Corporation tax-exempt mortgage revenue bond financing.

On February 25, 2004, by Resolution No. 04-0764, the City Council approved the use of the DHFC bond project review criteria on multifamily project applications for TDHCA low income housing tax credits that are subject to City of Dallas approval.

FISCAL INFORMATION

No cost consideration to the City

SEE ALSO

THE FOLLOWING FILES CONTAIN INFORMATION RELATING TO THIS FILE AND
MAY BE OF INTEREST. THE INFORMATION CONTAINED IN THESE FILES MAY
AMEND, REPEAL OR OTHERWISE AFFECT THE STATUS OF THIS FILE.

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