

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item #40, December 8, 2021 City Council Agenda – Resolution Authorizing Department of Transportation Director to Sign Oncor Work Request Contract Amendments**

Currently any City-initiated request to modify Oncor Electric Delivery's street light system results in a work request (WR) document. The Oncor WR includes a description of the work involved (such as addition or removal of a street light), the specific pole locations, and the cost as determined by Oncor engineers.

While WR's are routine in nature, they are still considered contract amendments and thus may only be approved by the City Manager's Office. This is true even for zero-dollar WR's. In a typical year, approximately 200 WR's are executed.

Although the WR form, developed by Oncor, describes the WR's as contract amendments, they are actually in the nature of work orders, which would normally be executed by City staff. The City Attorney's Office suggested streamlining the WR signature process by having City Council authorize the Department of Transportation Director (or designee) to sign Oncor WR's. Such a move will eliminate multiple steps among the Transportation Department, City Attorney's Office, and City Manager's Office and allow Oncor to expedite the processing of the City's requests.

If you have questions or need additional information, please contact Ghassan 'Gus' Khankarli, P.E., Director of the Department of Transportation, at Ghassan.khankarli@dallascityhall.com.

A handwritten signature in blue ink, appearing to read 'Majed Al-Ghafry'.

Majed Al-Ghafry, P.E.
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Billierae Johnson, City Secretary
Preston Robinson, Administrative Judge
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M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

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TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item #39, December 8, 2021 City Council Agenda – Beautification and Maintenance Agreement for Non-Standard Creative Crosswalks**

Item #39 on the December 8, 2021 City Council Agenda will authorize a beautification and maintenance agreement with Abounding Prosperity, Inc., for the installation and 10-year maintenance of non-standard creative crosswalks at the following intersections on City right-of-way: Al Lipscomb Way and South Ervay Street; Al Lipscomb Way and South Harwood Street; Al Lipscomb Way and South Malcolm X Boulevard; Martin Luther King Jr. Boulevard and Colonial Avenue; Martin Luther King Jr. Boulevard and South Malcolm X Boulevard; and Martin Luther King Jr. Boulevard and JB Jackson Jr. Boulevard.

City staff has coordinated with the requestor from Abounding Prosperity, Inc. to minimize the deviation from the Federal Highway Administration (FHWA) approved patterns and colors. This agreement is the result of several months of coordination between City Staff, City Council Members, and Abounding Prosperity, Inc. A graphic is attached showing the aesthetic of the crosswalks.

If you have any questions, please contact Ghassan 'Gus' Khankarli, P.E., Director of the Department of Transportation, at ghassan.khankarli@dallascityhall.com.

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Assistant City Manager

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Exhibit A



Intersections to Stripe:

- Al Lipscomb Way – S Ervay Way
- Al Lipscomb Way – S Harwood St
- Al Lipscomb Way – Malcolm X Blvd

- MLK – Colonial Ave
- MLK – Malcolm X Blvd
- MLK – JB Jackson Jr. Blvd

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CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Nominations for Bike Plan Advisory Committee**

Bike Plan Update – Consultant Contract Award

The Dallas Bike Plan is the City’s guide for implementing a system of on-street and off-street bicycle facilities to enable and encourage bicycling as a safe, alternative mode of transportation. On Wednesday, December 8, 2021, City Council will be voting to award a consultant contract to Gresham Smith to update the 2011 Dallas Bike Plan (agenda item #49) to reflect current conditions, needs, and preferences.

Through the City’s strategic mobility plan (*Connect Dallas*), which established a transportation decision-making framework for prioritizing capital transportation projects for funding, it was recognized that many of the projects and connections called for in the 2011 Bike Plan no longer reflected existing conditions, needs, and preferences. *Connect Dallas* recommends that the plan be updated to identify priority bike projects that will have the greatest impact.

Nominations for Bicycle Advisory Committee

An advisory committee of community representatives is needed to steer the Dallas Bike Plan update, in addition to the public input that will be solicited throughout the process. As such, the Department of Transportation is seeking a nominee from the Mayor and each of the City Council members for representatives to serve on the Bicycle Advisory Committee, which may work in consultation with the recently established micro-mobility working group, as needed.

Staff requests that the representatives reflect the range of bicycling interest and skills that are seen across the city, from “interested but concerned” to “enthusiasts”. The Department of Transportation also plans to nominate two representatives to serve on the Committee, one of whom will be a staff member from the North Central Texas Council of Governments, which contributed funds for the Bike Plan update.

The Committee will be tasked with helping to inform the vision and goals for the plan update and to ensure that community values are represented in the plan’s recommendations. They will also be tasked with:

DATE December 3, 2021
SUBJECT **Nominations for the Bike Plan Advisory Committee**

- Helping with the outreach effort for public input opportunities.
- Identifying preferred bicycle facility types, priority connections, areas of concern, and evaluating trade-offs of bicycle route alternatives.
- Making recommendations on the prioritization framework, implementation priorities, and project phasing.

Please submit your nomination to Jessica Scott, Bicycle Mobility Manager at jessica.scott@dallascityhall.com by Friday, December 24, 2021.

Should you have any questions or concerns, please contact Ghassan 'Gus' Khankarli, P.E., Director of the Department of Transportation, at ghassan.khankarli@dallascityhall.com.



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TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item #36 December 8, 2021, City Council Agenda - Ordinance Amending Chapter 28 “Motor Vehicles and Traffic”**

Section 28-50 of Chapter 28, “Motor Vehicles and Traffic”, governs school zone locations and extents in the City of Dallas. On a continual basis, Department of Transportation staff communicate with school administrators, residents, and City Council Members’ offices regarding changes to school locations and traffic patterns and must update the City code to reflect necessary changes to the various school zones. Listed below are planned updates to this section of the code, along with high-level information on what changes will be taking place.

Street Name & Block	Council District	Cause
Arapaho Road (6200-6700)	11, 12	Extend Zone
Chaparral Waters Way (8800)	6	New School Zone
W. Colorado Boulevard (900-1100)	1	Correct block range
Eastridge Drive (6700-6800)	13	Add New Zone
Esperanza Road (13400-14000)	11	Correct Street name from Maham Road to Esperanza Road
Midpark Road (8300-8400)	11	Correct Street name from Maham Road to Esperanza Road (in extents description)
Midway Road (9800-10000)	6, 13	Reduce zone
Ridgecrest Road (6300-6400)	13	Add New Zone
Ross Avenue (4400-4500)	2	Correct distance ranges (extent)
Royal Lane (2000-2200)	6, 13	Extend zone
Stampede Lane (2200)	6	New School Zone
St. Augustine Drive (100S-200N)	5	Correct Road to Drive
N. St. Augustine Drive (500-700)	5	Correct Road to Drive
N. St. Augustine Drive (1000)	5	Correct Road to Drive

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SUBJECT **Upcoming Agenda Item #36 December 8, 2021, City Council Agenda - Ordinance Amending Chapter 28 "Motor Vehicles and Traffic"**

N. St. Augustine Drive (1400-1600)	5	Correct Road to Drive, Add N., Correct Blocks, and Correct Musgrove Drive to Musgrave Drive (in extent description)
N. St. Augustine Drive (2000-2200)	5, 7	Correct Road to Drive
N. St. Augustine Drive (2400-2500)	7	Correct Road to Drive
N. St. Augustine Drive (2900-3200)	7	Correct Road to Drive, Correct Block Range, and Correct Distance Ranges (extent) from W. to E. to N. to S.
Walnut Hill Lane (4100)	6, 13	Reduce Zone
S. Westmoreland Road (3400-3900)	3	Extend Zone

Going forward, Department of Transportation staff plan to review Chapter 28 for any necessary amendments regularly and bring any required updates to the City Council for review on a semi-annual/ as-needed basis to ensure the code is current and anticipates any changes that need to occur.

If you have questions or need additional information, please contact Ghassan 'Gus' Khankarli, P.E., Director of the Department of Transportation, at ghassan.khankarli@dallascityhall.com.



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TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item #37 December 8, 2021, City Council Agenda - Dallas Streetcar Operations and Maintenance Funding for FY 21-22**

The Dallas Modern Streetcar is a City owned facility that links the downtown Central Business District (CBD) to the Methodist Hospital in Oak Cliff and the Bishop Arts District. The system includes six stops on 2.3 miles of track all within the City street network. The system was constructed using \$81 million in State and Federal grant funds with the expectation of providing an economic stimulus, neighborhood revitalization, and an alternate mode of public transportation for at least a 30-year period.

The City maintains Interlocal Agreements (ILA) with the North Central Texas Council of Governments (NCTCOG), Federal Transit Administration, Texas Department of Transportation, and with Dallas Area Rapid Transit (DART) pertaining to the Dallas Streetcar System. These ILA's established the City of Dallas as the owner of the Dallas Streetcar and allow for the City to rely on technical expertise from DART to operate and maintain the Dallas Streetcar.

In these ILA's with DART and with NCTCOG, the City has agreed to provide continued funding for the operation and maintenance of the Dallas Streetcar. Fulfilling this requirement has required collecting funds from multiple sources each fiscal year. The following funding sources are proposed for FY 21-22:

<u>O&M ESTIMATED COST</u>	<u>FY 22</u>
	\$2,456,885
<u>FUNDING SOURCES</u>	
DART Contribution (Love Field)	\$ 652,580
Streetcar Developer Fund	\$ 300,000
Fare Collection	\$ 36,000
Advertising	\$ 0
Oak Cliff Gateway TIF	\$ 475,000
General Fund	<u>\$1,000,000</u>
Total Funding	\$2,463,580
<i>Estimated Surplus</i>	\$ 6,695

On September 27, 2021, the Oak Cliff Gateway Tax Increment Financing (TIF) District Board recommended that \$475,000 in TIF funds be allocated to the Streetcar Operations and Maintenance (O&M) for FY 21-22. Likewise, the approved General Fund budget for FY 22 has allocated \$1 million in funds for Streetcar O&M in FY 22.

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SUBJECT **Upcoming Agenda Item #37 December 8, 2021, City Council Agenda - Dallas Street and Maintenance Funding for FY 22**

Authorization to allocate the funding from the Oak Cliff Gateway TIF District and the General Fund will be brought to City Council for consideration on December 8, 2021 to meet the City's funding obligation for this year.

If you have questions or need additional information, please contact Ghassan Khankarli, P.E., Director of the Department of Transportation, at ghassan.khankarli@dallascityhall.com.



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DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **December 8, 2021 City Council FINAL Agenda - Additions/Revisions/Deletions**

On November 19, 2021, a DRAFT City Council Agenda for December 8, 2021 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:

88. 21-2314 Authorize settlements with opioid manufacturer, Johnson & Johnson, and the three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson - Financing: No cost consideration to the City
89. 21-2307 A resolution authorizing payment for previously contracted professional services of Norton Rose Fulbright US LLP and Kintop Smith, PC as co-disclosure counsel in connection with the sale and delivery of the Waterworks and Sewer System Commercial Paper Notes, Series F and Waterworks and Sewer System Commercial Paper Notes, Series G - Not to exceed \$239,132 - Financing: Dallas Water Utilities Fund
90. 21-1994 Authorize **(1)** the American Rescue Plan Act (ARPA) Neighborhood Revitalization Program ("Program") to **(a)** provide for grants of up to \$100,000.00 per household for targeted home repair in qualified census tracts (QCTs); and **(b)** to support necessary water and sewer infrastructure improvements in QCTs; **(2)** creation of two positions to assist in the administration of the program; and **(3)** execution of all documents and agreements necessary to implement the Program, including but not limited to agreements with homeowners, subrecipients, contractors, and/or administration agreement(s) for the Program and change orders/amendments - Not to exceed \$11,250,000.00 - Financing: U.S. Department of Treasury - Coronavirus Local Fiscal Recovery Funds
91. 21-2380 An ordinance amending Chapter 12A, "Code of Ethics," of the Dallas City Code, **(1)** establishing an Inspector General Division; **(2)** creating a personal benefit recusal; **(3)** simplifying the code by consolidating the gift policies and reordering various sections; **(4)** consolidating the various gift

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and travel reporting requirements into one article; **(5)** prohibiting a person from lobbying a councilmember on a public subsidy matter and prohibiting a councilmember from discussing the public subsidy matter with the person; and **(6)** making other general non-substantive changes; a resolution creating a new Inspector General position and authoring an increase in appropriations in an amount not to exceed \$197,558.00 in the City Attorney's Office from General Fund Contingency Reserve; a resolution repealing Resolution Nos. 92-0779 and 98-0751; a resolution repealing Resolution Nos. 08-1723, as amended and 17-0516 - Not to exceed \$197,558.00 annually - Financing: General Fund Contingency Reserve

92. 21-2371 Authorize the **(1)** acceptance of a grant from the Texas Department of Criminal Justice (TDCJ) (Contract No. 696-TC-22-23-L026) in the amount of \$1,000,000.00 (\$500,000.00 for FY 2021-2022 and \$500,000.00 for FY 2022-2023) for re-entry services to individuals being released from TDCJ who are returning to the City of Dallas area to be provided from December 8, 2021 through August 31, 2023; **(2)** establishment of appropriations in an amount not to exceed \$1,000,000.00 in the TDCJ Re-Entry Services Grant Program Fund FY21-23; **(3)** receipt and deposit of grant funds from TDCJ in an amount not to exceed \$1,000,000.00 in the TDCJ Re-Entry Services Grant Program Fund FY21-23; and **(4)** execution of the Interlocal Agreement with TDCJ and all terms, conditions, and documents required by the agreement - Not to exceed \$1,000,000.00 - Financing: Texas Department of Criminal Justice Grant Funds

Revisions:

7. 21-2308 An ordinance **(1)** appointing six associate (part-time) municipal judges to preside over the City of Dallas Municipal Court of Record for a term ending May 31, 2022; and **(2)** establishing the salary for ~~the Associate~~ municipal judges and administrative judges - Not to exceed \$183,083.00 - Financing: ~~No cost consideration to the City~~ General Fund
This item is being revised to update the Subject and Fiscal Information section. Please contact Jon Fortune, Assistant City Manager, City Manager's Office, at 214-670-5299, for more information.
50. 21-2005 Authorize a one-year service contract, ~~with two one-year renewal options,~~ for emergency shelter services for the homeless for the Office of Homeless Solutions - Bridge Steps dba The Bridge in the amount of \$250,000, The Family Place in the amount of \$90,000, and Shared Housing Center, Inc. in the amount of \$48,000, most advantageous proposers of eight - Total not to exceed \$388,000 - Financing: 2020 CARES Act Relief ESG #2 Fund
This item is being revised to delete the renewal options because the department will not seek to exercise those options. Please contact Chhunny Chhean, Director, Office of Procurement Services, at 214-670-3519.

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55. 21-2186 Authorize a three-year service price agreement for analytical laboratory testing services for the Water Utilities Department - Eurofins-Xenco, LLC, lowest responsible bidder of three - Estimated amount of \$6,710,072 - Financing: Dallas Water Utilities Fund [\(\\$6,393,402\)](#) and [Stormwater Operations Fund \(\\$316,670\)](#)
This item is being revised to correct the funding information. Please contact Chhunny Chhean, Director, Office of Procurement Services, at 214-670-3519.

69. 21-2041 Authorize the **(1)** application for and acceptance of the Dallas Police Department Victim Services/19 Grant (Grant No. 1578119, Federal/State Award ID No. 2020-V2-GX-0004, CFDA No.16.575), from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division in the amount of \$73,212.13 to adequately respond to victims of violent crime with needed aid for the period October 1, 2021 through September 30, 2022; **(2)** establishment of appropriations in an amount not to exceed \$73,212.13 in the DPD Victim Services Grant/19 21-22 Fund; **(3)** receipt and deposit of grant funds in an amount not to exceed \$73,212.13 in the DPD Victim Services Grant/19 21-22 Fund; **(4)** a local match in the amount of \$18,303.03; and **(5)** execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total not to exceed \$91,515.16 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$73,212.13) and General Fund (\$18,303.03) (subject to appropriations)
This item is being revised to edit the Resolution. Please Martin Riojas, Assistant Director, Police Department, at 214-671-3927, for more information.

Deletions:

58. 21-2004 Authorize a one-year subrecipient agreement to provide essential needs, and economic and financial stability support services to low-to-moderate income residents impacted by the COVID-19 pandemic for the Office of Community Care - CitySquare in the amount of \$715,363.80, Friendship West Baptist Church, Inc. in the amount of \$458,250.00, Services of Hope Entities, Inc. in the amount of \$246,132.00, and The Chocolate MINT Foundation in the amount of \$100,000.00, most advantageous proposer of seven - Total not to exceed \$1,519,745.80 - Financing: 2020 CARES Act Relief CDBG #3 Fund (subject to annual appropriations)
This item is being deleted due to ongoing contract discussions. Please contact Chhunny Chhean, Director, Office of Procurement Services, at 214-670-3519, for more information.

Z10. 21-2254 A public hearing to receive comments regarding an application for and an ordinance granting the creation of a subdistrict within Conservation District No. 11, the M Streets East Conservation District, on the east line of Greenville Avenue, south of Marquita Avenue

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Recommendation of Staff and CPC: Approval, subject to Exhibits A through D, and conditions
Z201-213(CT)

This item is being deleted at the request of the applicant and will return on a later agenda date. Please contact Andreea Udrea, Interim Assistant Director, Department of Planning and Urban Design, at 214-288-9343, for more information.

- PH8. 21-2199 A public hearing to receive comments on Substantial Amendment No. 2 to the FY 2021-22 Action Plan to accept HOME Investment Partnerships Program (“HOME”) American Rescue Plan Act (“ARPA”) Grant Funds from the U.S. Department of Housing and Urban Development (“HUD”) for the Homelessness Assistance and Supportive Services (“HASS”) Program in the amount of \$21,376,123.00; and at the end of the public hearing, authorize final adoption of Substantial Amendment No. 2 to the FY 2021-22 Action Plan - Financing: U.S. Department of Housing and Urban Development HOME American Rescue Plan Act Grant Funds
This item is being deleted due to the proposed allocations changing; the Department is required per the U.S. Department of Housing and Urban Development (HUD) guidelines to re-post the changes for a period of 30 days prior to public comment. Please contact Christine Crossley, Director, Office of Homeless Solutions, at 214-671-1291, for more information.

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.

