



Duncanville City Council Meeting Agenda
City Council Briefing Room and City Council Chamber
Duncanville City Hall
203 E. Wheatland Road
Duncanville, TX 75116
(972) 780-5017

Tuesday, January 19, 2021
5:30 P.M. - Work Session/Briefing
7:00 P.M. - Regular Session

or immediately following the 6:00 pm Work Session/Briefing

City of Duncanville City Council meetings are available to all persons regardless of disability. The City of Duncanville offers Hearing Assistance Receivers for use during City Council Regular Sessions. If you require special assistance, please contact the City Secretary at (972)780-5017 or write 203 E. Wheatland Road, 75116, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Duncanville reserves the right to reconvene, recess or align the Regular Session or called Executive Session or order of business at any time prior to adjournment.

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, December 15, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, January 19, 2021, email citysecretary@duncanville.com and title the email “Public Comment – January 19th”. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_I8lzvmoaRkSs5e3_2d4dsQ

After registering, you will receive a confirmation email containing information about joining the webinar.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

WORK SESSION / BRIEFING

Citizen comments will not be heard during the Work Session/Briefing but will be heard during the Regular Session.

1. DISCUSS AGENDA ITEMS**2. BRIEFINGS / PRESENTATIONS**

- | | | |
|----|--|---------|
| A. | Discuss the Purchasing Initiative Underutilized Business Equity Presentation.
<u>Purchasing Initiative Underutilized Business Equity Presentation</u> | 6 - 7 |
| B. | Discussion regarding Vacant County Building.
<u>Vacant County Building</u> | 8 |
| C. | Discussion regarding Parking on Oriole Boulevard.
<u>Parking on Oriole Blvd.</u> | 9 - 10 |
| D. | Discussion on Trash Receptacles at main intersections in Duncanville.
<u>Trash Receptacles</u> | 11 |
| E. | Discussion on Vote Center reductions.
<u>Vote Center Reductions</u> | 12 - 13 |

EXECUTIVE SESSION

1. "City Council shall convene into closed executive session to seek legal advise from the City Attorney pursuant to Section 551.071 Tex Gov't Code regarding the following litigation matters and/or potential claims:
 1. City of Duncanville v. Tommy Winn, Winn Properties filed in County Court at Law of Dallas County;
 2. Involving an employee EEOC Claim.
 3. Involving law enforcement, Duncanville Police Department and Dallas County Sheriff's office. "

REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. or immediately following the 6:00 pm Work Session/Briefing)

CALL TO ORDER

INVOCATION

PLEDGES - PLEDGE OF ALLEGIANCE; TEXAS PLEDGE OF ALLEGIANCE

1. REPORTS

- A. Mayor's Report.
- B. Councilmembers' Reports
- C. City Manager's Report.

2. PROCLAMATIONS AND PRESENTATIONS

- A. Video presentation of swearing in of Councilmember District 2 Don McBurnett.
- B. Introduction of Joanna Fritz, Republic Services.
- C. Proclamation recognizing Martin Luther King, Jr. Day, January 18, 2021. 14 - 15
[Recognizing Martin Luther King, Jr. Day](#)
- D. A proclamation recognizing the month of January as Firefighter Cancer Awareness Month. 16 - 17
[Fire Fighter Cancer Awareness Month](#)

3. CITIZENS' INPUT

"Pursuant to Section 551.007 of the Texas Gov't Code, any member of the public has the opportunity to address the City Council concerning any matter of public business or any posted agenda item; however, the Act prohibits the City Council from deliberating any issues not on the public agenda and such non-agenda issues may be referred to City staff for research and any future action; all persons addressing are subject to council adopted rules and limitations permitted by law"

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, January 19, 2021, email citysecretary@duncanville.com and title the email "Public Comment – January 19th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

The City Secretary will still set a two-minute time limit on the comments as they are read.

4. CONSENT AGENDA

The following may be acted upon in one motion. A City Councilmember may request items be removed from the Consent Agenda for individual consideration.

- A. Consider the Minutes for the: 18 - 55
- November 3rd City Council Regular Meeting
 - November 5th, 6th, and 7th City Council Special Meeting
 - November 9th Joint Meeting with the Planning & Zoning Commission
 - November 17th City Council Regular Meeting
 - November 20th, 21st, and 24th City Council Special Meeting
 - December 1st City Council Regular Meeting
 - December 7th City Council Special Meeting
 - December 14th Joint Meeting with the DCEDC Board
 - December 15th City Council Regular Meeting
- [2020-11-03 - City Council - Minutes - UNAPPROVED](#)

[2020-11-05 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-11-06 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-11-07 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-11-09 - Joint Meeting Minutes - Planning and Zoning - UNAPPROVED](#)
[2020-11-17 - City Council - Minutes - UNAPPROVED](#)
[2020-11-20 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-11-21 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-11-24 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-12-01 - City Council - Minutes - UNAPPROVED](#)
[2020-12-07 - Special Meeting - Minutes - UNAPPROVED](#)
[2020-12-14 - Joint Meeting Minutes - DCEDC - UNAPPROVED](#)
[2020-12-15 - City Council - Minutes - UNAPPROVED](#)

- | | | |
|----|---|-----------|
| B. | Consider a Resolution ordering a Joint Election to be held in the City of Duncanville on Saturday, May 1, 2021, for the purpose of electing a Councilmember At-Large for a two (2) year term, one Councilmember from District 1 for a two (2) year term, one Councilmember from District 3 for a two (2) year term and one Councilmember from District 5 for a two (2) year term.
Ordering an Election | 56 - 65 |
| C. | Consider a Resolution approving a Special Sewer Permit for 1411 South Cockrell Hill Road.
1411 South Cockrell Hill Road | 66 - 73 |
| D. | Consider a Resolution authorizing a purchase agreement with Tyler Technologies Inc., for Annual Software Support and Maintenance for the City ERP System, using Sourcewell Cooperative Contract 090320-TTI in an amount up to \$92,026.12.
ERP System | 74 - 81 |
| E. | Consider a Resolution authorizing award of bid IFB 21-0010 to Nova Paintings, LLC, for the Danieldale Pump Station Rehabilitation – Phase 1 Construction Project through the City’s competitive bid process with an estimated expenditure amount not to exceed \$1,146,800.00
Danieldale Pump Rehabilitation - Phase 1 | 82 - 103 |
| F. | Consider a Resolution endorsing the implementation of a continuing pretreatment program as required by 40 CFR 403 for the Trinity River Authority's (TRA) Ten Mile Creek Regional Wastewater System.
Ten Mile Creek Regional Wastewater System | 104 - 107 |
| G. | Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-008 for Engineering Consulting Services Design of Swan Ridge Dr. Reconstruction and Beaver Creek Dr. and Shady Tree Place Waterline Replacements with Burgess & Niple, Inc., in the proposed amount of \$102,170.00.
Design Services PSA 21-008 Swan Ridge and Beaver Creek | 108 - 141 |

5. ITEMS FOR INDIVIDUAL CONSIDERATION

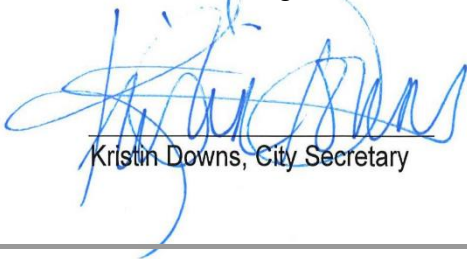
- A. Consider an Ordinance revising Chapter 20 "Water, Sewer and Sewage Disposal", by repealing and replacing Article IV, "General Sewage Disposal Standards", to provide for updates to regulations governing wastewater discharges into the publicly owned treatment works within the City of Duncanville. 142 - 249
[Amend Chap. 20 Water, Sewer & Sewage Disposal](#)
- B. Election of Mayor Pro Tem for 2020-2021. 250 - 251
[Elect Mayor Pro Tem](#)
- C. Take any necessary action as a result of the Executive Session.