17. 21-2091 Authorize **(1)** a release of lien for property owners of single-family homes who received loans from the City prior to December 31, 2006, after ensuring that the release complies with guidance from the U.S. Department of Housing and Urban Development (“HUD”); and **(2)** the reduction of all affordability periods for program loans established by the Department of Housing & Neighborhood Revitalization between December 31, 2006 through May 9, 2018 to align with HUD regulations, and the conversion of all loans to forgivable grants - Financing: No cost consideration to the City
[City Council was briefed by memorandum regarding this matter on October 22, 2021.](#)
18. 21-2223 Authorize an amendment to the conditional grant agreement with St. Jude, Inc. for the rehabilitation of 180 permanent supportive housing units to modify the income restrictions at or below 30% Area Median Income (AMI) at or below 50% AMI for 60% of the units and at or below 80% AMI for 40% of the units at the St. Jude Center - Park Central, a permanent supportive housing development located 8102 Lyndon B. Johnson Freeway, Dallas, Texas 75251 - Financing: No cost consideration to the City
[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on October 25, 2021.](#)

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37. 21-2081 Authorize **(1)** the dedication of \$475,000.00 in Oak Cliff Gateway TIF District funds from the available District-Wide Set-Aside to support the Operation and Maintenance (O&M) of the Dallas Streetcar for Fiscal Year (FY) 2022; **(2)** the transfer of funds in the amount of \$475,000.00 from the Oak Cliff Gateway TIF District Fund (subject to current and future appropriations from tax increments) to the Dallas Streetcar System Fund; **(3)** the transfer of funds from the General Fund to the Dallas Streetcar System Fund, in an amount not exceed \$1,000,000.00; **(4)** an increase in appropriations in an amount not to exceed \$1,475,000.00 in the Dallas Streetcar System Fund; and **(5)** payment to Dallas Area Rapid Transit for O&M costs for the Dallas Streetcar System from Union Station to Bishop Arts District for FY 2022 - Not to exceed \$1,775,000.00 - Financing: General Fund (\$1,000,000.00), Oak Cliff Gateway TIF District Fund (\$475,000.00), and Streetcar Developer Fund (\$300,000.00)
[City Council was briefed by memorandum regarding this matter on December 3, 2021.](#)
45. 21-2263 An ordinance amending Chapter 2, "Administration" of the Dallas City Code, Article XXI-a, to: **(1)** create a commission on disabilities; **(2)** provide the functions, terms, and meetings of the commission on disabilities; **(3)** provide definitions; **(4)** provide the duties and responsibilities of the commission on disabilities; **(5)** provide a saving clause; **(6)** provide a severability clause; and **(7)** provide an effective date - Financing: No cost consideration to the City
[The Workforce, Education, and Equity Committee was briefed by memorandum on "Consider an Amendment to the Dallas City Code to Create a Commission on Disabilities" on November 8, 2021.](#)
72. 21-2167 Authorize acquisition from Barbara Ann Ondrusek Wolfe and Timpy Kay Ondrusek; Independent Executrix of The Estate of Joseph C. Ondrusek of an unimproved tract of land containing approximately 514,906 square feet, located on East 11th Street at its intersection with Cedar Crest Boulevard for the Dallas Floodway Extension Project - Not to exceed \$502,034.00 (\$497,034.00, plus closing costs and title expenses not to exceed \$5,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)
[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the U.S. Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL-115-123\) on April 19, 2019.](#)
73. 21-2166 Authorize acquisition from Columbia Packing of Texas, Ltd. of an unimproved tract of land containing approximately 498,075 square feet, located on East 11th Street near its intersection with Cedar Crest Boulevard for the Dallas Floodway Extension Project - Not to exceed \$410,303.00 (\$405,303.00, plus closing costs and title expenses not to exceed \$5,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

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[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the US Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)

74. 21-2142 Authorize acquisition from Dallas H.B.M. III, L.L.C. of a tract of land containing approximately 263,495 square feet, improved with an automotive salvage yard and associated site improvements, located on E. Kiest Boulevard at its intersection with Rector Street for the Dallas Floodway Extension Project - Not to exceed \$967,374.00 (\$959,374.00, plus closing costs and title expenses not to exceed \$8,000.00) - Financing: Trinity River Corridor Project Fund (1998 General Obligation Bond Fund) (\$800,000.00) and Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds) (\$167,374.00)
[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the US Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)
75. 21-2143 Authorize acquisition from Marco Sorto of two tracts of land containing approximately 10,579 square feet, improved with a single-family residence, located on Alex Street near its intersection with Childers Street for the Dallas Floodway Extension Project - Not to exceed \$74,040.00 (\$71,040.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)
[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the US Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)
76. 21-2015 Authorize acquisition from Theatrical Warehouse, Inc. two unimproved tracts of land containing approximately 11,975 square feet located on Alex Street near their intersections with Childers Street for the Dallas Floodway Extension Project - Not to exceed \$50,900.00 (\$47,900.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)
[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the US Army Corps of Engineers Supplemental Bi- Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)
77. 21-2007 Authorize acquisition from Theatrical Warehouse, Inc. three tracts of land improved with a cell tower containing approximately 35,770 square feet located on McGowan and Alex Streets near their intersections with Childers Street for the Dallas Floodway Extension Project - Not to exceed \$119,224.00 (\$116,224.00, plus closing costs and title expenses not to exceed \$3,000.00)

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- Financing: Flood Protection and Storm Drainage Facilities Fund (2006 General Obligation Bond Funds)

[The Mobility Solutions, Infrastructure and Sustainability Committee was briefed by memorandum regarding the projects and requirements related to the US Army Corps of Engineers Supplemental Bi-Partisan Budget Act of 2018 \(PL 115-123\) on April 22, 2019.](#)

92. 21-2371 Authorize the **(1)** acceptance of a grant from the Texas Department of Criminal Justice (TDCJ) (Contract No. 696-TC-22-23-L026) in the amount of \$1,000,000.00 (\$500,000.00 for FY 2021-2022 and \$500,000.00 for FY 2022-2023) for re-entry services to individuals being released from TDCJ who are returning to the City of Dallas area to be provided from December 8, 2021 through August 31, 2023; **(2)** establishment of appropriations in an amount not to exceed \$1,000,000.00 in the TDCJ Re-Entry Services Grant Program Fund FY21-23; **(3)** receipt and deposit of grant funds from TDCJ in an amount not to exceed \$1,000,000.00 in the TDCJ Re-Entry Services Grant Program Fund FY21-23; and **(4)** execution of the Interlocal Agreement with TDCJ and all terms, conditions, and documents required by the agreement - Not to exceed \$1,000,000.00 - Financing: Texas Department of Criminal Justice Grant Funds

[City Council was briefed by memorandum regarding this matter on December 3, 2021.](#)

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



T.C. Broadnax
City Manager

c: Chris Caso, City Attorney
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **December 8, 2021 City Council Agenda Item #71- Five-year Professional Services Contract for Professional Engineering**

In our commitment to the spirit of **One Dallas**, the City has been working diligently towards identifying and executing strategies across multiple departments to share knowledge and address opportunities in expediting public and private development. This initiative aligns with the City Manager's Top 2021 Goals within the Economic Development Strategies to procure a third-party plan review service to enhance review of certain permits. As part of these efforts, the departments of Development Services, Dallas Water Utilities, Public Works, and Transportation collectively solicited third-party professional services to provide expedited delivery of permits and critical infrastructure improvements.

This requested action authorizes a five-year professional services contract for professional engineering, subsurface utilities engineering and survey services related to private development and public improvement projects. This contract does not encumber any funds and provides flexibility to all participating departments to outsource plan reviews, perform due diligence for complex private and public infrastructure improvements, properly locate and delineate right of way, and initiate and permit public health and safety infrastructure such as fire alarms, traffic signals, drainage, water, and wastewater.

This contract requires that all reviewers:

- Be licensed by the appropriate state and federal oversight board (i.e. National Transit Safety Board, Certified Floodplain Manager, Professional Engineer).
- Have access to and are able to proficiently utilize the electronic plan submittal portal for communication and documentation with the submitter.
- Have a thorough understanding of and can effectively communicate the Dallas Development and Building Codes.
- Provide, on average, 7-10 day review comments to the submitter for each submittal which reduces current review comments by approximately 40%.
- Provide limited professional training to City staff to enhance performance through knowledge and work processes.

While other opportunities to address more expedient work processes are underway, this contract provides an avenue to work with our development community to leverage public and private infrastructure in a way that increases our overall quality of life and economic prosperity. The Departments will continue to work collaboratively with internal and external stakeholders to identify further opportunities to continue improvements within public and private development. We look forward to utilizing this contract, subject to approval, and are confident that this tool includes opportunities to mitigate risks

DATE December 3, 2021

SUBJECT **December 8, 2021 City Council Agenda Item #71- Five-year Professional Services Contract for Professional Engineering**

associated with construction which greatly helps in improving safety and reduces city's exposure to projects delay liability.

Please contact my office if you have any questions.



Majed Al-Ghafry, P.E.
Assistant City Manager



Dr. Eric A. Johnson
Chief of Economic Development and Neighborhood Services

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
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Directors and Assistant Directors

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **December 8, 2021, Upcoming Public Safety City Council Agenda Items**

Each month the Public Safety Committee is briefed by memorandum of the upcoming Public Safety items scheduled for City Council consideration. Due to the December 8, 2021 City Council agenda being considered before the December 13, 2021 Public Safety Committee meeting, the following Public Safety agenda items are being provided for your awareness.

[Agenda Item #7; 21-2308](#)

An ordinance (1) appointing six associate (part-time) municipal judges to preside over the City of Dallas Municipal Court of Record for a term ending May 31, 2022; and (2) establishing the salary for municipal judges and administrative judge - Not to exceed \$183,083.00 annually - Financing: General Fund

[Agenda Item #14; 21-2139](#)

An ordinance amending Chapter 27, "Minimum Property Standards," of the Dallas City Code by amending Article VIII; (1) providing regulations for habitual nuisance properties; (2) providing a penalty not to exceed \$500.00; (3) providing a saving clause; (4) providing a severability clause; and (5) providing an effective date - Financing: No cost consideration to the City

[Agenda Item #15; 21-2141](#)

An ordinance amending Chapter 27, "Minimum Property Standards," of the Dallas City Code by amending Sections 27-30, 27-31, 27-32, 27-38 and 27-42; (1) providing clarification for the certification of inspection; (2) providing a modified number of units required for a fulltime property manager; (3) providing clarifying language on defense to prosecution; (4) providing updated fees; (5) providing criteria for initial and continued self-certification; (6) providing criteria for required training; (7) providing a penalty not to exceed \$2,000.00; (8) providing a saving clause; (9) providing a severability clause; and (10) providing an effective date - Financing: No cost consideration to the City

[Agenda Item #30; 21-2057](#)

Authorize an Option to Renew letter to an existing lease agreement with Sealy Executive Center, L.L.C. to exercise a one-time renewal option to extend the lease agreement for an additional five- years for approximately 12.7395 acres of land improved with a vehicle obstacle driving course, and a 31,050 square foot building with classroom, office and warehouse space located at 5310 Red Bird Center Drive, and for approximately 27,051 square feet of classroom and office space located at 5610 Red Bird Center Drive, to be used by the Police Training and Education Division for the period August 1, 2022 through

DATE December 3, 2021
SUBJECT **December 8, 2021, Upcoming Public Safety City Council Agenda Items**

July 31, 2027 - Not to exceed \$5,587,310.74 - Financing: General Fund (subject to annual appropriations)

Agenda Item #43; 21-2225

Authorize the **(1)** acceptance of a grant from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency passed through the Texas Office of the Governor- Homeland Security Grants Division for the FY 2021 Homeland Security Grant Program, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program (Federal/State Award ID No. EMW-2021-SS-00062/Grant Nos. 2980307 3418205, 2979905, 2980505, 3698804, 3176406, 4354601, 3929603, 2980707, and 4247701, CFDA No. 97.067) to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to terrorist attacks in the amount of \$6,588,275.00 for the period September 1, 2021 through February 28, 2024; **(2)** establishment of appropriations in an amount not to exceed \$6,547,275.00 in the 2021 Homeland Security - Urban Area Security Initiative 21-23 Fund and in an amount not to exceed \$41,000.00 in the DHS-2021 State Homeland Security Grant 21-22 Fund; **(3)** receipt and deposit of grant funds in an amount not to exceed \$6,547,275.00 in the 2021 Homeland Security - Urban Area Security Initiative 21-23 Fund and in an amount not to exceed \$41,000.00 in the DHS-2021 State Homeland Security Grant 21-22 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed \$6,588,275.00 - Financing: U.S. Department of Homeland Security Grant Funds

Agenda Item #64; 21-2045

Authorize (1) an Interlocal Agreement with the University of Texas at Dallas funded through a grant from the Trafficking Prevention Needs Assessment Grant Program (Grant/Contract No. TBD) in the amount of \$125,000.00 to provide cost reimbursement to the University of Texas at Dallas to use its facilities and reasonable efforts to conduct the Sex Trafficking Needs Assessment; (2) disburse appropriations in the amount of \$125,000.00 from the Texas Health and Human Services Commission Grant Funds; and (3) execution of the agreement and all terms, conditions, and documents required by the agreement - Not to exceed \$125,000.00 - Financing: Texas Health and Human Services Commission Grant Funds

Agenda Item #65; 21-2116

Authorize the (1) application for and acceptance of the Project Safe Neighborhoods Program Grant (Federal/State Award ID. No. 2020-GP-BX-0056, CFDA No. 16.609) in the amount of \$104,041.58 from the U.S. Department of Justice passed through the Texas Office of the Governor - Criminal Justice Division for the purpose of addressing gangs and gun activity to create and foster safer neighborhoods for the period October 1, 2021 through September 30, 2022; (2) establishment of appropriations in an amount not to exceed \$104,041.58, in the FY22 Project Safe Neighborhoods Program Fund; (3) receipt and deposit of funds in an amount not to exceed \$104,041.58 in the FY22 Project Safe Neighborhoods Program Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the agreement - Not to exceed \$104,041.58 - Financing: U.S. Department of Justice Grant Funds

DATE December 3, 2021

SUBJECT **December 8, 2021, Upcoming Public Safety City Council Agenda Items**

[Agenda Item #66; 21-2040](#)

Authorize the (1) application for and acceptance of the Rifle Resistant Body Armor Grant (Grant No. 4238401) from the Office of the Governor, Criminal Justice Division in the amount of \$937,060.75 to provide for the purchase of rifle resistant body armor for the Dallas Police Department for the period September 1, 2021 to August 31, 2022; (2) establishment of appropriations in an amount not to exceed \$937,060.75 in the CJD-Rifle-Resistant Body Armor Grant Program 2022 Fund; (3) receipt and deposit of grant funds in an amount not to exceed \$937,060.75 in the CJD-Rifle-Resistant Body Armor Grant Program 2022 Fund; and (4) execution of the grant and all terms, conditions, and documents required by the agreement - Not to exceed \$937,060.75 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

[Agenda Item #67; 21-2043](#)

Authorize the (1) application for and acceptance of the Sexual Assault Evidence Testing (Grant No. 4293301) from the Office of the Governor, Criminal Justice Division in the amount of \$274,100.00 to provide payment of the costs associated with the forensic analysis of physical evidence in relation to sexual assaults kits for the period September 1, 2021 through August 31, 2022; (2) establishment of appropriations in an amount not to exceed \$274,100.00 in the Sexual Assault Evidence Testing Grant FY22 Fund; (3) receipt and deposit of grant funds in an amount not to exceed \$274,100.00 in the State Sexual Assault Evidence Testing Grant FY22 Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the grant agreement with the Office of the Governor, Criminal Justice Division - Not to exceed \$274,100.00 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

[Agenda Item #68; 21-2042](#)

Authorize the (1) application for and acceptance of the State of Texas Internet Crimes Against Children Grant (Grant No. 2745108) from the Office of the Governor, Criminal Justice Division in the amount of \$403,138.57 to provide for one-year funding for the salaries and fringe benefits of two detectives and one police research specialist, to fund training, direct operating expenses and use of overtime to address the growing problem of technology-facilitated child abuse and exploitation for the period September 1, 2021 through August 31, 2022; (2) establishment of appropriations in an amount not to exceed \$403,138.57 in the State Internet Crimes Against Children Grant FY22 Fund; (3) receipt and deposit of grant funds in an amount not to exceed \$403,138.57 in the State Internet Crimes Against Children Grant FY22 Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the grant agreement with the Office of the Governor, Criminal Justice Division.

[Agenda Item #69; 21-2041](#)

Authorize the (1) application for and acceptance of the Dallas Police Department Victim Services/19 Grant (Grant No. 1578119, Federal/State Award ID No. 2020-V2-GX-0004, CFDA No.16.575), from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division in the amount of \$73,212.13 to adequately respond to victims of violent crime with needed aid for the period October 1, 2021 through September 30, 2022; (2) establishment of appropriations in an amount not to exceed

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SUBJECT **December 8, 2021, Upcoming Public Safety City Council Agenda Items**

\$73,212.13 in the DPD Victim Services Grant/19 21-22 Fund; **(3)** receipt and deposit of grant funds in an amount not to exceed \$73,212.13 in the DPD Victim Services Grant/19 21-22 Fund; **(4)** a local match in the amount of \$18,303.03; and **(5)** execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total not to exceed \$91,515.16 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$73,212.13) and General Fund (\$18,303.03) (subject to appropriations)

Should you have any questions regarding these items, please contact me at (214) 502-9084



Jon Fortune
Assistant City Manager

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
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Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity, and Inclusion
Directors and Assistant Directors

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and City Council

SUBJECT **Amendment to Conditional Grant Agreement – St Jude, Inc.**

This memorandum is to provide the Department of Housing & Neighborhood Revitalization's response to questions from the Housing and Homelessness Solutions Committee (HHSC) regarding a proposed amendment to the conditional grant agreement with St. Jude, Inc. to modify the income restrictions of the St. Jude Center – Park Central, a permanent supportive housing development located at 8102 LBJ Freeway, Dallas, Texas 75251 (Project). The HHSC specifically questioned 1) why the income restrictions need to be increased and 2) if the development was economically feasible with lower income restrictions. The conditional grant agreement currently requires that all 180 units be reserved for residents earning at or below 30% Area Median Income (AMI). The resolution authorizing an amendment to the conditional grant agreement increases the affordability mix to 60% of the units for residents earning at or below 50% AMI and 40% of the units for residents earning at or below 80% AMI.