6. STAFF AND BOARD REPORTS

- A. Receive the Monthly Financial Report as of November 30, 2020. 252 - 265
[Monthly Financial Report as of November 30, 2020](#)
- B. Receive the Fire Department Quarterly Report.
[Fire Department - Quarterly Report](#)
- C. Receive the Police Department Quarterly Report.
[Police Department - Quarterly Report](#)

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Duncanville City Hall, a place convenient and readily accessible to the general public, as well as to the City's website www.duncanville.com and said Notice was posted on the following date and time: **Thursday, January 14, 2021 at 5:00 P.M.** and remained posted for at least two hours after said meeting was convened.



Kristin Downs, City Secretary

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS MEETING ROOM WITH A HANDGUN THAT IS CARRIED OPENLY.

DE CONFORMIDAD CON LA SECCIÓN 30.07 DEL CÓDIGO PENAL (PREVARICACIÓN POR LICENCIATARIO CON UNA ARMA DE MANO LLEVADA ABIERTAMENTE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411, CÓDIGO DE GOBIERNO (LEY DE LICENCIAS PARA PORTAR ARMAS), NO PUEDEN ENTRAR A LA SALA DE REUNIONES CON UNA ARMA DE MANO QUE SE PRACTICA ABIERTAMENTE.

"PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF LICENSE TO CARRY A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUB-CHAPTER H, CHAPTER 411, GOVERNMENT CODE (CONCEALED HANDGUN LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN"

"DE ACUERDO CON LA SECCIÓN 30.06 DEL CÓDIGO PENAL (INGRESO SIN AUTORIZACIÓN DE UN PORTADOR DE UNA LICENCIA PARA LLEVAR UN ARMA CORTA OCULTA), UNA PERSONA CON LICENCIA SEGÚN EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DEL GOBIERNO (LEY PARA PORTAR ARMAS CORTAS OCULTAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UN ARMA CORTA OCULTA"



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Discuss the Purchasing Initiative Underutilized Business Equity Presentation.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Richard Summerlin, CPA, CGFO, Director of Finance

Sheila Baker, MPA, CPM, Purchasing Manager

BACKGROUND/HISTORY:

The City of Duncanville (City) is committed to providing equal bidding opportunities to Minority Business Enterprises (MBE), Women Owned Business Enterprises (WBE), Small Business Enterprises (SBE) and Disadvantage Business Enterprises (DBE), while fostering and supporting the growth of minority-owned business. The City will take all necessary and reasonable steps to assure that small business enterprises certified as MBE/WBE/SBE/DBE shall have fair opportunity to participate in Duncanville contracts.

In April 2020, the Duncanville Purchasing Manager was a participant during the Committee interviews, with representatives from the North Central Texas Regional Certification Agency (NCTRCA), and their marketing methods for attracting HUB vendors. Interviews were conducted with peer cities (Desoto, Lancaster and Cedar Hill) to discuss HUB vendor registration methods. The Peer Cities Purchasing Departments researched the Texas Local Government Code 252, to provide legal answers pertaining to HUB vendor advertising and bid awarding. YaLonda Lockett, NCTRCA Representative along with the team discussed the certification process for Diversity Vendors, detailing how the Cities can increase revenue and business opportunities. The City of Dallas provided their Inclusion Plan as a model for each City to develop a City specific Diversity Vendor Inclusion Plan.

As part of its Diverse Supplier Policy commitment the City will make every effort to achieve the following objectives:

- To ensure nondiscrimination in the award and administration of contracts;
- To create a level playing field on which diverse suppliers can compete fairly for contracts;
- To ensure that the City's Diverse Supplier Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet eligibility standards are permitted to participate as diverse suppliers; and,
- To help remove barriers to the participation of diverse suppliers in contracts.

POLICY EXPLANATION:

Implementation and administration of the MBE/WBE/SBE/DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the City.

The Purchasing Manager shall be responsible to ensure participation of the MBE/WBE/SBE/DBE in the City procurement process.

The City will implement the following qualitative good faith efforts for City's purchases:

- Include a minimum of one MBE/WBE/SBE/DBE in RFPs over \$5,000
- Require subcontracting good faith efforts for all prime contracts over \$100,000 that have subcontracting opportunities.
- Implement quantitative good faith efforts.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

Discuss the Purchasing Initiative Underutilized Business Equity Presentation.



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Discussion regarding Vacant County Building.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Paul Frederiksen, Interim City Manager

BACKGROUND/HISTORY:

Councilmember At-Large Harvey requested this item.

Discussion regarding Vacant County Building on Wheatland and Main.

POLICY EXPLANATION:

N/A

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

N/A



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Discussion regarding Parking on Oriole Boulevard.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Robert D. Brown, Jr., Police Chief

Mark LiVigni, Assistant Police Chief

Jacqueline Culton, Assistant Director of Public Works

Greg Ramey, Director of Public Works

BACKGROUND/HISTORY:

Councilmember Jameson requested this item.

Over the last several years, members of both the Duncanville Police Department and Public Works Department have received complaints regarding parking and speeding along Oriole Boulevard. These complaints have been adjacent to the Deerpark Condominiums which are located at 611 Oriole Boulevard. It is believed these types of complaints have only been lodged by one citizen; a resident of the condominiums.

City staff have responded to each complaint. We have evaluated visibility, traffic counts, traffic speed, vehicular accidents in the area. We have also spent extra enforcement time in the areas after the complaints were brought to our attention. We evaluated all options but given state traffic laws and city ordinances pertaining to these issues, available solutions are limited.

The Public Works Director evaluated the width of the roadway in the area and it is greater than 30 feet wide. Therefore, he cannot unilaterally prohibit parking in the area.

Thus, the City Council, if it desires, has the sole authority in amending parking in this area.

POLICY EXPLANATION:

City Council Discussion and Direction.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

City Staff seeks input and direction from the City Council on this issue.



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Discussion on Trash Receptacles at main intersections in Duncanville.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Paul Frederiksen, Interim City Manager

BACKGROUND/HISTORY:

Councilmember Jameson requested this item.

Discussion on placing trash cans at main intersections in Duncanville especially at I-20.

POLICY EXPLANATION:

N/A

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

N/A



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Discussion on Vote Center reductions.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Kristin Downs, City Secretary

BACKGROUND/HISTORY:

Councilmembers McBurnett and Jameson requested this item.

Discussion on reducing the number of Vote Centers in Duncanville.

On August 10, 2020 Dallas County provided the City Secretary with an estimated total cost for the November 3, 2020 Presidential/Joint Election of \$998.79; 29 entities participated, 45 Early Voting Locations, and 466 Election Day Vote Centers. Due to COVID-19, Elections Administrator Pippins-Poole provided a cut in the cost of election equipment. This was the first Election the City of Duncanville used the Voting Centers. The Dallas County Election staff have stated to the City Secretary they will collect data over the next two years to determine voting patterns and voter needs. The amount of \$998.79 will not be the new normal for election costs for the City of Duncanville. Voting Centers will reduce the cost over time however, Dallas County will need a couple years to gather data to determine those future costs.

The December 8, 2020 General Run-Off Election estimated cost was \$11,381.69 for the City of Duncanville; six (6) entities participated, twelve (12) Early Voting locations, and ninety-two (92) Election Day Vote Centers.

POLICY EXPLANATION:

The Joint Elections Agreement and Election Services Contract between the City of Duncanville, other jurisdictions, and Dallas County for the Joint Election is administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code; and Article VII, Section 7.02 of the Duncanville Home Rule Charter.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

N/A



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Proclamation recognizing Martin Luther King, Jr. Day, January 18, 2021.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:

Paul Frederiksen, Interim City Manager
Kristin Downs, City Secretary

BACKGROUND/HISTORY:

The Federal and State legislatures have recognized the legacy of Rev. Dr. Martin Luther King, Jr. as one of America's outstanding civil rights leaders by creating a federal holiday marking his birthday which is celebrated on the third Monday in January of each year. January 18, 2021 marks the 35th anniversary of the nationwide observance of this holiday.

POLICY EXPLANATION:

There is no policy decision associated with this item.

FUNDING SOURCE:

There is no funding associated with this item.

Contract Log #:

N/A

RECOMMENDATION:

This item is a presentation only and no action is required.

ATTACHMENTS:

[Attachment 1 - Martin Luther King Jr Day - 2021 Proclamation](#)

OFFICE OF THE MAYOR



- WHEREAS,** the Rev. Dr. Martin Luther King, Jr., who was born on January 15, 1929, believed in a nation of freedom and justice and dedicated his life to the advancement of civil rights for all through non-violent means, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America through public service; and,
- WHEREAS,** in 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King 's teachings, that helps bring people together and thereby breaking down the barriers that have divided us as a nation through contributing their own time and talents in a day of service; and,
- WHEREAS,** hundreds of thousands of volunteers in cities and towns across the nation participate in King Day service projects in all 50 states, and use Martin Luther King, Jr. Day as a day on, not a day off, by spending it performing community service each year; and,
- WHEREAS,** non-profit organizations such as Keep Duncanville Beautiful, volunteer managers, AmeriCorps and Senior Corps members across the nation have organized hundreds of projects for volunteers to engage in service honoring the goals of the King Day of Service; and,
- WHEREAS,** the King Day of Service, which falls on January 18th this year, is an excellent opportunity to take a step in making service a regular activity in the lives of Duncanville residents as a fitting memorial to the life of Martin Luther King, Jr.; and,
- WHEREAS,** federal and state legislatures have recognized Dr. King's legacy as one of America's outstanding civil rights leaders by creating a federal holiday marking his birthday; and
- WHEREAS,** this federal holiday was signed into law in 1983, and first observed in 1986, and is observed each year since on the third Monday in January.

NOW, THEREFORE, I, Barry L. Gordon, Mayor of the City of Duncanville, Texas do hereby proclaim January 18, 2021 as

DR. MARTIN LUTHER KING, JR. DAY

in the City of Duncanville and urge all citizens to join me in honoring and remembering Dr. King for his humanitarian values and dedication to make America one nation with equity and justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Duncanville, Texas to be affixed this 19th day of January, 2021.

Mayor, The City of Duncanville



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

A proclamation recognizing the month of January as Firefighter Cancer Awareness Month.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- N/A
- Goal: N/A

STAFF RESPONSIBLE:

Sam Rohde, Fire Chief

BACKGROUND/HISTORY:

Cancer is the most dangerous under-recognized threat to the health and safety to our nation's fire fighters. Firefighter-occupational cancer is the leading cause of line-of-duty deaths in the fire service. In 2019, more than 75% of the names of firefighters added to the International Association of Firefighters (IAFF) Fallen Firefighter Memorial Wall of Honor in Colorado Springs, Colorado, were of members who died from occupational cancer.

POLICY EXPLANATION:

The International Association of Firefighters and Firefighter Cancer Support Network have designated the month of January as Firefighter Cancer Awareness Month to bring awareness to firefighter-occupational cancer, the affect it has on the fire service, and the opportunity to bring targeted education about best practices and resources to reduce the impact of cancer within the fire service.

With this Proclamation, we also wish to honor the lives and careers of two of our very own Firefighters who passed away from occupational cancer, Duncanville Fire Department Captain Tim Riffe and Fire Engineer Dan Kendall.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

[Proclamation - Firefighter Cancer Awareness](#)

OFFICE OF THE MAYOR



WHEREAS, cancer is the most dangerous under-recognized threat to the health and safety to our nation's fire fighters, and

WHEREAS, Firefighter-occupational cancer is the leading cause of line-of-duty deaths in the fire service, and

WHEREAS, in 2019, more than 75% of the names of firefighters added to the International Association of Fire Fighters (IAFF) Fallen Firefighter Memorial Wall of Honor in Colorado Springs, Colorado, were of members who died from occupational cancer, and

WHEREAS, the Firefighter Cancer Support Network (FCSN) and the IAFF have designated the month of January as Fire Fighter Cancer Awareness Month, and

NOW, THEREFORE, I, Barry L. Gordon, Mayor of the City of Duncanville, Texas joins with IAFF and FCSN in designating the month of January as Fire Fighter Cancer Awareness Month to bring increased public awareness to Firefighter-occupational cancer, the affects it has on the fire service, and to bring targeted education about best practices and resources to reduce the impact of cancer within the fire service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Duncanville, Texas to be affixed this 19th day of January, 2021.

Mayor, The City of Duncanville

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, November 3, 2020

CANCELED

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

UNAPPROVED

**Duncanville City Council
Special Meeting
Friday, November 6, 2020**

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Friday, November 6, 2020, at 9:52 a.m. in the Duncanville City Hall, Briefing Room with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Special Meeting by video conference at 9:30 am on Friday, November 6, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 5pm on Thursday, November 5, 2020, email citysecretary@duncanville.com and title the email “Public Comment – November 6th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_NxF-ynazSwqIJsvdo-DONw

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

1. **Call to Order.**
2. **Receive Public Comments.**
None.
Mayor Gordon recessed the Regular Session at 9:53 a.m. for City Council to convene into Executive Session.
3. **The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: City Manager position.**
The Executive Session was called into session at 9:54 a.m. and read the item into record.
Executive Session was recessed at 11:45 a.m.
Executive Session was reconvened at 12:56 p.m.
Executive Session was recessed at 2:30 p.m.
Executive Session was reconvened at 3:00 p.m.
Mayor Gordon closed the Executive Session at 4:35 p.m.
Mayor Gordon reconvened the Regular Session at 4:36 p.m.
4. **Take any necessary action as a result of the Executive Session.**
No action taken.

ADJOURNMENT

The meeting was adjourned at 4:37 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**Duncanville City Council
Special Meeting
Saturday, November 7, 2020**

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Saturday, November 7, 2020, at 9:00 a.m. in the Duncanville City Hall, Briefing Room with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

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https://us02web.zoom.us/webinar/register/WN_I9_cwnVSTkq8zyBqWZFAHq

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

- 1. **Call to Order.**
- 2. **Receive Public Comments.**
None.
Mayor Gordon recessed the Regular Session at 9:01 a.m. for City Council to convene into Executive Session.
- 3. **The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: City Manager position.**
The Executive Session was called into session at 9:02 a.m. and read the item into record.
Executive Session was recessed at 10:35 a.m.
Executive Session was reconvened at 11:00 a.m.
Mayor Gordon closed the Executive Session at 1:52 p.m.
Mayor Gordon reconvened the Regular Session at 1:53 p.m.
- 4. **Take any necessary action as a result of the Executive Session.**
Mayor Pro Tem Don McBurnett made a motion for a Virtual Town Hall for the community to meet proposed finalists for the position of City Manager for the City of Duncanville on a date to be determined. At-Large Councilmember Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

ADJOURNMENT

The meeting was adjourned at 1:54 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Duncanville City Council Meeting Minutes
Joint Meeting with the Planning and Zoning Commission
Monday, November 9, 2020

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Special Meeting by video conference at 6:00 pm on Monday, November 9 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Monday, November 9, 2020, email citysecretary@duncanville.com and title the email “Public Comment – November 9th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_jRNcNwxkOp2grqoDEsR81w

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

1. CALL TO ORDER

A joint meeting of the Duncanville City Council and the Planning and Zoning Commission was called to order for City Council by Mayor Barry L. Gordon and for the Planning and Zoning Commission by Chair Gregory Zylka on Monday, November 9, 2020 at 6:01 p.m. via videoconference with a quorum to wit:

Barry L. Gordon	Mayor
Patrick Harvey	Councilmember At-Large – absent
Joe Veracruz	Councilmember
Don McBurnett	Mayor Pro Tem
Monte Anderson	Councilmember
Mark D. Cooks	Councilmember
Johnette Jameson	Councilmember – 6:48 p.m.

and with a quorum of the Planning and Zoning Commission to wit:

Gregory Zylka	Chair
Betty Culbreath	Vice Chair
George Turner	Board Member
Eric Pena	Board Member – absent
Jana McBroom	Board Member
Richard Shaw	Board Member
Elias Rodriguez	Board Member – absent

2. RECEIVE PUBLIC COMMENTS (SEE ABOVE COMMENTS).

No comments.