There are several reasons why the Project's income restrictions need to be increased. First and foremost, the Project was never intended to serve only residents earning at or below 30% AMI. On November 11, 2020, City Council authorized an interlocal agreement with Dallas County for the Project by Resolution 20-1789 that required 60% of the units be reserved for residents earning at or below 50% AMI and 40% of the units for residents earning at or below 80% AMI. The executed interlocal agreement for the Project between Dallas County and St. Jude, Inc. includes these rent restrictions. St. Jude Inc.'s subsequent Notice of Funding Availability (NOFA) application and the required third-party underwriting of the Project contemplated reserving 60% of the units for residents earning at or below 50% AMI and 40% of the units for residents earning at or below 80% AMI. The 30% AMI restrictions in the resolution authorizing the NOFA award was an error and the proposed amendment to the conditional grant agreement will bring the affordability mix in line with Resolution 20-1789, the interlocal agreement, NOFA application, and underwriting report.

St. Jude, Inc.'s experience in similar projects such as their St. Jude Center – Forest Lane property shows that it takes their previously homeless clients one to three years to stabilize and function independently without supportive services. During this time frame, many residents gain employment as part of the stabilization process. However, requiring all units be reserved for residents earning at or below 30% AMI means that any resident must make less than \$8.90 per hour (\$18,690 annually). As residents stabilize, gain employment and increase their income, it is likely that they would be evicted from the property before they are ready to find their own housing.

DATE December 3, 2021

SUBJECT **Amendment to Conditional Grant Agreement – St Jude, Inc.**

Based on St. Jude, Inc.'s experience, it is unlikely that these residents will find suitable replacement housing that will accept these residents due to:

- Backgrounds
- Criminal records
- Voucher acceptance
- Overall lack of affordable housing

Even at 50% AMI (\$14.97/hour or \$31,150/year) and 60% AMI (\$17.97/hour or \$37,380/year), St. Jude, Inc. has found that their previously homeless residents may still require supportive services and an eviction could destabilize and re-traumatize their clients causing them to once again experience homelessness.

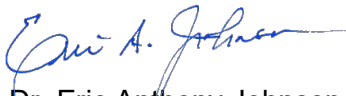
In addition, St. Jude, Inc. has found that setting income restrictions too low creates a negative incentive for residents to accept better paying jobs. Residents may be reluctant to accept employment or a pay increase that would push them over \$14.97/hour or \$17.97/hour since this would cause them to lose their home.

With regards to the economic feasibility of the Project, restricting all residents to rents at or below 30% AMI is not economically feasible. It was also apparent in reviewing with the underwriter that a diversity of incomes and allowing residents earning up to 80% AMI not only stabilizes formerly homeless residents, but also the financials of the Project. Financial margins in the affordable housing sector are extremely thin and it is recommended the Project serve residents earning up to 80% AMI to provide for a diversity of incomes and residents at the property.

Staff Recommendation

Staff recommends City Council approval of the item as recommended to the Housing & Homelessness Solutions Committee. The amendment will allow the Project to serve a broader population of persons experiencing homelessness in need of permanent supportive housing.

Should you have any questions or require any additional information, please contact me or David Noguera, Director, Department of Housing & Neighborhood Revitalization at David.Noguera@DallasCityHall.com or 214-670-3619.



Dr. Eric Anthony Johnson
Chief of Economic Development & Neighborhood Services

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
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Directors and Assistant Directors

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Taking Care of Business – December 2, 2021**

New Updates

[Encampment Resolution \(Cleaning\) Schedule November 29th-December 10th, 2021](#)

OHS Street Outreach team kicked off the Dallas R.E.A.L. Time Rapid Rehousing (DRTRR) Initiative on October 1st, using 311 data and sites identified in the field to develop and implement the outreach and resolution via housing approach briefed to City Council on August 4th.

Closing its first encampment through housing on Friday October 29, 2021. The DRTRR team of homeless service providers, co-led by OHS and MDHA, is currently targeting several additional encampments, which will result in closure through the housing of those unsheltered individuals before the end of the year. The team will outreach to these sites and meet with various persons experiencing homelessness to assess their needs in preparation for site closure via housing. During this time, the OHS Street Outreach Team will continue to engage with unsheltered residents through normal street outreach, connecting people with the needed resources, such as: getting IDs, working with Community Courts on expunging eligible tickets and offenses from their records, identifying medical needs, and getting them access to the Coordinated Access System (CAS).

Please see the attached schedule for homeless encampment cleaning the weeks of November 29th – December 3rd and December 6th – 10th. Please note that these will be for debris removal and outreach only.

OHS continues to urge people who see an encampment to report via 311 or 311's OurDallas smartphone app to ensure strategic alignment with comprehensive OHS outreach. The DRTRR Dashboard through MDHA, was presented to the Citizens Homelessness Commission and the Dallas Area Partnership Board in November and will go live on December 10th. The OHS Service Request dashboard can be utilized to track the progress of encampment resolution efforts. Please visit the [dashboard](#) and feel free sharing this tool with residents.

OHS has partnered with area providers to implement Temporary Inclement Weather Shelters in accordance with [Chapter 45](#) of the Dallas City Code. Businesses and non-profits are encouraged to apply for permits. Approved applicants will be supported by the greater working group, which includes OHS and area shelter operators. All interested applicants are encouraged to reach out via email to TWIS@dallascityhall.com. Applications may be found [here](#).

DATE December 3, 2021
SUBJECT **Taking Care of Business – December 2, 2021**

Should you have questions or concerns, please contact Christine Crossley Director of the Office of Homeless Solutions.

City Managers Corner – Employee of the Week

This week's employee of the week goes out to one of my own, Samantha Borrego. Ms. Borrego is currently the secretary to Assistant City Manager Joey Zapata and Chief of Economic Development and Neighborhood Services Dr. Eric A. Johnson. Samantha's proactive attitude and strong work ethic make her an asset to our office. Outside of her daily duties, Ms. Borrego has been the interim agenda specialist for the Parks Department. She also is responsible for many office projects and communications that are sent through our office. Her favorite quote is "aspire to inspire before you expire." – Eugene Bell Jr. Keep up the great work Sam!



City of Dallas Diversity Dashboard

In November 2021, the Human Resources department launched the NEW Diversity Dashboard.

As One Dallas, we are committed to promoting a culture of acceptance, appreciation, and inclusion to create a diverse workforce at the City of Dallas. In the spirit of transparency and inclusion, last week our Human Resources department proudly introduced a new tool for seeing "Diversity at Work" at the City of Dallas. The [Diversity Dashboard](#) is located on [the Human Resources page of dallascityhall.com](#). It allows current and future employees, residents, and others interested in the City of Dallas to experience a dynamic visualization of employee diversity based on several demographics including Race and Ethnicity, Generation, Years of Service, and more.

To uphold the City's Core Values of Ethics, Empathy, Excellence and Equity, transparency is key to our Service First culture. I invite you to [visit the HR homepage](#) to [view the Diversity Dashboard](#) and see Diversity at Work at the City of Dallas. For more information, please contact dallasdiversity@dallascityhall.com.

DART Bus Network Redesign Communication Plan

As previously communicated, DART's redesigned bus network will take effect on January 24, 2022. DART is using a number of tools and strategies to communicate with residents in all service areas regarding the upcoming changes and has coordinated with City staff to host two upcoming Facebook Live events on December 2, 2021 and December 7, 2021. These Facebook Live events will provide an opportunity to share information on changes to fixed route service and on-demand GoLink service. The Communications, Outreach, and Marketing Department and the Mayor & City Council Office are coordinating to share the Facebook Live events on City Councilmember Facebook pages

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and through the City's channels. If you have any questions please contact Kate Bower, Business Operations Manager for the Department of Transportation, at katlin.bower@dallascityhall.com.

Rescheduled: Convention and Event Services Deck the Plaza 2021

The City of Dallas will host the 4th Annual Deck the Plaza on today--Thursday, December 2nd. The event will begin at 5:30 PM with the official tree lighting by Mayor Johnson and continue until 8:30 PM. Like last year, Deck the Plaza will be a public holiday drive-thru event at City Hall Plaza. The proposed route will begin eastbound along Young Street at Griffin Street and turn south on Browder Street, adjacent to the Plaza. The caravan will enter City Hall Plaza on Marilla Street and proceed through holiday entertainment, socially distanced waves of good cheer from volunteer city staff and elected officials, a festival of decorations, and end with a view of 35-foot holiday tree. As they caravan in their vehicles, attendees will be treated to holiday music and recorded messages from elected officials on Classical 101.1 WRR-FM.



Public health protocols will be in place. Walk-ups will not be allowed, and all attendees will be required to remain in their vehicles at all times. If you have additional questions, please contact Rosa Fleming, Director of Convention and Event Services.

Redistricting

The Redistricting Commission met on Monday, November 22, 2021. They approved and adopted redistricting guidelines. They also approved a redistricting town hall schedule that consists of 8 town hall meetings with the first and last being at City Hall, allowing for both virtual and in-person participation and will feature ASL interpreters, in compliance with the Americans with Disabilities Act. The other town halls will be held at various recreation centers but will only allow for in-person participation. A complete list of town hall dates, times and locations along with collateral promoting the meetings were sent to you and your staff yesterday. As always you can find a complete list of meetings at <https://dallasredistricting.com/meetings/>

Yesterday, the Office of Communications, Outreach and Marketing distributed a press release promoting the town halls and will publicize them via social media, blog posts, text alerts and PSAs. You too can join us in promoting the process by creating your very own PSA and sharing via social media. You can also send your recorded PSA to

DATE December 3, 2021
SUBJECT **Taking Care of Business – December 2, 2021**

Redistricting@DallasCityHall.com and we'll work with COM to share it on the City's social media channels. Below you will find a suggested script, in English and Spanish:

English

How do you want to be represented for the next 10 years?
Join the City of Dallas in drawing a map for new Council districts.
Find out how by attending a redistricting commission meeting,
by submitting your own map at DallasRedistricting.com,
or by calling 214.671.5197 to share your views.

Español

¿Cómo quieres estar representado en los próximos 10 años?
La Ciudad de Dallas te invita a ayudarnos a dibujar el nuevo mapa de los Distritos del Concejo.

Para ello, asiste a una reunión de la comisión de redistribución de distritos, presenta tu propio mapa en DallasRedistricting.com, o llama al 214.671.5197 para compartir tus opiniones.

Below you also will find sample social media posts, along with graphics in English and Spanish:

- How do you want to be represented for the next 10 years? Learn more at DallasRedistricting.com. #DallasRedistricting
- ¿Cómo quieres que te representen en los próximos 10 años? Encuentra más información en DallasRedistricting.com. #RedistribuciónDallas
- Join the City of Dallas in drawing a map for new Council districts. Find out how by attending a redistricting commission meeting, by submitting your own map at DallasRedistricting.com. #DallasRedistricting
- Traza el mapa de los nuevos distritos del Concejo junto con la Ciudad de Dallas. Descubre cómo presentar tu propio mapa asistiendo a una reunión de la comisión de redistribución distrital y envía tu versión visitando DallasRedistricting.com. #RedistribuciónDallas

Redistricting Social Media Graphics (English)

- 2021 Redistricting Graphic (1080 x 1080)
- 2021 Redistricting Graphic (1920 x 1080)
- 2021 - 2022 Redistricting Town Hall Dates Flyer

Redistricting Social Media Graphics (Spanish)

- 2021 Redistricting Graphic (1080 x 1080)
- 2021 Redistricting Graphic (1920 x 1080)
- 2021 - 2022 Redistricting Town Hall Dates Flyer

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SUBJECT **Taking Care of Business – December 2, 2021**

As always, we'll keep you informed on all redistricting updates. For additional questions please contact Brett Wilkinson, Director for the Office of Government Affairs.

[2022 Dr. Martin Luther King, Jr. Essay Scholarship](#)

The City of Dallas is pleased to announce the 2022 Dr. Martin Luther King, Jr. Essay! The contest will award eight scholarships ranging from \$1,500 to \$5,000 (per award) to graduating high school seniors accepted into a college-level educational institution (two-year college, four-year college, or trade school). The submission deadline is Friday, December 17, 2021, at 5:00 p.m. CST. The attached flier outlines the essay requirements and provides information on submission. If you have any questions, please contact OCC Director Jessica Galleshaw.

[New Procurement Opportunities](#)

The Office of Procurement Services (OPS) is excited to announce the following new contract opportunity. More information can be found on the City's [electronic bid portal](#):

Opportunity No.	Opportunity Name
BPZ22-000186064	Vegetation & Abatement Program
CIZ-DWU-21 319	Lake Highland Town Center Dredging Project, Contract No. 21-319, by Dallas Water Utilities

We are also pleased to share the latest, [Procurement Quarterly](#) listing citywide opportunities for the current quarter (of the fiscal year) and published on the OPS [website](#).

Please be advised that once an opportunity is advertised, it is considered an open procurement until the City Council awards the contract. The Code of Ethics prohibits communication between councilmembers and vendors/ suppliers on open procurements. Should you have any questions, please contact Chhunny Chhean, Director of Procurement Services.

Look Ahead

[City Council Briefings](#)

December 15, 2021

- 2017 Bond Program Status Update
- On-Street Parking and Curb Lane Management Policy
- Vision Zero Action Plan

[Media Inquiries](#)

As of November 29, 2021, the City has received media requests from various news outlets regarding the following topics:

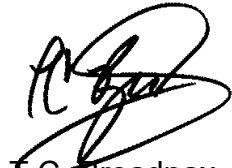
- DFR Encourages Cooking Safety Tips for the Thanksgiving Holiday

DATE December 3, 2021
SUBJECT **Taking Care of Business – December 2, 2021**

- Number of Accident Responses Spike During Thanksgiving Holiday

The City has received other media requests from various news outlets at the following links: [Communications, Outreach and Marketing](#) or [Dallas Fire Rescue](#).

Should you have any questions or concerns, please contact Kimberly Bizer Tolbert, Chief of Staff.



T.C. Broadnax
City Manager

c: Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
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M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

Encampment Resolution (Cleaning) Schedule November 29th-December 10th, 2021

LOCATION	
November 29th-Dec. 3rd	December 6th-December 10th
4200 S. Polk Street	8901 E RL Thornton Frwy
3108 Fernwood Avenue	LBJ and Coit
5001 E RL Thornton Frwy	Lbj and Josey Lane
Dallas North Tollway and Spring Valley RD	7996 Meadow Road
N Central Expressway at Forest Lane	300 Continental Ave
10411 Allegheny Drive	North Stemmons Frwy and Royal LN

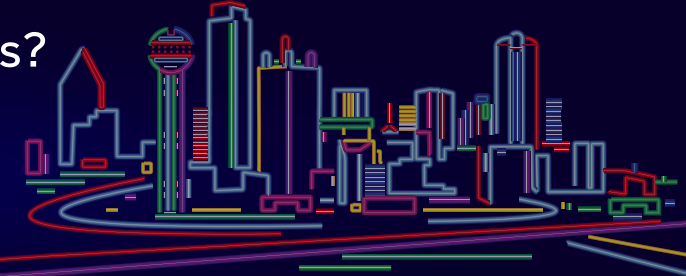


REDISTRIBUCIÓN DISTRITAL DE LA CIUDAD DE DALLAS 2021

POR UNA REPRESENTACIÓN
JUSTA E IGUALITARIA

¿Cómo quieres que te representen en los próximos 10 años?

La Alcaldía de Dallas invita al público general a asistir a una serie de reuniones municipales para ofrecer su opinión sobre el proceso de redistribución de los distritos de la Ciudad, el cual se realiza cada 10 años, una vez publicados los resultados del censo de EE.UU. El proceso de redistribución distrital consiste en volver a trazar los distritos del Concejo de la Ciudad con los cuales se eligen a los concejales.



 FECHA	 HORA	 LUGAR
Sábado, 11 de diciembre de 2021*	3:30 - 6:30 P.M.	Alcaldía de la Ciudad - WebEx* 1500 Marilla, Dallas, TX 75201 (Distrito 2)
Jueves, 16 de diciembre de 2021	6:30 - 9:30 P.M.	Centro Recreativo Beckley Saner 114 Hobson, Dallas, TX 75224 (Distrito 4)
Jueves, 6 de enero de 2022	6:30 - 9:30 P.M.	Centro Recreativo Bachman 2750 Bachman Dr., Dallas, TX 75220 (Distrito 6)
Jueves, 13 de enero de 2022	6:30 - 9:30 P.M.	Centro Recreativo Lake Highlands North 9940 White Rock Trail, Dallas, TX 75238 (Distrito 10)
Sábado, 22 de enero de 2022	3:30 - 6:30 P.M.	Centro Recreativo Pleasant Oaks 8701 Greenmound, Dallas, TX 75237 (Distrito 5)
Jueves, 27 de enero de 2022	6:30 - 9:30 P.M.	Centro Recreativo Exline 2525 Pine St., Dallas, TX 75215 (Distrito 7)
Sábado, 5 de febrero de 2021	3:30 - 6:30 P.M.	Centro Recreativo Timberglen 3810 Timberglen Rd., Dallas, TX 75287 (Distrito 12)
Jueves, 10 de febrero de 2021*	6:30 - 9:30 P.M.	Alcaldía de la Ciudad - WebEx* 1500 Marilla, Dallas, TX 75201 (Distrito 2)

*Las reuniones en la Alcaldía sobre la redistribución distrital podrán ser virtuales o presenciales y contarán con intérpretes de lenguaje de señas (en inglés americano), en cumplimiento con la Ley de Estadounidenses con Discapacidades.

Para más información, visita DallasRedistricting.com o llama al **214-671-5197**.

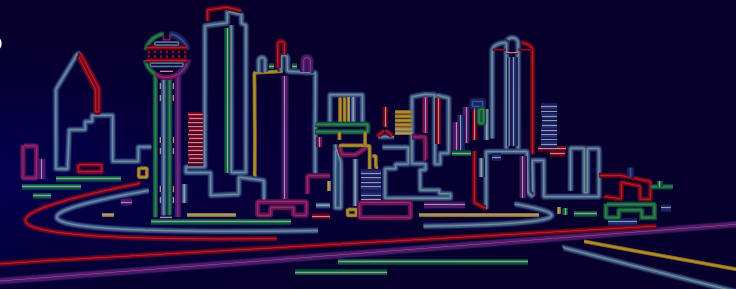




2021 DALLAS CITY REDISTRICTING

FOR FAIR AND EQUAL
REPRESENTATION

How do you want to be represented for the next 10 years?

The City of Dallas invites the public to attend a series of town hall meetings to offer input on the City's redistricting process, which happens every 10 years after the U.S. Census releases its data. The redistricting process is the redrawing of City Council districts from which Council Members are elected.