3. CITY COUNCIL WILL DELIBERATE THE FOLLOWING ITEMS, HOWEVER NO VOTE OR ACTION BY THE COUNCIL WILL BE TAKEN.

3.A ZONING ORDINANCE UPDATE WORKSHOP WITH FREESE AND NICHOLS TO DISCUSS POSSIBLE REVISIONS TO:

- **POLICY DIRECTION: GARAGES AND CARPORTS**

ADDITIONAL QUESTIONS FOR ANY OF THE FOLLOWING:

- **ARTICLE II ZONING DISTRICTS**
- **ARTICLE III LAND USES**
- **ARTICLE IV DEVELOPMENT STANDARDS**
- **ARTICLE VII DEFINITIONS**

Daniel Harrison and Erica Craycraft, with Freese and Nichols provided an update and discussed the following topics; quick reminder of the process, remaining policy question, Q&A, virtual open house discussion, and the next steps.

Discussion from Council and the Planning & Zoning Commission took place on the following:

- Should garages be required for all single-family homes?
 - City Council and the Planning & Zoning Commission asked for Freese and Nichols to provide a draft of garage setback standards.

City Attorney Hager cautioned Council on prohibiting unenclosed parking spaces for a carport with townhomes during the Ordinance Update and address each matter with a SUP. Trying to address every conceivable option that could occur in the future as time goes on would be challenging; products could change. Council could address the issues with a SUP or amend to accommodate later.

Freese and Nichols will add a SUP requirement for a carport under townhomes.

4. **DISCUSS UPCOMING COMMUNITY INPUT OPPORTUNITIES AND SCHEDULE.**
An online Virtual Open House will be provided and advertised via social media and the local newspaper. Councilmember Cooks recommended displaying yard signs around the city right of ways to attract more citizens. Councilmember Jameson would like the to have the survey include ways to find out if the people completing the survey are from the City of Duncanville.
5. **ADJOURNMENT**
The meeting was adjourned at 7:32 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, November 17, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, November 17, 2020, at 5:30 p.m. via videoconference with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Councilmember At-Large Patrick Harvey – 5:35 p.m.
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

COUNCIL ABSENT:

Mayor Barry L. Gordon

**STAFF VIA VIDEO
CONFERENCING:**

IT Director Tracy Beekman
Public Works Director Bryan Greg Ramey
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert E. Hager

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

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To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, November 17, 2020, email citysecretary@duncanville.com and title the email “Public Comment – November 17th”. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

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I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and Interim City Manager Frederiksen reviewed each item. Item 4H - Consider a Resolution approving and adopting the City of Duncanville Investment Policy. Minor changes were made and recommended by Valley View Consultants in order to make the City compliant with the Public Funds Investment Act.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. Presentation by Dallas County.

Commissioner Price presented the item.

Road & Bridge

- Maintenance of existing facilities
- Life Cycle: varies, based on conditions and repair type
- Typical Repair Time: less than a year (can vary due to agreements, scope)

- Typically, Cities pay for Materials. County provides labor & equipment (50/50)
- Recently Completed & Ongoing Projects:
 - Wintergreen Road rehabilitation, from Cockrell Hill Rd. to Eastern City Limit
 - PSA executed on July 10th, 2020 for mill and overlay work to be completed in November

Striping

- Duncanville striping PSA executed on July 10th, 2020 with work to be completed in November
- Dallas County participation is \$3,601.50 in 2020 plus County in kind services
- 2020 Roadway Striping Includes:
 - 8 sections of Type B Roadways
 - 44 sections of Type E Roadway

Ongoing MCIP Participation in City of Duncanville

- BSW Cities & Wintergreen Rd
- Southern Dallas County Regional Veloweb Study
- Main Street Corridor Study
- Danieldale Rd Multi-City Coordination Efforts

7th Call for Projects Schedule

Total projects submitted for 7th Call: 140

Total project submitted for District 3: 48

2019

- October 18, 2019: MCIP applications due
- Fall: Field evaluation of submittals

2020

- Jan-Feb: Finalize cost estimates, evaluations
- Spring/Summer: Staff recommendations to Commissioners
- End of 2020: Comm Court approval of selected projects

2021

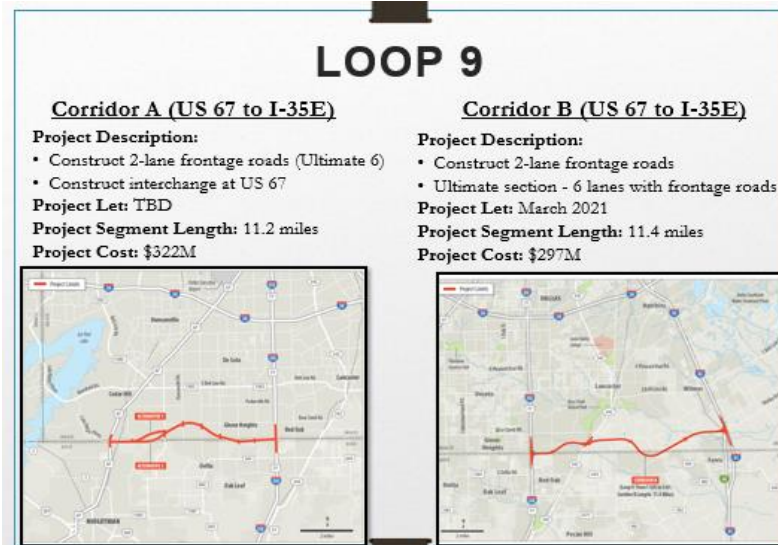
- Complete execution of MCIP Master Agreement
- Begin design of selected approved projects

City of Duncanville 7th Call Submittals

Proposed Project Name/Location and Limits	Length (mi)	Project Type:
Main Street & Camp Wisdom Intersection Improvements including approaches plus proposed bike trail	0.3	Innovative & Alternative Mobility Solutions
Wintergreen Road Improvement Project Phase 2: 1,300 feet east of Main Street (end of Phase 1) to Cockrell Hill Road	0.8	Roadway Capacity & Connectivity

7th Call Criteria promotes:

- Regional Thoroughfare Projects
- Multimodal Connectivity
- Transit Connectivity
- Safety
- Economic Vitality
- Environmental Impacts
- And more



Inland Port Transportation Management Association (TMA)

- TMA is an organization of businesses and local governments dedicated to solving local transportation concerns.
- TMAs usually focus on the travel needs of large employers and are often created to give businesses a voice in local government transportation planning, to advocate enhanced mobility, and to reduce employer costs of implementing individual worksite transportation programs through economies of scale.

Councilmember Cooks questioned the vision of the rail system versus the inland port and how it would affect Duncanville. Commissioner Price stated Duncanville is in the corridor of Loop 9 and larger areas of transportation needs.

Councilmember Jameson voiced concerns on the original intent of the Bond Proposal to raise the intersection at Camp Wisdom and Main Street to soften the transition at the railroad tracks and questioned why Dallas County was refusing to match the funding. Commissioner Price stated the grading system on Camp Wisdom and Main Street has not met the criteria needed and the railroad is not consenting causing Dallas County to look at Center and Main.

Councilmember Cooks asked Commissioner Price to explain how the 7th Call Funding works. Commissioner Price stated there is a call for projects, the projects are graded on various aspects that include regional mobility and connectivity, the projects are evaluated and then pushed back out with other projects that have been submitted.

I.2.B. Main Street Corridor Study Briefing.

Public Works Director Ramey presented the item with consultants Tom Morris, IEA and Molly Loucks, Burgess & Niple.

Background:

11/06/2018, Bond Election– Proposition B

- \$6.6M for Streets
- \$1.5M budgeted for Intersection at Main @ Camp Wisdom w/ \$1.5M County Match pending selection for 7th Call for Projects

05/21/2019, Council approved PSA with Dallas County for Main Street Corridor Study

- I-20 to Center St
- Intersections: Camp Wisdom @ Main / E Davis @ Main / Center @ Main
- Study would provide recommendations for corridor improvements and would inform 7th Call for Projects submission

09/27/2019, Main Street Corridor Meeting #1 @ Dallas County

10/18/2019, Main St @ Camp Wisdom project submitted to 7th Call for Projects

- 12/20/2019, In Progress Review w/ City and County Staff
- Reviewed initial concepts at all three intersections
 - Discussed challenges with Main St @ Camp Wisdom Intersection
 - Main @ Center and Main @ Nance intersections looked promising

- 02/13/2020, In Progress Review w/ County Director of Public Works
- Supported recommendations for Main @ Center and Main @ Nance intersections as viable 7th Call Project
 - Did not support Main @ Camp Wisdom intersection as viable 7th Call Project
 - Supported extending Main St Corridor Study south to Nance St
 - Recommended a Camp Wisdom Rd Corridor Study before making any plans at Camp Wisdom

- 06/09/2020, Update Briefing to Council
- Supported adjusting 7th Call Project/Bond Project location from Camp Wisdom Rd to Center St
 - Desired additional details on the corridor
 - Supported request for Camp Wisdom Rd Corridor Study

- 06/16/2020, Memos to Dallas County Public Works per direction from Council
- Requested adjusting 7th Call Project location to Center St
 - Requested partnering with County for Camp Wisdom Corridor Study

10/01/2020, Main Street Corridor Study Briefing to City & County Staff

Goals of the Main Street Corridor Study:

- Increased Traffic Efficiency throughout Corridor
- Increased Pedestrian Mobility throughout Corridor
- Provide connectivity to Potential Commuter Rail Station
- Encourage Economic Vitality throughout Corridor
- Identify best project for Dallas County 7th Call

Positive Impact Neutral Impact Negative Impact

Discussion on the six segments took place.

Decision Matrix – 7th Call Recommendation
Scored by Dallas County Staff

Goal (Max Points)	Study Criteria				7 th Call Criteria							
	Traf	Peds	Rail	Econ	Reg Mob (30)	Traf Impts (20)	MM Conn (20)	Eco Vit (5)	Env (5)	Safe (10)	Feas (15)	Tot (105)
#1, I-20 to Camp Wisdom					12	10	10	0	5	8	11	58
#2, Main @ Camp Wisdom (Alt 2: Min BNSF RoW)					16	5	20	0	5	8	11	65
#3, Camp Wisdom to Davis					7	0	20	2.5	5	8	10	55.5
#4, Main @ Davis					7	10	20	0	5	8	11	61
#5, Davis to Center					2	10	20	0	5	6	13	56
#6, Nance to Center					7	20	20	2.5	5	10	13	77.5

- Project Selection Cut-off Score is 70
- Segment Option #6, Nance to Center is the recommended Dallas County 7th Call project
- Other options can be constructed as budget allows.

Councilmember Cooks questioned if funding would be assured on #6, Nance to Center. Commissioner Price stated that #6, Nance to Center will get funded.

Councilmember Jameson would like more time for Council to hear from citizens.

City Attorney Hager stated the only thing that is considered as an individual item is the call for projects and to identify. There is not an agenda item to prioritize one through five currently.

Interim City Manager Frederiksen stated the Resolution is making the recommendation to participate and match the \$1.5 million in the 7th Call Projects to meet Dallas County's deadline of December 15, 2020. With the railroad not cooperating the City must look at other areas for the \$1.5 million if it is not the Main Street study those funds will have to be allocated somewhere else.

Councilmember Cooks stated the language in the Bond did not specify a street.

City Attorney Hager stated the bond language in Proposition B is very broad, it does not specify a street; allowing the money to be moved to another like project that fits within the parameters of the proposition. Legally there is no constraint under Proposition B or the Bond Code.

Commissioner Price stated Main and Center did not make the score. The only project that made a score of 70 is Nance to Center.

Councilmember Cooks questioned if the City does not take the opportunity to use the \$1.5 million where would it go?

Commissioner Price stated it would be moved to another project.

Councilmember Jameson would like to wait until the December 1, 2020 City Council meeting for Council to make their decision.

Councilmember Anderson voiced his support for the Nance and Center project.

I.2.C. Discuss Annual City Council Calendar.

Interim City Manager Frederiksen presented the item. No action taken.

Briefing Session was adjourned at 8:27 p.m.

II. EXECUTIVE SESSION

No Executive Sessions were held.

III. REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M.)

The City Council convened into Regular Session in the Council Chambers at 8:28 p.m. with Mayor Pro Tem McBurnett presiding.

The Invocation was delivered by Councilmember At-Large Patrick Harvey

The Pledge of Allegiance and Texas Pledge were led by Mayor Pro Tem McBurnett.

III.1. REPORTS

III.1.A. Mayor's Report.

None.

III.1.B. Councilmembers' Reports

Councilmember Cooks thanked everyone who attended Meet, Connect, and Learn. The December meeting will be canceled due to the holidays. Councilmember Cooks encouraged District 4 residents to decorate their homes with Christmas/Holiday lights and the Keep Duncanville Beautiful Board will drive around to recognize them with a sign in their year.

Councilmember Veracruz congratulated Dr. Ivory for being appointed to the DISD Board and thanked Rene McNeely for her service and time serving on the DISD Board.

Mayor Pro Tem McBurnett encouraged all citizens to attend:
Zoning Ordinance Update – Virtual Open House
November 19, 2020
7:00 p.m.
via ZOOM

Virtual Town Hall with Duncanville City Manager Finalists
November 21, 2020
10:00 a.m.
Via ZOOM

Mayor Pro Tem McBurnett reminded citizens it is winter averaging for water and sewer rates.

III.1.C. City Manager's Report.
None.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Proclamation designating November 7, 2020 as "Arbor Day" in Duncanville.

Mayor Pro Tem McBurnett read the proclamation.

III.2.B. Proclamation designating November 28, 2020, as "Small Business Saturday".

Councilmember Cooks read the proclamation.

III.2.C. Proclamation in recognition of DISD Education Foundation Week, November 30th - December 6th, 2020.

Councilmember Veracruz read the proclamation.

III.3. CITIZENS' INPUT

"Pursuant to Section 551.007 of the Texas Gov't Code, any member of the public has the opportunity to address the City Council concerning any matter of public business or any posted agenda item; however, the Act prohibits the City Council from deliberating any issues not on the public agenda and such non-agenda issues may be referred to City staff for research and any future action; all persons addressing are subject to council adopted rules and limitations permitted by law"

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, November 17, 2020, email citysecretary@duncanville.com and title the email "Public Comment – November 17th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

The City Secretary will still set a two-minute time limit on the comments as they are read.

Mayor Pro Tem McBurnett read the item into record. The following spoke during the Citizens Input Period:

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on the 7th Call Projects.

Misty Bain – submitted a comment on the 7th Call Project.

III.4. CONSENT AGENDA

Mayor Pro Tem McBurnett requested that City Secretary Kristin Downs read the Consent Agenda Items.

III.4.A. Consider the Minutes for the August 18, 2020 City Council Regular Meeting, September 1, 2020 City Council Regular Meeting, and the September 15, 2020 City Council Regular Meeting.

- III.4.B. Consider a Resolution Canvassing and Declaring the results of the November 3, 2020 General Election for Councilmember District 2 for a two (2) year term; providing for Run-Off Election for Tuesday, December 8, 2020.
- III.4.C. Consider a Resolution authorizing the purchase of Traffic Operations Equipment and Supplies from Paradigm Traffic Systems using BuyBoard Cooperative Purchasing Agreement #603-20, in the amount up to \$90,769.00.00.
- III.4.D. Consider a Resolution authorizing the purchase of Traffic Operations Equipment, Maintenance, and Supplies from Consolidated Traffic Control, Inc., using the Houston-Galveston Area Council of Governments (HGAC) Cooperative Contract #PE-05-19 (19-00204), in the amount up to \$96,600.00.
- III.4.E. Consider a Resolution authorizing a Cooperative Purchasing Agreement with Sam Pack’s Five Star Ford through The Local Government Purchasing Cooperative (BuyBoard) Contract #601-19 in the expenditure amount of \$97,092.15.
- III.4.F. Consider a Resolution authorizing a Cooperative Purchase of Secure Plan Services from Knight Security Systems LLC. using the Texas Department of Information Resources (DIR) Contract DIR-CPO-4494 in an amount not to exceed \$58,860.36.
- III.4.G. Consider a Resolution approving the terms and conditions of a Gateway Monument Agreement with the State of Texas Department of Transportation (TXDOT) to allow the City to construct and maintain proposed gateway monuments within TXDOT right-of-way, along the US Highway 67 corridor, from eastside Cockrell Hill Road to Wintergreen Road.
- III.4.H. Consider a Resolution approving and adopting the City of Duncanville Investment Policy.