 DATE	 TIME	 LOCATION
Saturday, December 11, 2021*	3:30 - 6:30 P.M.	City Hall - WebEx * 1500 Marilla, Dallas, TX 75201 (District 2)
Thursday, December 16, 2021	6:30 - 9:30 P.M.	Beckley Saner Recreation Center 114 Hobson, Dallas, TX 75224 (District 4)
Thursday, January 6, 2022	6:30 - 9:30 P.M.	Bachman Recreation Center 2750 Bachman Dr., Dallas, TX 75220 (District 6)
Thursday, January 13, 2022	6:30 - 9:30 P.M.	Lake Highlands North Recreation Center 9940 White Rock Trail, Dallas, TX 75238 (District 10)
Saturday, January 22, 2022	3:30 - 6:30 P.M.	Pleasant Oaks Recreation Center 8701 Greenmound, Dallas, TX 75237 (District 5)
Thursday, January 27, 2022	6:30 - 9:30 P.M.	Exline Recreation Center 2525 Pine St., Dallas, TX 75215 (District 7)
Saturday, February 5, 2022	3:30 - 6:30 P.M.	Timberglen Recreation Center 3810 Timberglen Rd., Dallas, TX 75287 (District 12)
Thursday, February 10, 2022*	6:30 - 9:30 P.M.	City Hall - WebEx * 1500 Marilla, Dallas, TX 75201 (District 2)

* Redistricting town halls at City Hall will be available for virtual and in person participation and will feature ASL interpreters, in compliance with the Americans with Disabilities Act.

Visit DallasRedistricting.com or call **214-671-5197** for more information.

40 YEARS STRONG

A LOOK TOWARD THE FUTURE

DR. MARTIN LUTHER KING

MLK

JR.

2022 Dr. Martin Luther King, Jr.

Scholarship Essay Contest

November 19, 2021- December 17, 2021

The 2022 Dr. Martin Luther King, Jr. Essay Contest is open to High School Seniors attending a City of Dallas High School. These Scholarships are to help defray the cost of tuition, books, room and board, etc. Winners will be required to submit a short video of their scholarship acceptance and will be formally recognized at the Martin Luther King, Jr. Scholarship & Awards Gala on Saturday, January 15, 2022.

Submission Deadline: **Friday, December 17, 2021, at 5:00 p.m.**

[Click here to access the scholarship application.](#)

Prior scholarship winners are ineligible to apply.



City of Dallas



City of Dallas



REDISTRIBUCIÓN DISTRICTAL DE LA CIUDAD DE DALLAS 2021

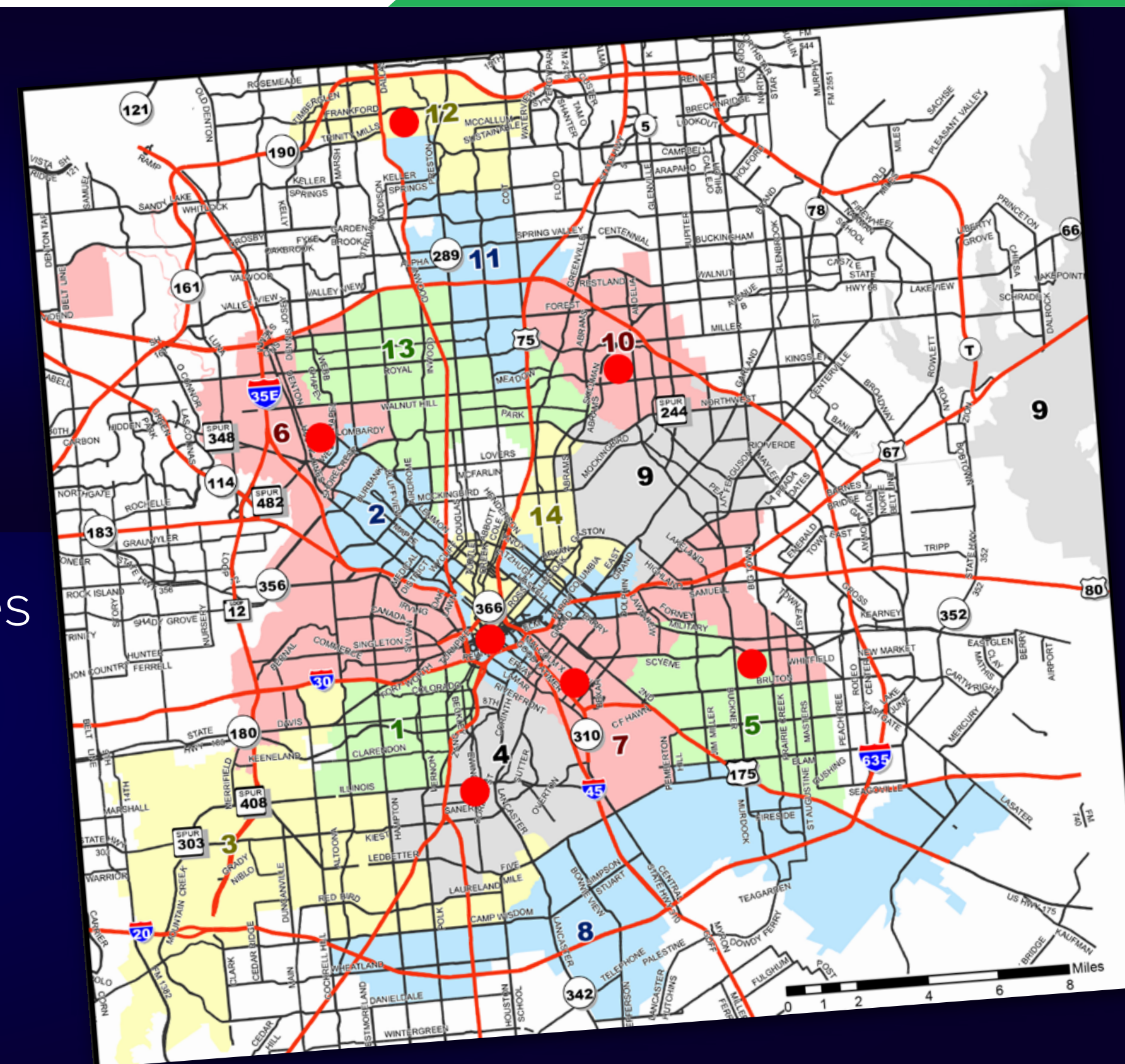
OR UNA REPRESENTACIÓN JUSTA E IGUALITARIA

LAS
REUNIONES
COMIENZAN

SÁBADO 11
DE DICIEMBRE

¿Cómo quieres que te representen en los próximos 10 años?

La Alcaldía de Dallas invita al público general a asistir a una serie de reuniones municipales para ofrecer su opinión sobre el proceso de redistribución de los distritos de la Ciudad, el cual se realiza cada 10 años, una vez publicados los resultados del censo de EE.UU. El proceso de redistribución distrital consiste en volver a trazar los distritos del Concejo de la Ciudad con los cuales se eligen a los concejales.



PARA VER TODAS LAS FECHAS, HORARIOS Y LUGARES DE REUNIONES O MÁS INFORMACIÓN

Visita DallasRedistricting.com o llama al **214-671-5197**



2021 DALLAS CITY REDISTRICTING

FOR FAIR AND EQUAL REPRESENTATION

*How do you want to be represented for the next **10** years?*

The City of Dallas invites the public to attend a series of town hall meetings to offer input on the City's redistricting process, which happens every 10 years after the U.S. Census releases its data. The redistricting process is the redrawing of City Council districts from which Council Members are elected.



TOWN HALL MEETINGS START

SAT DEC

11

TO SEE ALL TOWN HALL DATES, TIMES, LOCATIONS OR FOR MORE INFORMATION

Visit DallasRedistricting.com or call **214-671-5197**



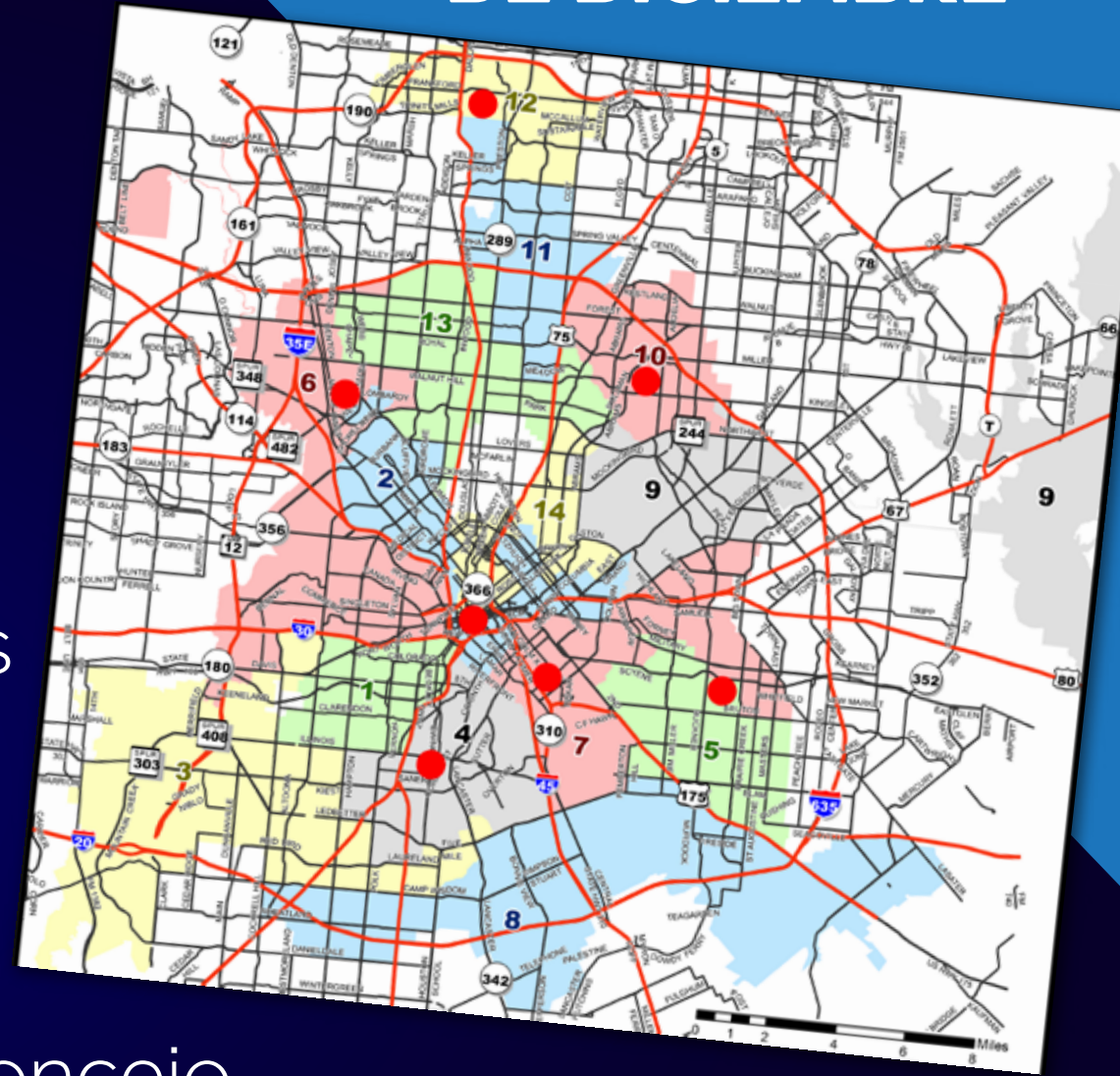
REDISTRIBUCIÓN DISTRITAL DE LA CIUDAD DE DALLAS 2021

POR UNA REPRESENTACIÓN JUSTA E IGUALITARIA

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LAS REUNIONES COMIENZAN
**SÁBADO 11
DE DICIEMBRE**



PARA VER TODAS LAS FECHAS, HORARIOS Y LUGARES DE REUNIONES O MÁS INFORMACIÓN, VISITA:

www.DallasRedistricting.com
o llama al 214-671-5197



2021 DALLAS CITY REDISTRICTING

FOR FAIR AND EQUAL REPRESENTATION

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TO SEE ALL TOWN HALL DATES, TIMES, LOCATIONS OR FOR MORE INFORMATION

www.DallasRedistricting.com
or call 214-671-5197

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Office of Community Care Item #92 – Texas Department of Criminal Justice Acceptance of Funds**

On December 8, 2021, the City Council will consider the following agenda item.

Agenda Item #92: Authorize the (1) acceptance of a grant from the Texas Department of Criminal Justice (TDCJ) (Contract No. 696-TC-22-23-L026) in the amount of \$1,000,000.00 (\$500,000.00 for FY 2021-2022 and \$500,000.00 for FY 2022-2023) for re-entry services to individuals being released from TDCJ who are returning to the City of Dallas area to be provided from December 8, 2021 through August 31, 2023; (2) establishment of appropriations in an amount not to exceed \$1,000,000.00 in the TDCJ Re-Entry Services Grant Program Fund FY21-23; (3) receipt and deposit of grant funds from TDCJ in an amount not to exceed \$1,000,000.00 in the TDCJ Re-Entry Services Grant Program Fund FY21-23; and (4) execution of the Interlocal Agreement with TDCJ and all terms, conditions, and documents required by the agreement - Not to exceed \$1,000,000.00 - Financing: Texas Department of Criminal Justice Grant Funds

This item authorizes the City of Dallas to accept funding from the Texas Department of Criminal Justice (TDCJ) to provide reentry services for residents being released from TDCJ facilities. This funding was appropriated to TDCJ for distribution to the City of Dallas and the City of Houston for this purpose through the 87th Texas State Legislative Session. Dallas and Houston are each allocated \$1,000,000.00 for a two year period.

The Office of Community Care is working in coordination with the Small Business Center to develop a project plan for program administration, in alignment with the requirements and recommendations from TDCJ. Ultimately, funding will support programming that includes in-reach and pre-entry components, coupled with wraparound social services support and job skills training and placement. The departments will provide updates on the project and any future solicitations through the Workforce, Education and Equity Committee.

If you have any questions regarding this item, please contact me or Office of Community Care Director, Jessica Galleshaw.

A handwritten signature in black ink, appearing to read 'Kimberly B. Tolbert'.

Kimberly Bizer Tolbert
Chief of Staff to the City Manager

DATE December 3, 2021

SUBJECT **Upcoming Office of Community Care Item #92 – Texas Department of
Criminal Justice Acceptance of Funds**

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Majed A. Al-Ghafry, Assistant City Manager

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M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item: Establishment of the City of Dallas Economic Development Corporation (EDC)**

During the December 8, 2021 City Council meeting, Councilmembers will consider an agenda item to authorize the (1) establishment of the City of Dallas Economic Development Corporation (the EDC), a non-profit local government corporation to be formed for the purpose of aiding and acting on behalf of the City of Dallas (City); (2) approval of the EDC's Certificate of Formation and Bylaws; (3) approval of the appointment of the EDC's interim Directors, as set out in the Certificate of Formation; (4) approval to file the EDC's Certificate of Formation with the Texas Secretary of State; (5) approval of an interlocal agreement between the City and EDC; (6) Any expenditures incurred by the City before or after this action shall be reimbursed by the American Rescue Plan Act of 2021 (ARPA 2021) funds from the U.S. Treasury Department allocated for the EDC; and (7) Funding allocation will be from ARPA U.S. Treasury Department in an amount not to exceed \$7,000,000.00 over three years. Financing: U.S. Department of Treasury Grant Funds, ARPA 2021.

The Economic Development Corporation was briefed to the Economic Development committee November 1, 2021. Staff and the City Attorney's Office have drafted formation documents for the new legal entity, these documents are attached as exhibits. Once the formation documents are approved by City Council and directors are in place, the entity can begin hiring staff and commencing operation. It is recommended that all this work be complete, and the entity formally launched, by the second quarter of 2022.

Should you have any questions please contact me or Robin Bentley, Director, Office of Economic Development at robin.bentley@dallascityhall.com or at (214) 670-0170.

A handwritten signature in blue ink that reads "Eric A. Johnson".

Dr. Eric A. Johnson,
Chief of Economic Development and Neighborhood Services

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

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Directors and Assistant Directors

APRIL 2021



BRIEFING PAPER ON ESTABLISHING A NEW ECONOMIC DEVELOPMENT ENTITY CITY OF DALLAS

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- RECOMMENDATIONS FOR A NEW ENTITY 4
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TIP STRATEGIES, INC., is a privately held economic development consulting firm with offices in Austin and Seattle. TIP is committed to providing quality solutions for public sector and private sector clients. Established in 1995, the firm's primary focus is economic development strategic planning.

CONTACT
TIP Strategies
2905 San Gabriel Street, Suite 309, Austin, TX 78705
PH: 512-343-9113
www.tipstrategies.com

CONSULTING TEAM
Jeff Marcell, Senior Partner
Alex Cooke, SVP, Consulting Services

INTRODUCTION

BACKGROUND

One of the overarching goals of the draft Economic Development Strategic Action Plan (EDSP) completed in 2019 was the creation of a new, independent organization to lead the City of Dallas's business attraction and marketing, business retention and expansion, and entrepreneurial and small business development efforts. The EDSP argued Dallas needs a new structure outside of City government dedicated to more aggressively promoting Dallas's competitive strengths, assets, and advantages and to generating new investment and jobs in the City, especially in underserved and underdeveloped areas.

After the plan's completion, TIP Strategies was hired by the City of Dallas to facilitate a review of the draft plan and to work with specific stakeholder groups to identify priorities that would inform next steps for implementation. This review included gathering input on the draft plan from Dallas City councilmembers, a community review panel, and a policy advisory committee through interviews, listening sessions, and an online survey. Stakeholders were excited about creating a new economic development entity and saw an important role for a new entity in Dallas's economic development landscape. Indeed, creating a new economic development entity was the highest priority item in the online survey and was frequently mentioned during interviews.

The City of Dallas further engaged TIP Strategies to assist with the implementation of that recommendation. Specifically, the TIP consulting team was charged with benchmarking other regional, state, and national peers to identify potential models that could work in Dallas. These models include legal structure, governance, functions, funding, and staffing. This research informed a formal set of recommendations submitted to the Dallas City Council for consideration, which this briefing document lays out.