Councilmember At-Large Patrick Harvey made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. Consider a resolution approving the Main Street Corridor Study recommendations for each segment option of Main Street from I-20 to Nance Street and selecting a project as the City's nomination for the Dallas County 7th Call for Projects.
- Public Works Director Ramey presented the item.

Goals of the Main Street Corridor Study:

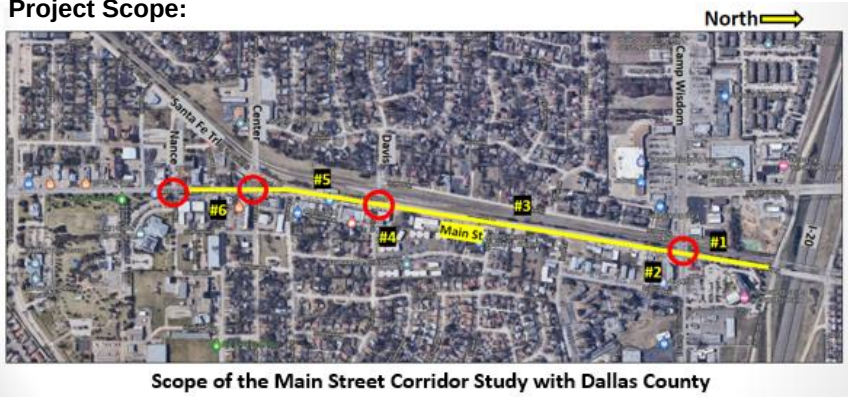
- Increased Traffic Efficiency throughout Corridor
- Increased Pedestrian Mobility throughout Corridor
- Provide connectivity to Potential Commuter Rail Station
- Encourage Economic Vitality throughout Corridor
- Identify best project for Dallas County 7th Call

Positive Impact

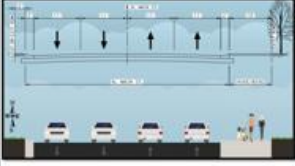
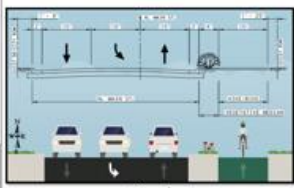
Neutral Impact

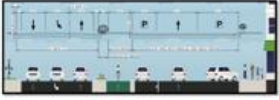
Negative Impact

Project Scope:



Segment Options

Option 1 – Main St from I-20 to Camp Wisdom Rd	Option 2 – Intersection at Main St and Camp Wisdom Rd	Option 3 – Main St from Camp Wisdom Rd to Davis St	
			
Includes recommendation to implement once pavement and/or subsurface utilities require replacement	Includes recommendation for Camp Wisdom Rd Corridor Study before Finalizing	Interim	Final
\$770K	\$2.6M	\$275K (Interim)	\$2.2M (Final)
County Score: 58	County Score: 65	County Score: 55.5	

Option 4 – Intersection at Main St and Davis St	Option 5 – Main St from Davis St to Center St	Option 6 – Intersection at Main St and Center St, Main St from Center St to Nance St, and Nance St from Main St to Santa Fe Trl
		
\$45K	\$356K	\$3.1M
County Score: 61	County Score: 56	County Score: 77.5

Decision Matrix – 7th Call Recommendation

Goal (Max Points)	Study Criteria				7 th Call Criteria							
	Traf	Peds	Rail	Econ	Reg Mob (30)	Traf Impts (20)	MM Conn (20)	Eco Vit (5)	Env (5)	Safe (10)	Feas (15)	Tot (105)
#1, I-20 to Camp Wisdom					12	10	10	0	5	8	11	58
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#5, Davis to Center					2	10	20	0	5	6	13	56
#6, Nance to Center					7	20	20	2.5	5	10	13	77.5

- Scoring performed by Dallas County Staff
- 70 is minimum score to receive consideration

Councilmember Mark D. Cooks made a motion to approve Segment Options 1-6 with Option 6 and Alternate 3, Councilmember Monte Anderson seconded the motion. The vote was cast 2 for (Councilmember Anderson and Councilmember Cooks), 4 against (Councilmember Veracruz, Mayor Pro Tem McBurnett, Councilmember Jameson, and Councilmember At-Large Harvey), with Mayor Barry L. Gordon absent. Item denied.

Councilmember At-Large Patrick Harvey made a motion to table the item to the December 1, 2020 City Council Meeting, Councilmember Johnette

Jameson seconded the motion. The vote was cast 4 for (Councilmember Veracruz, Mayor Pro Tem McBurnett, Councilmember Jameson, and Councilmember At-Large Harvey), 2 against (Councilmember Anderson and Councilmember Cooks), with Mayor Barry L. Gordon absent.

Item tabled.

III.5.B. *Take any necessary action as a result of the Executive Session.*
No Executive Session was held.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of September 30, 2020 (Preliminary).*
No questions.

III.6.B. *Receive the Library Quarterly Report.*
No questions.

III.6.C. *Receive the Parks & Recreation Quarterly Report.*
No questions.

III.6.D. *Receive the Fieldhouse Quarterly Report.*
No questions.

IV. ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**Duncanville City Council
Special Meeting
Friday, November 20, 2020**

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Friday, November 20, 2020, at 6:00 p.m. via videoconference with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

COUNCIL ABSENT:

Mayor Barry L. Gordon

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After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

1. **Call to Order.**
2. **Receive Public Comments.**
None.
Mayor Pro Tem McBurnett recessed the Regular Session at 6:01 p.m. for City Council to convene into Executive Session.
3. **The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: City Manager position.**
The Executive Session was called into session at 6:01 p.m. and read the item into record.
Mayor Pro Tem McBurnett closed the Executive Session at 7:27 p.m.
Mayor Pro Tem McBurnett reconvened the Regular Session at 7:27 p.m.
4. **Take any necessary action as a result of the Executive Session.**
No action taken.

ADJOURNMENT

The meeting was adjourned at 7:27:30 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**Duncanville City Council
Town Hall and Special Meeting
Saturday, November 21, 2020**

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Saturday, November 21, 2020, at 10:00 a.m. via videoconference with a quorum to wit:

COUNCIL VIA VIDEO

CONFERENCING:

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

STAFF VIA VIDEO

CONFERENCING:

Kristin Downs, City Secretary
Robert E. Hager, City Attorney

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Special Meeting by video conference at 10:00 am on Saturday, November 21, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To submit comments during the Town Hall, you must submit your questions/comments to the City Secretary before 4:00pm on Friday, November 20, 2020, email citysecretary@duncanville.com and title the email "Town Hall – November 21st". The City Secretary will moderate the chat comments via Zoom during the Town Hall. However, the submitted questions/comments by email will be given first priority. You will need to register with the link below and attend the meeting.

To speak during Citizen Comments after Executive Session, you must register with the City Secretary before 4:00pm on Friday, November 20, 2020, email citysecretary@duncanville.com and title the email "Public Comment – November 21st". During the Citizen Comments period of the agenda, the City Secretary or Mayor will read your comments. You will need to register with the link below and attend the meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_logYwX86Rz2oHw8hTLVorg

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

- 1. CALL TO ORDER AT 10:00AM.**
- 2. TOWN HALL.**
 - a. DURING TOWN HALL A QUORUM MAY BE PRESENT.
 - b. CITY COUNCIL WILL NOT DELIBERATE AND THERE WILL BE NO VOTE OR ACTION TAKEN BY THE COUNCIL.
 - c. THE CITY SECRETARY WILL MODERATE COMMENTS FOR THE TOWN HALL.
 - d. CITIZENS AND RESIDENTS OF THE CITY OF DUNCANVILLE WILL BE GIVEN THE OPPORTUNITY TO ASK WRITTEN QUESTIONS TO THE CITY MANAGER CANDIDATES IN A QUESTION AND ANSWER FORMAT.

City Secretary Downs moderated the Town Hall event and read the citizen comments in order of their time stamps provided via ZOOM chat, email, and Facebook live. Citizens had the opportunity to ask questions to both candidates or to the individual candidate only. Candidates who participated were Brian Bosshart and Aretha Ferrell-Benavides.

- 3. ADJOURN**

Town Hall adjourned at 11:00 a.m.
- 4. SPECIAL MEETING OF THE CITY COUNCIL WILL BE CALLED TO ORDER AT 12:00P.M.**
 - a. CALL TO ORDER AT 12:00P.M.

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- 5. CITY COUNCIL WILL CONVENE INTO CLOSED EXECUTIVE SESSION UNDER SECTION 551.071 AND 551.074 TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY AND/OR TO DELIBERATE A PERSONNEL MATTER CONCERNING THE HIRING, ASSIGNMENT, DUTIES AND/OR CONDUCT INTERVIEWS OF A CITY PERSONNEL TO WIT: CITY MANAGER POSITION.

The Executive Session was called into session at 12:07 p.m. and read the item into record.

Mayor Gordon recessed Executive Session at 1:13 p.m.
Mayor Gordon reconvened Executive Session at 1:36 p.m.
Mayor Gordon recessed Executive Session at 2:31 p.m.
Mayor Gordon reconvened Executive Session at 3:09 p.m.

Mayor Gordon closed the Executive Session at 4:18 p.m.

Mayor Gordon reconvened the Regular Session at 4:22 p.m.

- 6. PUBLIC COMMENTS
None.
- 4. TAKE ANY NECESSARY ACTION AS A RESULT OF THE EXECUTIVE SESSION.
No action taken.

A Special meeting will be held on November 24, 2020 at 6:00 p.m.

ADJOURNMENT

The meeting was adjourned at 4:23 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**Duncanville City Council
Special Meeting
Tuesday, November 24, 2020**

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Tuesday, November 24, 2020, at 6:10 p.m. via videoconference with a quorum to wit:

<u>COUNCIL VIA VIDEO CONFERENCING:</u>	Mayor Barry L. Gordon Councilmember At-Large Patrick Harvey Councilmember Joe Veracruz Mayor Pro Tem Don McBurnett Councilmember Monte Anderson Councilmember Mark D. Cooks Councilmember Johnette Jameson
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<u>STAFF VIA VIDEO CONFERENCING:</u>	Kristin Downs, City Secretary Robert E. Hager, City Attorney
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SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Special Meeting by video conference at 6:00 pm on Tuesday, November 24, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4:00pm on Monday, November 23, 2020, email citysecretary@duncanville.com and title the email "Public Comment – November 24th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_ewyp2IUEQbWPTB_1wvGGXg

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

- 1. **Call to Order.**
- 2. **Receive Public Comments.**
None.
Mayor Gordon recessed the Regular Session at 6:12 p.m.
- 3. **The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: City Manager position.**
The Executive Session was called into session at 6:13 p.m. and read the item into record.
Mayor Gordon closed the Executive Session at 7:13 p.m.
Mayor Gordon reconvened the Regular Session at 7:14 p.m.
- 4. **TAKE ANY NECESSARY ACTION AS A RESULT OF THE EXECUTIVE SESSION.**
No action taken.

ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 1, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 1, 2020, at 6:00 p.m. via videoconference with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey – 6:37 p.m.
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks

COUNCIL ABSENT:

Councilmember Johnette Jameson

**STAFF VIA VIDEO
CONFERENCING:**

IT Director Tracy Beekman
Economic Development Director Jessica James
Public Works Director Bryan Greg Ramey
Chief of Police Robert D. Brown Jr.
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert E. Hager

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, December 1, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 1, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 1st”. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_55bLuh3LTiO2GdhvtmX6Rw

After registering, you will receive a confirmation email containing information about joining the webinar.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and Interim City Manager Frederiksen reviewed each item. Mayor Gordon moved items 5A and 5C to the consent agenda.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. Discussion on amending Chapter 13, "Peddlers, Solicitors and Itinerant Vendors" Ordinance.

Chief Brown presented the item.

Reasons for Proposed Changes:

- Reduce Criminal or Fraudulent Conduct or Activity

- Help identify unpermitted solicitors who have not received a computerized criminal background check.
- Improve Safety
 - High visibility vest help identify solicitors and improve traffic safety.
- Improve Unwanted Intrusion into Citizen Privacy
 - Prohibit solicitation on designated holidays and before 9 a.m.
- Streamline Solicitation Permit
 - To assist in record keeping, all solicitation permits expire on the same date.

Proposed Changes:

- Revise Time Restrictions
 - Currently solicitors may solicit between 8 a.m. and 6 p.m. with no restrictions to days of week.
- Suggested Changes
 - Hours limited to 9 a.m. to 6 p.m.
 - Prohibit soliciting on Sunday or any of the following holidays: New Year's Day; Martin Luther King's Birthday; President's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the day after Thanksgiving Day; Christmas Eve; and Christmas Day.
- Require all solicitors to wear a high visibility vest (pictures attached) that will have a pocket on the front to display the approved solicitation permit and, on the back, display signage stating he/she is a solicitor, the city, the year the solicitation permit is valid, and expiration date.
- Increase Fee for Solicitor Permit
 - Currently the fee is \$50.00
 - Suggest increase fee to \$75.00
 - This will offset cost for the purchase of the high visibility vests that will be issued to each permit holder.
- Require all solicitor permits to expire the last day of each year issued (no matter what the issue date is).

Councilmember Veracruz recommended limiting the time to 5:00p.m.

I.2.B. Discuss the City Council calendar.

Interim City Manager Frederiksen presented the item.

- City Council concluded at the time to not cancel the January 5, 2020 Regular Meeting
- December 14, 2020 Joint Meeting with the DCEDC Board

Mayor Gordon recessed the Briefing Session at 6:22 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 6:24 p.m. and City Attorney Hager read the item into record.

The Council recessed the Executive Session at 7:04 p.m.

II.1 City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:

City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located at Main Street and Magnolia Drive.

II.2 City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:

- ***City of Duncanville v. Valdez; property located at 315 Blossom***

II.3 *City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:*

1. *EON Reality Management Agreement Lease, Security Interest.*

II.4 *The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: Interim City Manager and City Manager position.*

III. REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M.)

The City Council convened into Regular Session in the Council Chambers at 7:06 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Gordon.

The Pledge of Allegiance and Texas Pledge were led by Mayor Gordon.

III.1. REPORTS

III.1.A. Mayor's Report.

Mayor Gordon spoke on COVID-19 and encouraged everyone to join Facebook Live and watch the Tree Lighting on December 5, 2020 at 6:00 p.m.

III.1.B. Councilmembers' Reports

Councilmember Cooks thanked staff and their families for continuing to work during COVID-19. Councilmember Cooks encouraged District 4 to participate in a District Light Up on December 19, 2020.

Councilmember Anderson presented Main Street slides that viewed Main Street in 2007 and provided background on Main Street and spoke on the power of small development.

III.1.C. City Manager's Report.

None.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Presentations from Commissioners from the Multicultural Social Engagement Partnership.

Commissioners Dr. Lavern Holyfield spoke on Virtual Duncanville Event(s) and Kaelon McLemore discussed a Duncanville v-log.

Mayor Gordon thanked the commissioners and told them to work with Staff on moving forward.

III.3. CITIZENS' INPUT

"Pursuant to Section 551.007 of the Texas Gov't Code, any member of the public has the opportunity to address the City Council concerning any matter of public business or any posted agenda item; however, the Act prohibits the City Council from deliberating any issues not on the public agenda and such non-agenda issues may be referred to City staff for research and any future action; all persons addressing are subject to council adopted rules and limitations permitted by law"

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 1, 2020, email citysecretary@duncanville.com and title the email "Public Comment – December 1st. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

The City Secretary will still set a two-minute time limit on the comments as they are read.

Mayor Gordon read the item into record. The following submitted comments during the Citizens Input Period:

mayor spoke

Melonie Davis – submitted a comment on the roundabout.

Julie Lee – submitted a comment on the roundabout.