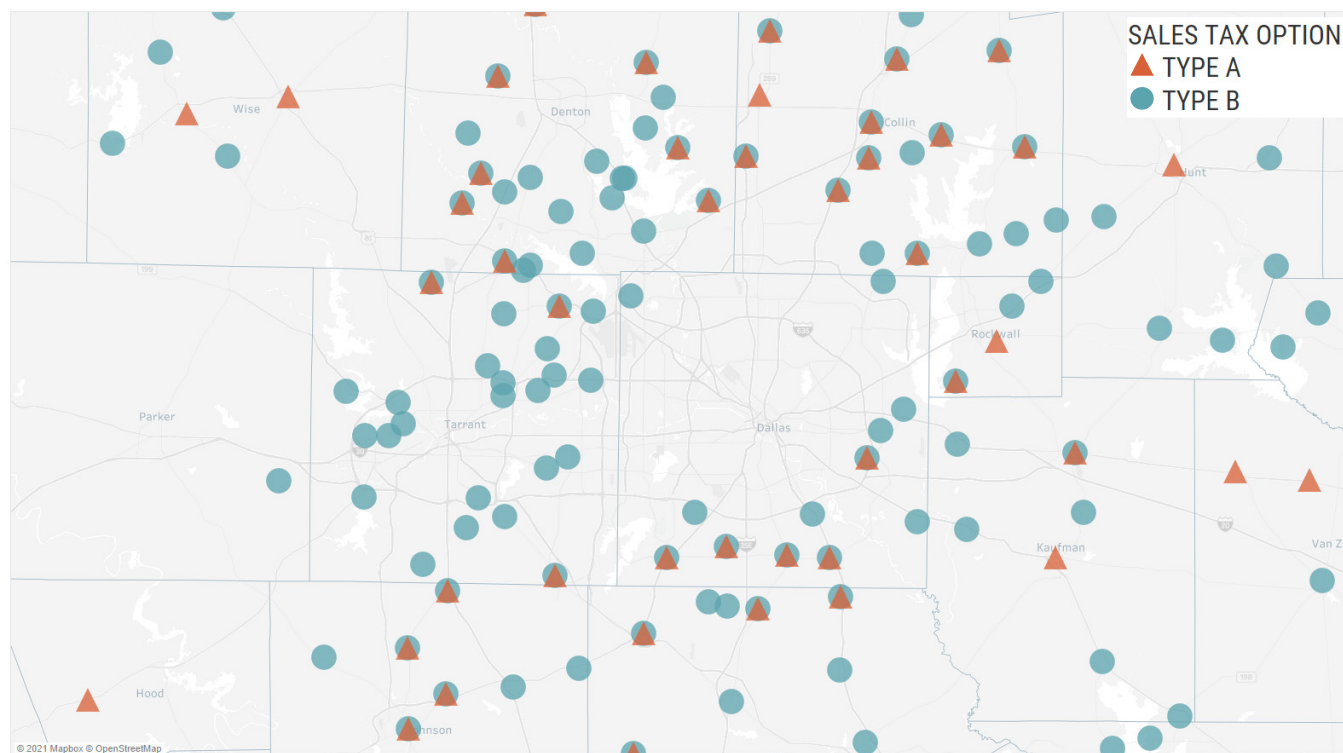
WHY A NEW ENTITY IS NEEDED

The competition for investment, jobs, and talent in the DFW Metroplex and the larger North Texas region is fierce. As shown in Figure 1 below, in North Texas there are dozens of communities that have established Type A or Type B (or both) local option sales tax corporations to lead their economic development efforts. Such sales tax corporations enable many of these communities to offer generous financial incentives in the form of land, buildings, and cash grants. In addition, cities in the Metroplex that do not have economic development sales tax corporations (e.g., Fort Worth, Irving, Arlington, Plano, and Richardson) have well-funded economic development organizations that compete at the highest levels.

The City of Dallas's economic development program is capably led by the Office of Economic Development (OED). The recommendation to form a new economic development entity is not a reflection on the performance of OED. Indeed, OED helped to grow the taxable value of developable properties in southern Dallas by 80 percent from 2015 to 2020. In acknowledgement of the department's professional excellence, OED was recognized this year by the International Economic Development Council as an Accredited Economic Development Organization.

OED is organized around four key functional areas: area development; business development; business and workforce inclusion; and finance, compliance, and administration. Within the business development area, the OED employs two staff members focused on business recruitment and retention, prospect support, business outreach, and related research and analysis. The City does limited marketing and outreach, generally in partnership with the Dallas Regional Chamber or the Texas Economic Development Corporation. While both are first-rate economic development organizations, the DRC is a regional organization that serves the interests of multiple community members in the Dallas region, and TxEDC supports the entire state. City leaders have expressed a desire for Dallas to have an independent economic development organization focused solely on showcasing Dallas's assets and catalyzing new development, especially in southern Dallas.

FIGURE 1. ECONOMIC DEVELOPMENT SALES AND USE TAX ELECTIVES IN NORTH TEXAS, AS OF MARCH 2021



Source: Texas Comptroller of Accounts; TIP Strategies, Inc.

Among the perceived advantages of an independent entity is the ability to insulate economic development activities from day-to-day politics, including the competing—and sometimes divergent—priorities of the City’s 14 individual Council Districts. Forming a separate entity would also help mitigate the impact of leadership changes and create an environment that allows a nimble, market-paced response to investment opportunities. The entity would coordinate closely with the City while remaining outside of the constraints of governmental bureaucracy. Additional advantages of an independent economic development entity include:

- ▶ More speed and efficiency in responding to business development opportunities.
- ▶ The ability to move at the speed of the market for real estate transactions.
- ▶ Greater access to private sector networks, industry knowledge, and resources.
- ▶ Added potential to engage the development community on such issues as social equity, workforce, and housing.
- ▶ More operational flexibility and autonomy on issues of financial planning and budgeting, human resource management, information technology, purchasing, and procurement.

BENCHMARKING

TIP examined cities and organizations at the regional, state, and national levels to identify how Dallas’s peers and competitors are organized and structured to pursue their economic development goals. We looked at 15 cities and categorized each type of entity, geographic focus, governance, staffing levels, funding source, revenue, and primary functions. A matrix containing information for each city/organization is displayed in Appendix A.

Major economic development entities within the DFW Metroplex that TIP benchmarked include a mix of chambers of commerce (Fort Worth, Irving-Las Colinas, and Richardson), Type A and Type B sales tax corporations (Frisco and McKinney), and a city department (Plano). The chamber organizations have contracts with their cities to provide economic development services. At the state level, Houston and San Antonio are served by 501(c)(6) non-profit organizations (Greater Houston Partnership and the San Antonio Economic Development Foundation, respectively) that are funded primarily by memberships. Like Dallas, the City of Austin operates a City economic development department and invests in a regional economic development initiative led by the Austin Chamber. However, in 2020 the City of Austin established a new, independent Austin Economic Development Corporation (AEDC) that will serve as a public real estate developer on behalf of the City. AEDC was formed as a local government corporation (LGC) under Texas law.

At the national level, most large cities structure their economic development programs as a family of entities that serve different purposes and roles. Often there is a large lead agency that operates outside of city government. Such entities include New York City Economic Development Corporation (NYCEDC), the Philadelphia Industrial Development Corporation (PIDC), the Baltimore Development Corporation (BDC), World Business Chicago (WBC), Los Angeles Economic Development Corporation (LAEDC), and Invest Atlanta. All these entities, except for Invest Atlanta, are independent nonprofit organizations with strong governance ties to their city governments, but they also receive private funding. Invest Atlanta is a local government authority that was established by state legislation in Georgia but is currently in the process of seeking non-profit status.

The consulting team conducted a more thorough analysis of Invest Atlanta to identify some of the key reasons for the organization's long track record of success. This included an interview with Invest Atlanta's CEO, Dr. Eloisa Klementich. Below are some key takeaways from the interview with Dr. Klementich. The full case study on Invest Atlanta is provided in Appendix B.

- ▶ Invest Atlanta began with a single focus and steadily added competencies over the decades, which allowed the organization to grow organically and with enough time to fully understand their needs and seamlessly integrate change.
- ▶ The decision to structure Invest Atlanta as an independent government authority has enabled them to recruit top talent, since it is not part of City government.
- ▶ Braiding economic, community, and workforce development under one roof allows funds to be used synergistically and reduces spending on redundant services.
- ▶ Keeping decision making power within Invest Atlanta for development projects ensures follow-through and consistency, independent of changing elected officials.
- ▶ Coordinating efforts like these presents front-loaded challenges, but once they are adopted, it makes the development processes much smoother and quicker in the long run.

The Invest Atlanta case study is included to highlight key traits of a successful and established independent economic development organization. However, the consulting team recommends that Dallas adopt an organizational model closer to AEDC, which has a narrower mission and is focused on functions and capabilities that OED does not currently possess.

RECOMMENDATIONS FOR A NEW ENTITY

STRUCTURE

TIP Strategies recommends the City of Dallas establish a new economic development corporation (EDC) as a local government corporation. As provided for by Chapter 431 Texas Transportation Code, Chapter 394 Texas Local Government Code, and the Texas Nonprofit Corporation Law, Texas cities are allowed to create a LGC to act on behalf of a city to accomplish a governmental purpose. These functions would need to be defined in the documents creating the LGC.

An LGC has the powers granted to a transportation corporation under the Texas Transportation Code and the powers granted to a nonprofit corporation under the Texas Business Organizations Code. Both types of corporations have, among other powers, the power to contract and own property.

TIP also recommends the new entity be established as a non-profit 501(c)(3) primarily due to its capacity to receive charitable donations. This will offer the entity greater flexibility in being able to raise non-public funds.

FUNCTIONS

The EDC's functions should expand over time to allow the organization to grow organically, develop competencies, demonstrate successes, and identify needs. Trying to stand up a new organization while overburdening it with too many missions would be a mistake. Initially, the EDC's primary areas of focus should be on developing a portfolio of competitive properties that could generate new private investment in underserved areas and to aggressively market them to potential investors. Therefore, within the first three years, the EDC's primary functions would be twofold:

- ▶ **BUSINESS DEVELOPMENT:** Lead the City's business retention, expansion, and recruitment efforts and economic development marketing activities.
- ▶ **PUBLIC DEVELOPER:** Serve as a public developer of City-owned properties, as well as conduct land acquisition in support of redevelopment and job growth (especially in historically underdeveloped areas of southern Dallas) to advance real estate projects that the City could not do on its own.

These missions align with two key themes outlined in the Dallas Economic Development Policy:

- ▶ Promote an environment that is conducive to attracting, retaining, and nurturing businesses that support prosperity and equitable access to employment opportunities.
- ▶ Strategically invest in economic growth below I-30, south of the Trinity River, and in historically underserved communities in Dallas.

Over time, the EDC can take on additional responsibilities such as small business development, workforce development, talent attraction, and entrepreneurship and innovation.

BUSINESS DEVELOPMENT

Business development is the core mission of any economic development organization. The City of Dallas needs a more robust business development program that actively markets the City to potential investors and strengthens Dallas's brand as one of the world's great economic centers.

- ▶ **BUSINESS MARKETING AND ATTRACTION:** The EDC will spearhead an expanded business recruitment program designed to attract new domestic and foreign direct investment to Dallas through targeted marketing. As is called out in the EDSP, the EDC should engage in branding, outbound marketing through earned media, marketing missions, national advertising, trade shows/industry conferences, inbound marketing (familiarization tours, networking with real estate brokers and developers), and organizing “hot teams” specific to each target industry—to promote the City of Dallas. In addition, one of the EDC’s first tasks should be to engage an economic development marketing firm to develop a vision and branding initiative to guide the business recruitment program, which is a key recommendation in the Community Transformation Action Roadmap.
- ▶ **BUSINESS RETENTION AND EXPANSION:** The EDC will proactively engage and support existing businesses in the community through business visitations, networking, and events.

PUBLIC REAL ESTATE DEVELOPMENT

The EDC should serve as a catalyst agent for helping to spur new development and redevelopment in historically underserved areas that would not attract private investment “but for” the participation of the public sector. This new entity will give the City of Dallas an ability to acquire and manage a portfolio of properties and to partner with the private sector to facilitate new investment, development, and job creation. Residing outside of City government will allow the EDC to move at the pace of the market and rapidly respond to new opportunities. Primary activities in this role would include:

- ▶ **PUBLIC DEVELOPMENT:** Subject to the approval of the Dallas City Council, the EDC would take title to strategic City-owned properties. The transfer of City-owned property to the EDC would be done with an explicit contractual requirement to achieve a public purpose. In addition, the EDC would engage in private land acquisition to spur new development or redevelopment in strategic areas.
- ▶ **EXISTING ASSET SUPPORT:** Because the EDC will become a member of Dallas’s family of economic development entities, it would be able to support major development projects such as the Kay Bailey Hutchison Convention Center, the Streetcar project, and Hensley Field.
- ▶ **TRANSACTION SUPPORT:** The EDC would perform real estate transactions (lease, sale, purchase) on direction from the City Council and in conformance with relevant City plans such as the Comprehensive Housing Policy and Forward! Dallas.
- ▶ **LEASE ADMINISTRATION:** The EDC would manage properties on behalf of the City. The City will retain title.

OVERSIGHT

The creation of a new entity should not be seen simply as an effort to privatize economic development in Dallas. Privatization is not the objective. The EDC will become an important component within Dallas’s family of economic development entities and programs. Indeed, the OED will remain within the City and have the lead role in negotiating incentives and managing the contractual relationship with the entity.

Dallas City Council will have oversight of the EDC through approving board appointments, providing guidance on contractual priorities, and the authorizing any public financial incentives. Preliminary recommendations for board composition and how accountability to the taxpayer will be ensured are listed here.

- ▶ The Dallas City Council will approve board members nominated by the City Manager’s Office. The City Manager’s Office should work closely with local stakeholders to identify local experts representing diverse interests in the city to serve on the board. The slate of board nominees will be presented to City Council for approval.

- ▶ The board of directors should consist of 11 to 15 members representing diverse organizations representing the public, nonprofit, and private sectors. The board should be composed of high-level experts representing such areas as real estate, planning, equity, business, economic and community development, finance, workforce, marketing, resource development, architecture and design, and philanthropy. A small working group of stakeholders and City staff should identify the specific constituencies and areas of expertise that will be represented on the board.
- ▶ Once the EDC is established, there may be a need to have a transitional board consisting of five to seven members to guide operations until a full board is seated.
- ▶ The EDC should operate under a five-year contract with the City. OED would manage and administer the contract. The contract should delineate the specific functions, goals, and measures the EDC will be expected to meet. The City Council will provide guidance as to what its economic development priorities are in the contract.
- ▶ The executive director reports to the EDC board and is responsible for day-to-day management of the organization and the staff.
- ▶ The authority to approve public financial incentives will remain with the Dallas City Council.
- ▶ The EDC board will have the authority to approve real estate transactions the entity is involved in.
- ▶ The EDC will support the work of OED. By way of example, the EDC may pay for travel and registration fees for industry events attended by OED staff. Likewise, the EDC may produce marketing collateral for OED programs and events.
- ▶ Transparency will be a guiding principle of the EDC. The organization will provide regular reports to the City of Dallas and the public. A detailed annual report will be submitted and presented to the City of Dallas Economic Development Committee. A regular newsletter (quarterly or monthly) should be produced to update the board, councilmembers, and the public. This principle aligns with the key theme in the Dallas Economic Policy for good governance. Specifically, the policy calls for:
 - ▶ Increased accountability and transparency to ensure information is readily available.
 - ▶ Creating inclusive governmental processes and policies that consider stakeholders at the neighborhood, city, and regional levels.

FUNDING

- ▶ The EDC will require public funding to launch and sustain the organization. In the tight fiscal environment the City is currently facing, funding EDC operations out of the general fund will be difficult, but critical to its success. Reallocating funds currently appropriated for OED is untenable since the EDC will support (but not replace) OED functions.
- ▶ As a 501(c)(3), the EDC will also be able to receive additional private financial support to leverage/match public funding. Private contributions, however, should only be used to support marketing and business retention, expansion, and recruitment activities and expenses. Moreover, the EDC would not adopt a pay-to-play investor funding model for private sector contributors.
- ▶ The city may allocate a portion of the 2017 General Obligation Bond to fund capitalizable expenses of real estate development projects for the first three years of the EDC; however, such bond funds could not be used for administrative and operating expenses of the EDC. Proposition I of the bond proposal authorized the City of Dallas to issue general obligation bonds of the City in the principle amount of “\$55,400,000 for the purpose of providing funds for promoting economic development throughout the city.” One potential solution would be to include funding for the EDC in the next bond proposition.

- ▶ As a public developer, the EDC would earn revenue through its real estate transactions and lease agreements. Over the long term, this revenue will allow the EDC to become more financially self-sustaining. Real estate revenue can also be used to reimburse the City for public funds used to start up and sustain the EDC over the first three years.
- ▶ Funding the EDC using economic development sales tax (Type A and Type B) or hotel occupancy tax (HOT) is not viable. The City's sales tax rate (8.25 percent) is currently maxed out, with 1 percent of the City's 2 percent allocation committed to funding Dallas Area Rapid Transit (DART). As for the HOT, any revenue it generates must be allocated to tourism efforts or for the convention/hotel industry, including 30 percent for marketing the Kay Bailey Hutchison Convention Center. Economic development efforts which aren't directly linked to those things are ineligible.

STAFFING

- ▶ The consulting team recommends that no existing OED business development personnel should be transferred to the new EDC to take up similar positions. Rather, new business development and real estate management positions would be created to fill out the team and bring in the other expertise, and the EDC will support the existing OED staff and functions. However, until a new business development and real estate management team for the EDC is created, the EDC would temporarily be staffed by OED personnel.
- ▶ Until a permanent CEO is hired, the Interim Director of OED serves as the interim CEO of the EDC.
- ▶ The CEO of the EDC would be responsible for identifying additional business development, real estate, and administrative positions and hiring personnel to fill them.
- ▶ For business development functions, new positions will likely include a director of business development, a marketing and communications specialist, an international business development manager, and four business development/project managers aligned with the City's eight target industries identified in the Economic Development Strategic Plan (each specialist would be assigned to developing two target industries). The business development/project managers would be responsible for business attraction, retention, and expansion activities. The EDC should also create at least two positions for performing research and data analysis, which is an important function in any first-class economic development organization. Research and data are critical to the EDC's ability to respond to site selection RFPs, inform the target industry program, track real estate product, and educate City leaders and the public on business and industry trends.
- ▶ For public development functions, new positions will likely include a chief financial officer, general counsel, chief operating officer, budget analyst, real estate transactions officer, and asset manager.
- ▶ The EDC should negotiate its own employment benefits, such as health insurance and retirement plans.

PROJECTED BUDGET

A budget recommendation has been estimated by determining an appropriate budget to carry out the identified functions of the EDC, as well as considering budgets of comparable economic development organizations. Most of the budget will go toward covering operating expenses such as personnel, marketing and outreach, and general and administrative costs. TIP estimates approximately 15 full-time staff will be required for the EDC to fulfill its business development and real estate development functions. It is reasonable to expect these positions will be added to the organization over a three-year period. Therefore, annual budgets should gradually increase over time.

The City should house the organization in one of its facilities in the first few years to minimize overhead costs. Ideally, such a location would be in southern Dallas, a target area for development.

It is not possible at this time to estimate any funds needed for capital costs or transaction expenses related to real estate development.

Based on the budget of comparable organizations in the DFW Metroplex, the EDC's budget range is \$3 million to \$5 million by year three.

TIMELINE

The City should work to formally launch the EDC by the second quarter of 2022. In the interim, completion of several steps will be required.

Council approval and passage of authorizing ordinance: Q3 2021

Establish legal entity: Q3 2021-Q4 2021

Appoint board of directors: End of Q4 2021

Hire chief executive: Q1 2022

Begin hiring staff and commencing operations: Q2 2022

APPENDIX A: BENCHMARKING TABLES

FIGURE 2. DFW PEERS & COMPETITORS WHO DALLAS COMPETES WITH FOR INVESTMENT AND JOBS WITHIN THE METROPLEX

CITY	TYPE OF ENTITY	GEOGRAPHIC FOCUS	GOVERNANCE	PERSONNEL	FUNDING SOURCE	REVENUE	PRIMARY FUNCTIONS
Fort Worth Chamber of Commerce	Chamber of Commerce – 501(c)(6)	Fort Worth region	5 Officers 48 Board Members	16 FTE	Private Investments Memberships Events	\$5,297,061 (2018)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Talent ▶ Entrepreneurship ▶ Advocacy
Plano Economic Development	City Department	City	City Council	5 FTE	2 cents of property taxes dedicated to ED incentive fund	\$8,924,828 (2020)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Redevelopment
Frisco Economic Development Corporation	Type A sales tax corporation (City also has a Type B corp.)	City	7-member Board of Directors appointed by the City Council	9 FTE	half-cent sales tax and other revenues	\$42,990,488 (2019)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Product ▶ Entrepreneurship
Richardson Economic Development Partnership	Partnership between the City and Chamber	City (Telecom Corridor)	Board of Directors (24)	7 FTE	City appropriation and member dues	\$2,823,982 (2018)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Entrepreneurship ▶ International Business Recruitment
McKinney Economic Development Corporation	Type A sales tax corporation (City also has a Type B corp.)	City	7-member Board of Directors appointed by the City Council	7 FTE	quarter-cent sales tax	\$16,725,965 (2019)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Infrastructure ▶ Marketing
Irving-Las Colinas Chamber of Commerce	Non-Profit 501(c)(6)	City/Regional	Board of Directors (56)	19 FTE	Membership dues Grants Program Services	\$4,655,805 (2019)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Small Business/Entrepreneurship ▶ Marketing ▶ International ▶ Workforce Development

FIGURE 3. STATEWIDE PEERS & COMPETITORS
WHO DALLAS COMPETES WITH FOR INVESTMENT & JOBS IN TEXAS

CITY	TYPE OF ENTITY	GEOGRAPHIC FOCUS	GOVERNANCE	PERSONNEL	FUNDING SOURCE	REVENUE	PRIMARY FUNCTIONS
Greater Houston Partnership	Non-Profit 501(c)(6) (formed when the Houston Chamber of Commerce, Houston Economic Development Council, and the Houston World Trade Association merged in 1989)	12-County Greater Houston Region	Board of Directors (142) Executive Committee (42) Advisory Committees (9)	82	Memberships Donations Investments	\$17,611,204 (2019 estimated, combined balance with GHP Foundation)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Incentive assistance ▶ Permitting process assistance ▶ Data collection and analysis ▶ Marketing ▶ Talent Attraction ▶ Advocacy ▶ Resiliency ▶ Global Recruitment ▶ K-12 + Higher Ed ▶ Workforce
San Antonio Economic Development Foundation	Non-Profit 501(c)(6)	San Antonio, TX	Executive Committee (21)	19	Memberships Donations Investments Grants Programs Miscellaneous	\$2,947,434	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Workforce ▶ Global Recruitment ▶ Incentive assistance
Austin Economic Development Corporation	Local Government Corporation	Austin	22-member board appointment by City Council	11 (projected staffing by year 3)	City seed funding. Future revenue from real estate transactions, lease management.	\$900,000 (2021 proposed); \$3,941,500 (2024 proposed)	<ul style="list-style-type: none"> ▶ Public real estate development

FIGURE 4. NATIONAL PEERS & COMPETITORS
WHO DALLAS COMPETES WITH FOR INVESTMENT & JOBS WITHIN THE NATION

CITY	TYPE OF ENTITY	GEOGRAPHIC FOCUS	GOVERNANCE	PERSONNEL	FUNDING SOURCE	REVENUE	PRIMARY FUNCTIONS
Invest Atlanta	Local Government Authority	Atlanta, GA	Chair (Mayor) Board of Directors (9)	51	City funds Service/Loan/Admin Fees Developer Fees Rental Income Debt Service Payments	\$44,311,650 (2018)	<ul style="list-style-type: none"> ▶ Site selection ▶ Housing ▶ Entrepreneurship ▶ Incentive assistance ▶ Business Development ▶ Neighborhood redevelopment ▶ Business Attraction ▶ Retention & Expansion ▶ Workforce
World Business Chicago	Non-profit 501(c)(3)	Chicago, IL	Chair (Mayor) Board of Directors (76)	28	Private donations Government grants Programs Galas Sponsorships	\$8.9 million (2019)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Research & Data ▶ Entrepreneurship ▶ Small Business ▶ DEI
Philadelphia Industrial Development Corporation	Non-Profit 501(c)(4)	Philadelphia, PA	Board of Directors (30)	60	Government grants Programs Investments	\$23.46 million (2018)	<ul style="list-style-type: none"> ▶ Financing ▶ Site Development ▶ Networking ▶ Entrepreneurship ▶ Small Business
New York City Economic Development Corporation	Non-Profit	New York, NY	Board of Directors (27)	438	Contributions, Grants, Gifts Program Services	\$761.12 million (2018)	<ul style="list-style-type: none"> ▶ Site selection ▶ Housing ▶ Entrepreneurship ▶ Incentive assistance ▶ Business Development ▶ Neighborhood redevelopment ▶ Business Attraction ▶ Retention & Expansion ▶ Transportation

CITY	TYPE OF ENTITY	GEOGRAPHIC FOCUS	GOVERNANCE	PERSONNEL	FUNDING SOURCE	REVENUE	PRIMARY FUNCTIONS
Baltimore Development Corporation	Non-profit 501(c)(3)	Baltimore, MD	Board of Directors (15)	52	Federal Funds City Funds State Funds Investments Fees Private Grants	\$14,641,017 (2018)	<ul style="list-style-type: none"> ▶ Business Attraction ▶ Retention & Expansion ▶ Marketing ▶ Site Development ▶ Neighborhood ▶ Redevelopment ▶ Small Business ▶ Entrepreneurship ▶ Food Policy ▶ FTZ
Los Angeles Economic Development Corporation	Non-profit 501(c)(3)	Los Angeles County	Board of governors which includes the Executive Committee (100+)	29	Contributions, Grants Program Services Membership Dues Program Services	\$7,363,304 (2019)	<ul style="list-style-type: none"> ▶ Site selection ▶ Entrepreneurship ▶ Incentive assistance ▶ Business Development ▶ Neighborhood redevelopment ▶ Business Attraction ▶ Retention & Expansion ▶ Industry Cluster Development ▶ Workforce Development

APPENDIX B: INVEST ATLANTA CASE STUDY

WEBSITE

www.investatlanta.com

FUNDERS/SPONSORS

Three primary sources equally fund Invest Atlanta (IA):

- ▶ The City of Atlanta, through economic and community development contracts
- ▶ IA's management of TIFF/TADS charge back to the City
- ▶ Issuing bonds for the City after the Urban Residential Finance Authority (URFA) receives bond allocations and gives IA to manage

PROGRAM AFFILIATION

The City of Atlanta:

- ▶ Urban Residential Finance Authority (URFA)
- ▶ Downtown Development Authority (DDA)
- ▶ WorkSource Atlanta (WSA)
- ▶ Atlanta Emerging Markets, Inc. (AEMI)

TIMELINE

1976	Atlanta EDC (AEDC) is formed
1979	URFA merged with AEDC
1982	DDA joins AEDC and purchases its first property that decade
1985	The State adopts the Redevelopment Powers Law, giving local governments the authority to sell bonds to finance infrastructure costs within a tax allocation district (TAD), which works similarly to tax increment financing
Late 1980s	The AEDC, URFA, and DDA merge and become Atlanta Development Authority (ADA), the City's EDA
2006	IA is created and is an operating owner of AEMI, a community development entity (CDE) for federal New Markets Tax Credits
2012	ADA is rebranded as Invest Atlanta
2015	IEDC designates IA as an Accredited Economic Development Organization, the first in the state
2020	The Board approves IA's integration with WSA, effective July 2021.

BACKGROUND

IA is the economic development authority for the City of Atlanta. Founded in 1976 as AEDC, the initial focus was small business support programming. By the end of the 1980s, through a series of mergers and a key piece of passed legislation, AEDC had expanded to include housing and downtown redevelopment services and became the ADA. Structured as a registered local government authority, IA is not a city department. It is comprised of an 8-member executive team supported by 43 FTE and is governed by a 9-member Board of Directors, chaired by the Mayor. Funding is divided equally among the City (through a contract for economic development services), IA's management of TADS through charge backs to the City, and issuing bonds for the City after URFA receives the bond allocations. While IA can receive donations from private citizens or entities, most private donations go to the Chamber which in turn works closely with IA on business attraction but not retention. Currently, IA is in the process of filing for non-profit status to more easily accept donations for retention efforts.

The decision to maintain independence from the City has provided IA the agility needed to stay competitive as an organization, passing on the economic benefits to the larger Atlanta community through strategic hiring and business recruitment. For instance, IA is the decisionmaker on which bids to accept on any given economic development project. They can go with the bidder that has the best comprehensive package for the community over accepting the highest bid. Further, braiding community development with economic development is beneficial for IA and businesses alike. It streamlines the bureaucratic processes for businesses, as most services are housed under one organization instead of multiple independent authorities, while funneling money back to IA for their end-to-end management of projects. Another benefit of independence is that communication is less likely to get lost in translation as different teams work on the same objective within the organization. While IA is not an official city department, they do follow the spirit of the law. Transparency in reporting is paramount to IA and the CEO provides quarterly reports to city council and monthly newsletters to the board, council members, and the general public in addition to the required annual federal, state, and IGA reporting requirements.

IA's contract with the City for economic and community development services is up for renewal every five years. After incorporating workforce development services in July 2021, all three development services will be on the same contract renewal schedule with the City. Internally, the CEO of IA conducts a salary survey of employees every three years to keep pace with inflation and other competitors. IA has the freedom to match or exceed municipal salary and benefits packages for their employees, allowing IA to recruit and retain the best talent.

KEY TAKEAWAYS

- ▶ IA began with a single focus and steadily added competencies over the decades which allowed the organization to grow organically and with enough time to truly understand their needs and seamlessly integrate change.
- ▶ The decision to structure IA as an independent government authority has enabled them to recruit top talent since funding is independent of the City.
- ▶ Braiding economic, community, and workforce development under one roof allows funds to be used synergistically and reduces spending on redundant services.
- ▶ Keeping decision making power with IA for development projects ensures follow-through and consistency, independent of changing elected officials.
- ▶ Coordinating efforts like these presents front-loaded challenges but once they are adopted, make the development processes much smoother and quicker in the long run.

**CERTIFICATE OF FORMATION FOR
CITY OF DALLAS ECONOMIC DEVELOPMENT CORPORATION**

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age or more and a resident of the City of Dallas (“City”) and the State of Texas (“State”) acting as incorporators of a corporation under the provisions of Subchapter D of Chapter 431, Texas Transportation Code, as amended (the “Act”), and to the extent required by the Act, Chapter 394, Texas Local Government Code, as amended (“TLGC”) and Chapter 22, Texas Business Organizations Code (the “TBOC”), pursuant to Resolution No. 21-_____ adopted by the City Council of the City (“City Council”) on December 8, 2021, do hereby adopt the following Certificate of Formation for such corporation:

ARTICLE I

The name of the corporation is The City of Dallas Economic Development Corporation (the “Corporation”). The Corporation may also adopt a separate business name (e.g. a “doing business as” name or DBA).

ARTICLE II

The Corporation is a public nonprofit local government corporation.

ARTICLE III

The period of duration of the Corporation shall be perpetual.

ARTICLE IV

The Corporation is organized and shall be operated solely to carry out the purposes of the Act and to accomplish any governmental purpose of the City, limited to charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). The Corporation must not be organized or operated for the benefit of private interests, and no part of the organization’s net earnings may inure to the benefit of any private shareholder or individual. No substantial part of the activities of the Corporation shall include carrying on propaganda, or otherwise attempting to influence legislation or participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for public office.

The Corporation is formed pursuant to the provisions of the Act and TLGC as they now or may hereafter be amended, which authorize the Corporation to assist and act on behalf of the City to accomplish any governmental purpose of the City and to engage in activities in furtherance of the purposes for its creation.

The Corporation shall have and exercise all the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to local government corporations incorporated under the Act and under the TBOC, subject to any limitations described in the Bylaws. The City may limit the Corporation's activities by amending this Certificate or the Corporation’s bylaws by a three-fourths vote of City Council.

The Corporation shall have all powers which are available to nonprofit and local government corporations in Texas under the laws of the State of Texas and which are necessary or useful to enable the Corporation to perform the purposes for which it is created, including the power to issue bonds, notes, or other debt obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created, subject to any limitations described in the Bylaws.

Nothing in this Certificate of Formation shall be construed as creating a debt of the City, as neither the full faith and credit or the general revenues of the City shall be available for the payment of any obligation of the Corporation. Additionally, the Corporation shall issue and deliver any bonds, notes, credit agreements or any other debt instruments or obligations only if the final terms of which including the principal amount, note amount, interest rate or rates, redemption provisions, and other terms and conditions relating to such issuance have been approved by the City Council.

The Corporation is created as a local government corporation pursuant to the Act and shall be a governmental unit within the meaning of Chapter 101, Texas Civil Practice and Remedies Code. The operations of the Corporation are governmental, and not proprietary, functions. The Corporation shall not exercise the powers of sovereignty of the City, including the power to tax, eminent domain power, or police power.

ARTICLE V

The Corporation shall have no members and shall have no stock.

ARTICLE VI

The City Council by resolution authorized the creation of the Corporation as a local government corporation and approved the form of this Certificate of Formation. The Corporation is not a city board for the purposes of Dallas City Code Chapter 8: Boards and Commissions.

To the extent necessary to carry out its authorized purposes, the Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given under the Act and the general laws of the State of Texas to nonprofit corporation incorporated under the Texas Nonprofit Corporation Law which are consistent with the provisions of the Act, together with all powers incidental thereto or necessary therefor, subject to any limitations in the Bylaws. Additionally, in the exercise of the powers of the Corporation, the Corporation may enter into any sale, loan, lease, trust, operating, or other agreements authorized by the Act (including but not limited to agreements concerning the Corporation's acceptance of financial support from the City or any other source, whether public or private, and receipt of donations by gift or devise and grants from any source) that are necessary and appropriate to the fulfillment of the authorized purposes of the Corporation, subject to any limitations in the Bylaws.

The Corporation is a constituted authority and a public instrumentality within the meaning of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Code, and the Corporation is authorized to act on behalf of the City as provided in this Certification of Formation. However, the Corporation is not a political subdivision or political corporation of the State of Texas within the meaning of the State

of Texas constitution and laws, including, without limitation, Article III, Section 52 of the State of Texas Constitution and no agreements, bonds, debts, or obligations of the Corporation are or shall ever be deemed to be agreements, bonds, debts, or obligations, of the lending of credit or a grant of public money or things of value, by or of the City or any other political corporation, subdivision, or agency of the State of Texas, or a pledge of the faith and credit of any of them.

ARTICLE VII

The affairs of the Corporation shall be managed by a board (the “Board”) consisting of three interim Directors or fifteen Directors who shall be appointed as prescribed in the Bylaws (the “Directors”). A majority of the non-vacant Director seats shall be required to hold meetings.

The directors identified in Article VIII below shall serve as the initial three Directors. Directors shall serve until his or her successor is appointed as prescribed in the Bylaws. Directors shall be eligible for reappointment. A Director serves without compensation but shall be entitled to reimbursement for actual expenses incurred in performing services as a director. Any vacancy in the Board shall be filled in the manner prescribed in the Bylaws. Any Director may be removed from office at any time, with or without cause, by resolution of the City Council or by a three-fourths vote of the Directors.

The initial Directors shall hold an organizational meeting to adopt the Bylaws as approved by the City Council of the City of Dallas and consider any other items the Directors deem necessary.

ARTICLE VIII

The name and street address of each incorporator is:

Eric Johnson	1500 Marilla, Dallas, Texas 75201
T.C. Broadnax	1500 Marilla, Dallas, Texas 75201
Tennell Atkins	1500 Marilla, Dallas, Texas 75201
Dr. Eric Anthony Johnson	1500 Marilla, Dallas, Texas 75201

The street address of the initial registered office of the Corporation is 1500 Marilla, Dallas, Texas 75201, which is within the city limits of the City, and the name of its initial registered agent at such address is T.C. Broadnax, City Manager.

The names and street addresses of the initial Directors of the corporation are:

Elizabeth Reich, President	1500 Marilla, Dallas, Texas 75201
Robert Perez, Vice President	1500 Marilla, Dallas, Texas 75201
Elizabeth Saab, Secretary and Treasurer	1500 Marilla, Dallas, Texas 75201

ARTICLE IX

The Bylaws of the Corporation were approved by the City Council on December 8, 2021 in Resolution No. _____. These Bylaws shall be adopted by the Board and shall, together with this Certificate of Formation, govern the affairs of the Corporation until and unless amended in accordance with Article XV of this Certificate of Formation or in the Bylaws. Where the language of the Bylaws and of this Certificate conflict, this Certificate shall control.

ARTICLE X

No Director shall be liable to the Corporation for monetary damages for an act or omission in the director's capacity as a director, except for liability (i) for any breach of the Director's duty of loyalty to the Corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the Director received an improper benefit, regardless of whether the benefit resulted from an act taken within the scope of the Director's office, or (iv) for acts or omissions for which the liability of a Director is expressly provided by State law. Any repeal or amendment of this Article shall be prospective only, and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentences, a Director shall not be liable to the fullest extent permitted by any amendment to the Texas statutes hereafter enacted that further limits the liability of a Director.

ARTICLE XI

The meetings of the Corporation shall be subject to the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Board is subject to the Texas Public Information Act, Chapter 552, Texas Government Code, as amended.

ARTICLE XII

The Corporation: (a) shall not permit any part of the net earnings of the Corporation to inure to the benefit of any private individual (except that reasonable compensation may be paid for personal services rendered to or for the Corporation in effecting one or more of its purposes); (b) shall not direct any of its activities to attempting to influence legislation by propaganda or otherwise; (c) shall not participate in or intervene in (including the publication or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office; and (d) shall not attempt to influence the outcome of any election for public office or to carry on, directly or indirectly, any voter registration drives.

Any income earned by the Corporation after payment of necessary expenses, debt, and such reserves as may be required by a lender in the authorizing documents related to the issuance of debt shall be used to fund future operating expenses of the Corporation. No part of the Corporation's income shall inure to the benefit of any private interests.

ARTICLE XIII

If the Corporation is a private foundation within the meaning of Section 509(a) of the Internal Revenue Code, the Corporation (a) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code; (b) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code; (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code; and (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

ARTICLE XIV

The City Council may at any time consider and approve with by a three-fourths vote a resolution directing the Board to proceed with the dissolution of the Corporation, subject to any limitation on the impairment of contracts or other obligations entered into by the Corporation, at which time the Board shall proceed with the dissolution of the Corporation in accordance with applicable State law. The failure of the Board to proceed with the dissolution of the Corporation in accordance with this Section shall be deemed a cause for the removal from office of any or all of the Directors as permitted by Article VI of this Certificate of Formation.

In the event of the dissolution of the Corporation, after the payment or satisfaction of all debts, liabilities, and obligations, all assets will be turned over to the City, unless the City shall otherwise direct; provided, however, any such disposition shall only be for tax-exempt purposes in such a manner and to such organization or organizations which shall at the time of such dissolution qualify as an organization exempt from federal taxation under Section 501(a) of the Code or as an organization or organizations described in section 501(c)(3) of the Code. The Corporation shall not be dissolved or liquidated, and its business shall not be terminated, by act of the City Council or otherwise, so long as the Corporation shall be obligated to pay any bonds, notes, or other obligations. No action shall be taken pursuant to this Article in any manner or at any time that would impair any contract, lease, right, or other obligation theretofore executed, granted, or incurred by the Corporation.

ARTICLE XV

This Certificate of Formation may be changed or amended by (1) a two-thirds (2/3) vote of the Directors and approval of the changes by resolution of the City Council, or (2) approval by resolution of the City Council alone. Any such amendment must be filed with the Office of the Texas Secretary of State to be effective.

ARTICLE XVI

The Corporation is a constituted authority and a public or governmental instrumentality within the meaning of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code. Although the Corporation is authorized to act on behalf of one or more governmental entities as provided in this Certificate, the Corporation is not a political subdivision or political authority of the

State within the meaning of the Constitution and laws of the State, including, without limitation, Article III, Section 52 of the Texas Constitution, and no agreement, bond, debt, or obligation of the Corporation shall be deemed to be the agreement, bond, debt, or obligation, or the lending of credit, or a grant of public money or thing of value, of or by the City or any other political subdivision or authority or agency of the State, or a pledge of the faith and credit of any of them. No action of the Corporation shall be an action of the City or its agents or employees, and neither this Certificate nor any action by the Board or the City Council shall create a joint enterprise.

ARTICLE XVII

This Certificate of Formation shall be effective when fully executed and filed with the Office of the Texas Secretary of State. Each of the undersigned executes this instrument subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that he and she is authorized to execute this instrument.

DRAFT

IN WITNESS WHEREOF, we have hereunto set our hand this _____ day of _____ 2021.

Incorporator

Incorporator

Incorporator

Incorporator

I, the undersigned, a Notary Public of the State of Texas, certify that on this ____ day of _____, 2021, _____, _____ and _____, each being by me first duly sworn, severally declared on his or her oath that they are the persons who signed the foregoing document as incorporators.

Given under my hand and seal of office on the date and year above written.

Notary Public State of Texas

Exhibit C

BYLAWS OF CITY OF DALLAS ECONOMIC DEVELOPMENT CORPORATION

ARTICLE 1 STRUCTURE, PURPOSES AND MEMBERS

1.01 Purpose. The City of Dallas Economic Development Corporation (the “Corporation”) is a public nonprofit corporation organized under the laws of the State of Texas for the purpose of aiding, assisting and acting on behalf of the City of Dallas, Texas (the “City”) in the performance of its governmental functions as set forth in the Corporation’s Certificate of Formation, and in the Corporation’s agreement with the City of Dallas, as may be amended from time to time (“Agreement”).

1.02 Formation. The Corporation is formed pursuant to the provisions of Subchapter D, Chapter 431, Texas Transportation Code (the “Act”) as it now or may hereafter be amended, which authorizes the Corporation to assist and act on behalf of the City to accomplish any governmental purpose of the City and to engage in activities in the furtherance of the purposes for its creation, in the manner specified by Chapter 394 of the Texas Local Government Code, and in conformance with Chapter 22 of the Texas Business Organizations Code (the “TBOC”).

The Corporation will also seek determination by the Internal Revenue Service that it is a public charity pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

1.03 Powers. The Corporation shall have and exercise all rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit local government corporations incorporated under the Act including, without limitation, the TBOC, to the extent necessary to carry out its authorized purposes, including but not limited to the power to acquire land and enter into a sale, loan, lease, grant, transfer, trust, operating, or other agreements. The Corporation may also adopt a separate business name (e.g. a “doing business as” name or DBA).

The Corporation shall have all other powers of a like or different nature not prohibited by law which are available to nonprofit corporations in Texas and which are necessary or useful to enable the Corporation to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created.

The Corporation is created as a local governmental corporation pursuant to the Act and shall be a governmental unit within the meaning of Chapter 101, Texas Civil Practice and Remedies Code. The operations of the Corporation are governmental, not proprietary, functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code.

1.04 Purposes. The Board of Directors shall administer the Corporation for the purposes set forth in the Certificate of Formation and pursuant to the Agreement.

1.05 Members. The Corporation has no members.

Exhibit C

ARTICLE 2 OFFICES

2.01 Principal Place of Business. The principal place of business of the Corporation is located at 1500 Marilla, Dallas, Texas 75201. The Corporation may have such other offices within Dallas, Texas as the Board of Directors may determine or as the affairs of the Corporation may require from time to time. The Corporation shall not maintain offices outside of the State of Texas.

2.02 Registered Agent and Registered Office. The Corporation shall have and continuously maintain in the State of Texas a registered office and a registered agent whose office is the Corporation's registered office, as required by the TBOC. The registered office may but need not be identical to the principal office of the Corporation in the State of Texas, and the address of the registered office may be changed from time to time by the Board of Directors in accordance with applicable law.

ARTICLE 3 BOARD OF DIRECTORS

3.01 General Powers. The property, business, and affairs of the Corporation shall be managed and controlled by a board (the "Board") and, subject to the restrictions imposed by law, the Certificate of Formation, these Bylaws, and the Agreement, the Board shall exercise all of the powers of the Corporation.

3.02 Number, Appointment and Term. The Board shall consist of at least three (3) interim Directors and up to fifteen Directors (the "Directors") who shall be appointed as prescribed in the Bylaws. The initial Directors shall be those persons set forth in the Certificate of Formation. After the formation of the Corporation, the City Manager will submit a slate of candidates for the Board for City Council Approval. The Corporation's Executive Director, the City of Dallas Chief of Economic Development and Neighborhood Services, and Office of Economic Development Director shall serve as ex-officio Directors on the Board. The ex-officio Directors shall not be included in the 15 Director positions or as a quorum of the Board, and shall not vote on matters before the Board.

Each Director shall serve a term of three years ending on June 30 or until his or her successor is nominated by the Board, approved by the City Manager, and approved by City Council unless such Director has been appointed to fill an unexpired term, in which case the term shall expire on the expiration date of the term of the Director whom he or she was appointed to replace. Directors shall be eligible for reappointment. There is no limit on the number of terms a Director may serve. Each person serving as a Director shall hold office until the earlier to occur of (a) his or her successor has been appointed or (b) his or her death, resignation, or removal as hereinafter provided.

3.03 Removal. Any Director may be removed from office, with or without cause, by resolution of the City Council or with cause by a three-fourths vote of the Directors.

3.04 Vacancies. Any vacancy occurring in the office of a Director, whether by death, resignation, removal, or otherwise, shall be filled for the unexpired portion of the term of the former occupant in the same manner in which the original appointment is made.

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3.05 Meetings of Directors. The Directors may hold meetings, maintain an office, and keep the Corporation's books and records at such place or places within the City as the Board of Directors may from time to time determine; provided, however, that in the absence of any such determination, such place shall be the Corporation's principal office in the State of Texas.

The Board shall meet in accordance with and file notice of each meeting of the Board for the same length of time and in the same manner and location as is required of the Council under Chapter 551, Texas Government Code (the "Open Meetings Act"). The Board is subject to Chapter 552, as amended, Texas Government Code (the "Public Information Act"). The City Secretary has the primary responsibility for carrying out the duties required by the Public Information Act for the Board, and is designated as the public information coordinator for the Board for the purposes of such statute.

3.06 Organizational Meetings. After approval of the Certificate of Formation by the Council and filing of the Certificate of Formation with the Texas Secretary of State, the initial three Directors will hold an organizational meeting to adopt and approve the Bylaws and to transact such other business as may be included in the meeting agenda. Once the full slate of Directors is appointed by the Council, the full Board will hold an additional organizational meeting to elect officers, to launch a search for an Executive Director, and to transact such other business as may be included in the meeting agenda. This second organizational meeting shall serve as the first Annual Meeting (as defined in Section 3.07 below) of the Board.

3.07 Annual Meetings. The annual meeting of the Board of Directors (the "Annual Meeting") shall be held each year in the month of June for the purpose of (a) electing officers for the ensuing year, (b) recommending the next year's operating budget for City Council review and approval, (c) determining the date, time, and location of Regular Meetings for the next year, and (d) if necessary, transacting other business. The Board will designate the time and location of such annual meeting, which location shall be within the City.

3.08 Regular Meetings. Regular meetings of the Board ("Regular Meetings") shall be held at such times and places within the City as shall be designated from time to time by resolution of the Board.

3.09 Special Meetings. Special meetings of the Board ("Special Meetings") may be called by or at the request of the President of the Board or the City Manager of the City of Dallas, and shall be called by the Secretary whenever requested in writing by at least a majority of the Directors then in office.

3.10 Notice. The Secretary shall give notice of the time and place of each Annual, Regular and Special Meeting to each Director by electronic message or phone call at least three (3) business days before such meeting. Notice of such meeting shall also be given in the manner required of the Council under the Open Meetings Act.

3.11 Quorum. A majority of the then-appointed Directors shall constitute a quorum for the consideration of any matters pertaining to the Corporation's purposes. If at any meeting of the Board there is less than a quorum present, the meeting shall be cancelled, or if the meeting is already underway, shall immediately adjourn. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board, unless a greater number is required by law, the Certificate of Formation, or these Bylaws.

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A Director who is present at a meeting of the Board at which any action is taken shall be presumed that have assented to such action, unless the Director's dissent shall be entered into the minutes of the meeting.

3.12 Participation by Telephone Conference and Videoconference. In accordance with the Open Meetings Act, members of the Board may participate in and hold meetings of the Board by means of visible and audible presence in a video conference to the same extent as a governmental body within the meaning of the Open Meetings Act, and participation in such a meeting shall constitute presence in person at such meeting. Notice of such virtual or hybrid meetings shall be given in accordance with the Open Meetings Act.

3.13 Conduct of Business. At all meetings of the Board of Directors, the President shall preside, and in the absence of the President, the Vice President shall preside, and in the absence of the Vice-President, a President shall be chosen by the Board from among the Directors present to preside over the meeting. The Secretary of the Corporation shall act as secretary of all meetings of the Board of Directors, but in the absence of the Secretary, the President of the meeting may appoint any person to act as secretary of the meeting. The President of any meeting of the Board of Directors shall determine the order of business and the procedure at the meeting, including, without limitation, conduct of the discussion and the order of business.

3.14 Compensation of Directors, Expenses. Persons serving as Directors shall not receive any salary or compensation for their services as Directors. However, Directors shall be entitled to reimbursement for reasonable expenses actually incurred in performance of their official duties as a Director.

3.15 Relationship with the City. The President of the Board shall make an annual report regarding the operations and finances of the Corporation to the City Council or a committee thereof as required by the City's agreement with the Corporation (the "ILA") and shall make such other reports or presentations as may be required from time to time by the city manager of City.

3.16 Director's Reliance of Consultant Information. Directors shall discharge their duties in good faith, with ordinary care, and in a manner each Director reasonably believes to be in the Corporation's best interests. In this context, "ordinary care" means the care that ordinarily prudent persons in similar positions would exercise under similar circumstances. A Director shall not be liable if while acting in good faith and with ordinary care, the Director relies on information, reports, or statements, including financial statements and other financial data, concerning the Corporation or any matters pertaining to the Corporation's purposes that were prepared or presented by (a) one or more officers or employees of the Corporation or (b) legal counsel, public accountants, or other persons if such Director reasonably believes the information, reports, or statements are within that person's professional or expert competence. A Director is not relying in good faith if he or she has knowledge that renders such reliance unwarranted or unreasonable.

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ARTICLE 4 OFFICERS

4.01 Officers. The officers of the Corporation shall be a President, a Vice President, a Secretary, a Treasurer, and such other officers as may be elected in accordance with the provisions of the Certificate of Formation or these Bylaws. The Board may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed herein or prescribed, from time to time, by the Board. Any two or more offices may be held by the same person, except the offices of President and Secretary. All offices except Treasurer and Secretary must be held by persons serving as Directors of the Corporation.

4.02 Election and Term of Office. Each year at the Annual Meeting of the Board, the Board of Directors shall elect officers. All officers shall hold office for a term of one (1) year, commencing upon his or her election at an annual meeting and expiring when an election of officers is held at the next Annual Meeting following the Annual Meeting at which he or she was elected, and may be reelected to such office any number of times. Notwithstanding the above, each officer shall continue to hold office until his or her successor shall have been duly elected or until his or her earlier, death, resignation, or removal. All officers shall be subject to removal, with or without cause, at any time by a majority vote of the Board. A vacancy in any office because of death, resignation, removal, or otherwise, may be filled by majority vote of the Board for the unexpired portion of the term.

4.03 President. The President shall preside at all meetings of the Board of Directors, shall perform such other duties as are specified in these Bylaws, and shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time. To the extent authorized by the Board, the President may sign, accompanied by a secondary signature from the Corporation's Executive Director or Board's Vice President, in the name and on the behalf of the Corporation all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments of the Corporation. The President may call Special meetings of the Board.

4.04 Vice President. The Vice President shall generally assist the President in the performance of the President's duties and, in the absence of the President or in the event of his or her inability or refusal to act, shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all the restrictions upon the President. The Vice President shall also perform such other duties as from time to time may be assigned to him or her by the President or Board of Directors. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability of the President to act at the time such action was taken.

4.05 Treasurer. The Treasurer shall have custody of all of the Corporation's funds and securities that come into such officer's hands. When necessary or proper, the Treasurer may endorse or cause to be endorsed, with approval of the Executive Director, in the name and on the behalf of the Corporation, checks, notes, and other obligations for collection and shall deposit or cause to be deposited the same to the credit of the Corporation in such bank or banks or depositories and in such manner as shall be designated and prescribed by the Board; may sign or cause to be signed all receipts and vouchers for payments made to the Corporation either alone or jointly with such other officer as may be designated by the Board; whenever required by the Board, shall render or cause to be rendered a statement of the cash account; shall enter or cause to be entered regularly in the Corporation's books

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to be kept by such officer for that purpose full and accurate records of all moneys received and paid out on account of the Corporation; shall perform all acts incident to the position of Treasurer subject to the control of the Board; and he or she shall, if required by the Board, give such bond for the faithful discharge of his or her duties in such form as the Board may require. The Treasurer may either be a Director or an employee of the City.

4.06 Secretary. The Secretary shall keep the minutes of all meetings of the Board of Directors in books provided for that purpose; shall attend to the giving and serving of all notices; shall have charge of the Corporation's books, records, documents, and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other books and papers as the Board of Directors may direct, all of which shall be open at reasonable times to the inspection of any Director upon application at the Corporation's office during business hours; and shall in general perform all duties incident to the office of Secretary subject to the control of the Board of Directors.

4.07 Officer's Reliance of Consultant Information. Officers shall discharge their duties in good faith, with ordinary care, and in a manner each officer reasonably believes to be in the Corporation's best interests. In this context, "ordinary care" means the care that ordinarily prudent persons in similar positions would exercise under similar circumstances. An officer shall not be liable if while acting in good faith and with ordinary care, the officer relies on information, reports, or statements, including financial statements and other financial data, concerning the Corporation or any matters pertaining to the Corporation's purposes that were prepared or presented by legal counsel, public accountants, or other persons if such officer reasonably believes the information, reports, or statements are within that person's professional or expert competence. An officer is not relying in good faith if he or she has knowledge that renders such reliance unwarranted or unreasonable.

ARTICLE 5 STAFF

5.01 Staff. The Board of Directors may hire such staff as it deems necessary to carry out the work of the Corporation, subject to and in accordance with the Corporation's budget adopted in accordance with Section 6.03. The Director of the City's Office of Economic Development will serve as the interim Executive Director for the Corporation until a permanent hire is made.

ARTICLE 6 FINANCES, AUDITS, AND RECORDS

6.01 Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

6.02 Books and Records. The Corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its Board. All books and records may be inspected by representatives of the City with reasonable notice.

6.03 Operating and Capital Budget. At each Annual Meeting the Board shall approve a recommended operating and capital budget for the next fiscal year which shall be submitted to the

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Chief of Economic Development for approval. The budget will be presented to the Economic Development Committee of the Dallas City Council (or such relevant successor committee as may be established by the City) at the next available committee meeting.

6.04 Authorization to Sign Checks. All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation shall be signed by the Treasurer and, if in an amount that exceeds Five Thousand Dollars (\$5,000.00), countersigned by the Executive Director of the Corporation.

6.05 Deposits. All funds of the Corporation shall be deposited within 1-3 business days of receipt to the credit of the Corporation in such banks, trust companies, depositories, or investment funds or companies as shall be designated from time to time by or in accordance with Board resolution or as otherwise required by the ILA. Any checks or financial instruments waiting to be processed or deposited should be logged and secured by designated staff to either be placed in a locked safe or a locked drawer for safekeeping.

6.06 Appropriations, Donations, and Grants. The Corporation shall have the authority to request and accept any appropriation, grant, contribution, donation, or other form of aid from the federal government, the State of Texas, any political subdivision or municipality of the State of Texas, or any other source.

6.07 Audits. The Board shall cause to be maintained a proper and complete system of records and accounts of all transactions, business, and affairs of the Corporation. At the end of each fiscal year, the Board shall cause the preparation of financial statements for the Corporation to be prepared in accordance with accounting principles generally accepted in the United States of America, which shall be audited by an independent certified public accountant or firm of independent certified public accountants retained by the Board for such purpose. A copy of such audited financial statement shall be delivered to the Chief Financial Officer of City upon completion but not later than January 31 subsequent to the end of the Corporation's fiscal year. In addition, the City shall have access to the premises, documents, records, and other materials of the Corporation at any reasonable time and shall have the right to audit same. The Corporation shall reimburse the City for any costs of such audits.

6.08 Investment of Funds. The Corporation shall invest public funds on deposit only in investments that are authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended

6.09 Legal Counsel. The Corporation shall engage legal counsel to advise it on all legal issues.

ARTICLE 7 INDEMNIFICATION

7.01 Right to Indemnification. Subject to the limitations and conditions as provided in this Article 7 and the Certificate of Formation, each person who was or is made a party or is threatened to be made a party to or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitrative or investigative (hereinafter a "proceeding"), or any appeal in such a proceeding or any inquiry or investigation that could lead to such a proceeding, by

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reason of the fact that he or she, is or was a Director or officer of the Corporation shall be indemnified by the Corporation to the fullest extent permitted by the TBOC, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent than such amendment permits the Corporation to provide broader indemnification rights that said law permitted the Corporation to provide prior to such amendment) against judgments, penalties (including excise and similar taxes and punitive damages), fines, settlements and reasonable expenses (including, without limitation, attorneys' fees) actually incurred by such person in connection with such proceeding, and indemnification under this Article 7 shall continue as to a person who has ceased to serve in the capacity which initially entitled such person to indemnity hereunder. The rights granted pursuant to this Article 7 shall be deemed contract rights, and no amendment, modification or repeal of this Article 7 shall have the effect of limiting or denying any such rights with respect to action taken or proceedings arising prior to any such amendment, modification or repeal. Notwithstanding the foregoing, the indemnity described above does not apply to a Director or officer's bad faith or gross negligence, or any illegal act. In addition, Board members are considered Plan members as defined under Chapter 31A of the Dallas City Code. If City incurs any cost under Chapter 31A, the LGC will reimburse the City.

7.02 Advance Payment. The right to indemnification conferred in this Article 7 shall include the right to be paid in advance or reimbursed by the Corporation the reasonable expenses incurred by a person of the type entitled to be indemnified under Section 7.01 above who was, is or is threatened to be made a named defendant or respondent in a proceeding in advance of the final disposition of the proceeding and without any determination as to the person's ultimate entitlement to indemnification; provided, however, that the payment of such expenses incurred by any such person in advance of the final disposition of a proceeding, shall be made only upon delivery to the Corporation of a written affirmation by such Director or officer of his or her good faith belief that he or she has met the standard of conduct necessary for indemnification under this Article 7 and verification satisfactory to the Board as to such person's ability to repay all amounts so advanced if it shall ultimately be determined that such indemnified person is not entitled to be indemnified under this Article 7 or otherwise.

7.03 Indemnification of Employees and Agents. The Corporation, by adoption of a resolution of the Board or pursuant to an agreement approved by the Board, may indemnify and advance expenses to an employee or agent of the Corporation to the same extent and subject to the same conditions under which it may indemnify and advance expenses to Directors and officers.

7.04 Appearance as a Witness. Notwithstanding any other provision of this Article 7, the Corporation may pay or reimburse reasonable expenses actually incurred by a Director or officer in connection with his or her appearance or other participation in a legal proceeding involving the Corporation or its business at a time when he or she is not a named defendant or respondent in the proceeding.

7.05 Non-exclusivity of Rights. The right to indemnification and the advancement and payment of expenses conferred in this Article 7 shall not be exclusive of any other right which a Director or officer may have or hereafter acquire under any law (common or statutory) or provision of the Certificate of Formation or these Bylaws.

7.06 Insurance. The Corporation shall, at its expense, secure and maintain at all times such directors and officers liability insurance coverage as is required by the ILA. The Corporation may also

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purchase and maintain, at its expense, any additional insurance it deems necessary to protect itself and any person who is or was serving as a Director, officer, employee, or agent of the Corporation.

7.07 Notification. Any indemnification of or advance or reimbursement of expenses to a Director or officer in accordance with this Article 7 shall be reported in writing to the members of the Board with or before the notice of the next regular meeting of the Board and, in any case, within the 12-month period immediately following the date of the indemnification, reimbursement, or advance.

7.08 Savings Clause. If this Article 7 or any portion hereof shall be invalidated on any ground by any court of competent jurisdiction, then the Corporation shall nevertheless indemnify and hold harmless each Director, officer or any other person indemnified pursuant to this Article 7 as to costs, charges and expenses (including attorneys' fees), judgments, fines and in amounts paid in settlement with respect to any action, suit of proceeding, whether civil, criminal, administrative or investigative, to the full extent permitted by any applicable portion of this Article 7 that shall not have been invalidated and to the fullest extent permitted by applicable law.

ARTICLE 8 MISCELLANEOUS PROVISIONS

8.01 Supremacy of Certificate of Formation. These Bylaws are subject to and governed by the Certificate of Formation.

8.02 Seal. The Corporation's seal, if any, shall be such as may be approved from time to time by the Board.

8.03 Notice and Waiver of Notice. Whenever any notice is required to be given by mail under the provisions of these Bylaws, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed postpaid wrapper addressed to the person entitled hereto at such person's post office address, as such appears in the records of the Corporation, and such notice shall be deemed to have been given on the date of such mailing. If transmitted by facsimile or electronic message, such notice shall be deemed to be delivered upon successful transmission of the facsimile or electronic message. A member of the Board of Directors may waive notice of any meeting. The attendance or participation of a member of the Board at any meeting shall constitute a waiver of notice of such meeting unless such attendance or participation is for the purpose of objecting to the failure of notice. A waiver of notice in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to notice.

8.04 Resignations. Any Director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

8.05 Gender. References herein to the masculine gender shall also refer to the feminine in all appropriate cases, and vice versa.

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8.06 Actions Requiring Prior City Council Approval. The following actions must be pre-approved by resolution of the Dallas City Council before the Board may take any such action:

- (1) amendment or restatement of the Bylaws or Certificate of Formation of the Corporation;
- (2) issuance of bonds; or
- (3) any activity not described in the Agreement.

The Corporation shall have the ability to take the following actions without pre-approval by resolution of the Dallas City Council:

- (4) Any activity described in the Agreement.

ARTICLE 9 CODE OF ETHICS

9.01 Policy and Purposes.

(1) It is the policy of the Corporation that Director and officers conduct themselves in a manner consistent with sound business and ethical practices; that the public interest always be considered in conducting corporate business; that the appearance of impropriety be avoided to ensure and maintain public confidence in the Corporation; and that the Board of Directors establish policies to control and manage the affairs of the Corporation fairly, impartially, and without discrimination.

(2) This Code of Ethics has been adopted as part of the Corporation's Bylaws for the following purposes: (a) to encourage high ethical standards in official conduct by Directors and corporate officers; and (b) to establish guidelines for such ethical standards of conduct.

9.02 Conflicts of Interests.

(1) Except as provided in subsection (3) below, a Director or officer is prohibited from participating in a vote, decision, or award of a contract, and all Board deliberation related to same, involving a business entity or real property in which the Director or the officer has a substantial interest, if it is foreseeable that the business entity or real property will be economically benefitted by the action. A person has a substantial interest in a business (i) if his or her ownership interest is ten 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, or (ii) if the business entity provides more than ten percent of the person's gross income. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An interest of a person related in the second degree by affinity (marriage relationship) or the third degree by consanguinity (blood relationship) to a Director or officer is considered a substantial interest.

(2) If a Director or a person related to a Director in the first or second degree by affinity or the first, second, or third degree by consanguinity has a substantial interest in a business entity or real property that would be pecuniary affected by any official action taken by the Board of Directors, such Director, before a vote or decision on the matter, shall file an affidavit stating the nature and extent of the interest. The affidavit shall be filed with the Secretary of the Board.

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(3) A Director who has a substantial interest in a business entity that will receive a pecuniary benefit from an action of the Board may vote on that action if a majority of the Board has a similar interest in the same action or if all other similar business entities in the City will receive a similar pecuniary benefit.

(4) An employee of a public entity may serve on the Board.

9.03 Acceptance of Gifts. No Director or officer shall accept any benefit as consideration for any decision, opinion, recommendation, vote or other exercise of discretion in carrying out official acts for the Corporation. No Director or officer shall solicit, accept, or agree to accept any benefit from a person known to be interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of the Director's or officer's discretion. As used here, a benefit does not include:

(1) a fee prescribed by law to be received by a Director or officer or any other benefit to which the Director or officer is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a Director or officer;

(2) a gift or other benefit conferred on account of kinship or a personal, professional or business relationship independent of the official status of the Director or officer;

(3) an honorarium in consideration for legitimate services rendered above and beyond official duties and responsibilities if:

- a. not more than one honorarium is received from the same person in a calendar year;
- b. not more than one honorarium is received for the same service; and
- c. the value of the honorarium does not exceed \$250 exclusive of reimbursement for travel, food, and lodging expenses incurred by the Director or officer in performance of the services;

(4) a benefit consisting of food, lodging, transportation, or entertainment accepted as a guest if reported as may be required by law.

9.04 Bribery. A Director or officer shall not intentionally or knowingly offer, confer or agree to confer on another, or solicit, accept, or agree to accept from another:

(1) any benefit as consideration for the Director's or officer's decision, opinion, recommendation, vote, or other exercise of discretion as a Director or officer;

(2) any benefit as consideration for the Director or officer's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or

(3) any benefit as consideration for a violation of duty imposed by law on the Director or officer.

9.05 Nepotism. No Director or officer shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree of consanguinity to the Director or officer so appointing, voting or confirming, or to any other Director or officer. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such

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office, position, clerkship, employment or duty at least thirty days prior to the appointment of the Director or officer so appointing or voting.

9.06 Annual Statements. Each Director and officer shall annually sign a statement which affirms such person:

- (1) has received a copy of the Code of Ethics policy, has read and understands the policy, and
- (2) has agreed to comply with the policy.

**ARTICLE 10
AMENDMENTS TO BYLAWS**

These Bylaws may be altered or amended in whole or in part, or repealed and new bylaws may be adopted, by a two-thirds (2/3) vote of the Directors present at any Board meeting where a quorum of Directors is present, if at least seven (7) days' written notice is given of an intention to alter, amend, or repeal these Bylaws or to adopt new Bylaws at such meeting, and such notice contains the proposed amendment(s). Any proposed alteration, change, amendment, repeal, or adoption of new bylaws approved by the Directors must be approved by the City Council to be effective. Alternately, the Bylaws may be altered or amended in whole or in part, or repealed and new bylaws may be adopted, by resolution of the City Council.

* * * * *

The undersigned, being the duly elected and qualified Secretary of the Corporation, does hereby certify that the foregoing Bylaws of the Corporation were duly adopted by the Board of Directors of the Corporation at a meeting held on _____, 2022, at which a quorum was present and voting throughout.

_____, Secretary

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Update – Office of Homeless Solutions Initiatives**

The following memo is an update on the Office of Homeless Solutions' holistic strategy to address homelessness equitably as One Dallas through Temporary Inclement Weather Shelters (TIWS), Dallas R.E.A.L. Time Rapid Rehousing (DRTRR), and Panhandling Diversion. The details of progress made on each initiative are outlined below:

Temporary Inclement Weather Shelters

On November 11, 2020, the Dallas City Council approved an amendment to Chapter 51A and the creation of Chapter 45 of the Dallas City Code to allow for the operation of temporary inclement weather shelters (TIWS). Under Chapter 51A, a TIWS cannot be placed within a one half (.5) mile of the central business district.

We are pleased to report that the first application for a TIWS permit was approved by OHS on November 19, 2021. The permit was issued to Oak Lawn United Methodist Church located at 3014 Oak Lawn Avenue (Council District 14). In accordance with Chapter 45, all issued permits remain in effect for 2 years.

A collaborative team made up of City staff, MDHA representatives and homeless services providers are working together to promote the program to prospective partner organizations since congregate shelter was difficult to offer last winter due to the projected surge in COVID-19 cases. In addition, the team is prepared to mobilize and provide support to permit holders each time OHS activates the opening of temporary inclement weather shelters based on the weather conditions as outlined in Chapter 45. The Communications, Outreach and Marketing Department's recent [post](#) about the TIWS program generated media coverage from Fox4 and KERA, and additional permit applications are expected. Staff will provide updates as additional permits are issued.

Dallas R.E.A.L. Time Rapid Rehousing Program

The DRTRR initiative aims to rehouse over 2,700 individuals experiencing homelessness by October 2023. On October 30, 2021, the DRTRR achieved its first encampment decommissioning, resulting in the housing of several individuals who were experiencing chronic homelessness.

DATE December 3, 2021
SUBJECT Update – Office of Homeless Solutions Initiative

Over the past several weeks, the DRTRR team of homeless service providers, co-led by OHS and MDHA, has been working with unsheltered residents in additional encampments over the past month to offer housing to all on site. Through these activities, we anticipate the decommissioning of four more encampments by December 31, 2021. The MDHA Dashboard reflecting real time progress goes live on December 10, 2021, the link for which will be shared through a separate memo.



Panhandling

On Monday, October 25, 2021, the City Council's Government

Performance and Financial Management Committee approved a pilot panhandling deflection program brought forth by OHS, CAO, R.I.G.H.T. Care, and the City Marshal. The program outlined a holistic approach to addressing panhandling across the City of Dallas through the: Identification and [mapping of available data](#) on locations and times of panhandling calls, preparing of additional enforcement authority ordinances for City Council consideration, and developing of public and stakeholder communications. The program is a six-month pilot which includes public messaging and signage. In key locations across the City, residents should continue to report panhandling via the City's OurDallas 311 service app or by calling 311. A progress report is expected to the Government Performance and Finance Management Committee in summer 2022.

Should you have any questions or need additional information, please contact me or Christine Crossley, Director of the Office of Homeless Solutions.

Kimberly Bizar Tolbert
Chief of Staff to the City Manager

- c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Billierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Majed A. Al-Ghafry, Assistant City Manager
- Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

Memorandum



CITY OF DALLAS

DATE December 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT **Past Due Water Accounts and Customer Service Updates**

The purpose of this memorandum is to provide an update to the City Council related to Dallas Water Utilities (DWU) efforts to collect payment and/or establish a payment plan for accounts with past due balances at risk of disconnection. City Council was previously informed via memo on July 30, 2021, that DWU would start a payment plan initiative and resume disconnect procedures effective October 1, 2021.

In August 2021, DWU began including a special insert in all residential utility bills in August and September informing customers of plans to resume disconnect procedures and information on payment plans to avoid service disruption. DWU also informed the public via press releases and marketing on social media. Residential customers with past due balances started receiving monthly notices on October 1, 2021, informing them that payment of past due balances or establishment of a payment plan is required to avoid disconnection of water service. Approximately 61,000 notices have been sent to customers since the effort started.

Currently, 15% of DWU's residential customers or approximately 45,000 accounts have a past due balance of over 60 days, with total collections owed to DWU of more than \$24 million. **Due to the large number of notices being sent to DWU customers, Water Customer Service (WCS), which is provided by 311 Customer Service (311), is currently experiencing extended wait times and occasional busy signals when circuits are overloaded.**

In an effort to help reduce call wait times, provide additional options for payment arrangements to customers, and provide timely assistance and service, DWU and 311 have implemented the following initiatives:

Custom Mailer

Customers with past due accounts will receive a letter (English and Spanish) communicating their current balance, available payment methods and locations to make payments, instructions to establish a payment plan online, and options to establish a payment plan by mail. Included with the custom mailer is a prepopulated form detailing payment plans currently available. Residents may select the payment plan that best fits their needs, sign, and return the form by mail to establish a payment plan and avoid disconnection.

Online Portal

With the assistance of Information Technology Services (ITS), a temporary website (www.dallascityhall.com/waterpaymentplan) has been created which

DATE December 3, 2021

SUBJECT **Past Due Water Accounts and Customer Service Updates**

will allow customers the ability to setup and submit the payment plan of their choice. Customers will log into the website using credentials included in the customer mailer. Once a payment plan is selected and submitted, residents will receive a confirmation e-mail and no further action is required to avoid disconnection.

Reopening WCS at Dallas City Hall

In consultation with and approval from the City Manager's Office, a limited portion of the City Hall 1st floor blue lobby will be temporarily reopened effective December 6, 2021. This will allow Customers the ability to meet with WCS agents in person during regular business hours. City Hall Security and WCS support staff will ensure appropriate signage, barriers, and protocols are in place to prevent residents from entering closed portions of the building. Face masks and hand sanitizer will be available and social distancing will be required. City Hall On-the-Go will be stationed outside the City Hall entrance during regular business hours to assist and direct residents as they arrive.

Custom Service Request

311 has created a custom service request, "Water Utilities Payment Plan Request," available online and via OurDallas mobile app, allowing Customers to request a call back from WCS related to establishing a payment plan. Once a resident submits the payment plan service request, disconnection procedures will be halted. Customers may submit a service request to receive a call back in lieu of waiting on hold for a WCS agent.

Dedicated E-mail Address

A dedicated e-mail address has been created for Customers with questions or issues related to payments, payment plans, and disconnections. Customers may e-mail dwupaymentplan@dallascityhall.com with any questions related to the above topics or for additional assistance in making a payment or setting up a payment plan. The e-mail address is monitored during WCS normal business hours.

Customers who do not wish to establish payment plans via the options described above, may continue to contact a WCS agent, Monday – Friday, 8 am – 5 pm, by calling (214) 651-1441.

The aforementioned initiatives should enhance our ability to work with Customers and help them establish a payment plan that meets their budget. Once a payment plan has been established, the Customer will not receive a disconnection or any additional notices.

DATE December 3, 2021

SUBJECT **Past Due Water Accounts and Customer Service Updates**

Should you have any questions or need additional information, please contact John Johnson, Director 311 Customer Service, or Terry Lowery, Director Dallas Water Utilities.



T.C. Broadnax
City Manager

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| Chris Caso, City Attorney | Jon Fortune, Assistant City Manager |
| Mark Swann, City Auditor | Joey Zapata, Assistant City Manager |
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