Michael Wesley – submitted a comment on the roundabout.

Alice B. Young – submitted a comment on the roundabout.

D. Allen – submitted a comment on allowing a public rail station.

Allen Reitmeier – submitted a comment on the roundabout.

Lucy Peal – submitted a comment on the roundabout.

Teddi Williams – submitted a comment on the roundabout.

Amy Christensen – submitted a comment on the roundabout.

Chris Conradi – submitted a comment on the roundabout.

M&E Browning – submitted a comment on the roundabout.

Will Maye – submitted a comment on the roundabout.

Janet Harris – submitted a comment on the roundabout.

Bryan Keaser - – submitted a comment on the roundabout.

Star Fraga – submitted a comment on the roundabout.

Charlie Camp – submitted a comment on the roundabout.

Jason Hilliard – submitted a comment on the roundabout.

Bill Self – submitted a comment on the roundabout.

Dan Jespersen – submitted a comment on the roundabout.

Connie McClure – submitted a comment on the roundabout.

Paul Brown – submitted a comment on the roundabout.

Amariss Nash – submitted a comment on the roundabout.

Kenneth Govan – submitted a comment on the roundabout.

Angela Jones – submitted a comment on the roundabout.

Lena Liles – submitted a comment on the roundabout.

Marissa Cano – submitted a comment on the roundabout.

Mark Teal – submitted a comment on the roundabout.

Bobby Roddy – submitted a comment on the roundabout.

Linda Lydia – submitted a comment on the roundabout.

Alex Wheeler – submitted a comment on the roundabout.

Pablo Ramirez – submitted a comment on the roundabout.

Larry Ray – submitted a comment on the roundabout.

Sylvia Clark – submitted a comment on the roundabout.

Gary Bennett – submitted a comment on the roundabout.

Joan – submitted a comment on the roundabout.

James Fears III – submitted a comment on the roundabout.

Caty Nelson – submitted a comment on the roundabout.

Kathee Vander Zanden – submitted a comment on the roundabout.

Pamela Rogers – submitted a comment on the roundabout.

Julian Leshnja – submitted a comment on the roundabout.

Barbara McComb – submitted a comment on the roundabout.

Betty Culbreath – submitted a comment on the roundabout.

Jeff Stroup – submitted a comment on the roundabout.

Lemesa Logan – submitted a comment on the roundabout.

Patricia Ebert – submitted a comment on the roundabout.

Marshal Wesley – submitted a comment on the roundabout.

Ralo Thompson – submitted a comment on the roundabout.

Joan Bryan – submitted a comment on the roundabout.

Misty Bain – submitted a comment on the roundabout.

Michael Grace – submitted a comment on the roundabout.

Dave Galbraith – submitted a comment on the roundabout.

III.4. CONSENT AGENDA

Mayor Gordon requested that City Secretary Kristin Downs read the Consent Agenda Items.

III.4.A. *Consider the Minutes for the September 22, 2020 Special City Council Meeting, September 29, 2020 Special City Council Meeting, October 5, 2020 Joint Meeting with Planning and Zoning Commission, and October 12, 2020 Joint Meeting with Parks and Rec. Board.*

III.4.B. *Consider a Resolution authorizing the third renewal option with Shawnee Mission Tree Service, Inc. dba Arbor Masters Tree Service, using the City of Grapevine contract #454-2017, for tree maintenance services for an estimated amount up to \$67,500.00. All other pricing, terms, and conditions of Contract 454-2017 remain unchanged.*

III.5.A. *Consider an Ordinance amending the Code of Ordinances by repealing Chapter 22, 'Drainage Utility', Article 1 'Municipal Drainage Utility System' in its entirety, and replacing it with a new Article 22, "Drainage Utility" and providing a repealing clause; providing a severability clause, providing a savings clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00).*

Item moved to Consent.

- III.5.C. Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY20-21 Budget in the amount of \$1,075 to the Duncanville Chamber of Commerce for electrical costs associated with the upgrade to their LED Sign while serving as the Duncanville Official Visitor Center.**
Item moved to Consent.

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Johnette Jameson absent. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. Consider an Ordinance amending the Code of Ordinances by repealing Chapter 22, 'Drainage Utility', Article 1 'Municipal Drainage Utility System' in its entirety, and replacing it with a new Article 22, "Drainage Utility" and providing a repealing clause; providing a severability clause, providing a savings clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00).**

Item moved to Consent.

- III.5.B. Consider a Resolution approving the Main Street Corridor Study recommendations for each segment option of Main Street from I-20 to Nance Street and selecting a project as the City's nomination for the Dallas County 7th Call for Projects.**

Public Works Director Ramey presented the item.

Background:

11/06/2018, Bond Election– Proposition B

- \$6.6M for Streets; \$1.5M budgeted for Intersection at Main @ Camp Wisdom w/ \$1.5M County Match pending selection for 7th Call for Projects

05/21/2019, Council approved PSA with Dallas County for Main Street Corridor Study

- I-20 to Center St
- Intersections: Camp Wisdom @ Main / E Davis @ Main / Center @ Main
- Study would provide recommendations for corridor improvements and would inform 7th Call for Projects submission

09/27/2019, Main Street Corridor Meeting #1 @ Dallas County

10/18/2019, Main St @ Camp Wisdom project submitted to 7th Call for Projects

12/20/2019, In Progress Review w/ City and County Staff

- Reviewed initial concepts at all three intersections
- Discussed challenges with Main St @ Camp Wisdom Intersection
- Main @ Center and Main @ Nance intersections looked promising

02/13/2020, In Progress Review w/ County Director of Public Works

- Supported recommendations for Main @ Center and Main @ Nance intersections as viable 7th Call Project
- Did not support Main @ Camp Wisdom intersection as viable 7th Call Project
- Supported extending Main St Corridor Study south to Nance St
- Recommended a Camp Wisdom Rd Corridor Study before making any plans at Camp Wisdom

06/09/2020, Update Briefing to Council

- Supported adjusting 7th Call Project/Bond Project location from Camp Wisdom Rd to Center St
- Desired additional details on the corridor
- Supported request for Camp Wisdom Rd Corridor Study

- 06/16/2020, Memos to Dallas County Public Works per direction from Council
- Requested adjusting 7th Call Project location to Center St
 - Requested partnering with County for Camp Wisdom Corridor Study

10/01/2020, Main Street Corridor Study Briefing to City & County Staff

11/17/2020, Main Street Corridor Study Briefing to City Council at Briefing Session

Goals of the Main Street Corridor Study

- Increased Traffic Efficiency throughout Corridor
- Increased Pedestrian Mobility throughout Corridor
- Provide connectivity to Potential Commuter Rail Station
- Encourage Economic Vitality throughout Corridor
- Identify best project for Dallas County 7th Call

Positive Impact

Neutral Impact

Negative Impact

Project Scope



Scope of the Main Street Corridor Study with Dallas County

Segment Options

Option 1 – Main St from I-20 to Camp Wisdom Rd Includes recommendation to implement once pavement and/or subsurface utilities require replacement \$770K County Score: 58	Option 2 – Intersection at Main St and Camp Wisdom Rd (Alt 2) Includes recommendation for Camp Wisdom Rd Corridor Study before Finalizing \$2.6M County Score: 65	Option 3 – Main St from Camp Wisdom Rd to Davis St Interim Final \$275K (Interim) \$2.2M (Final) County Score: 55.5
Option 4 – Intersection at Main St and Davis St \$45K County Score: 61	Option 5 – Main St from Davis St to Center St \$356K County Score: 56	Option 6 – Intersection at Main St and Center St, Main St from Center St to Nance St, and Nance St from Main St to Santa Fe Trl (Alt 3) \$3.1M County Score: 77.5

Decision Matrix – 7th Call Recommendation

Goal (Max Points)	Study Criteria				7 th Call Criteria							
	Traf	Peds	Rail	Econ	Reg Mob (30)	Traf Impts (20)	MM Conn (20)	Eco Vit (5)	Env (5)	Safe (10)	Feas (15)	Tot (105)
#1, I-20 to Camp Wisdom					12	10	10	0	5	8	11	58
#2, Main @ Camp Wisdom (Alt 2: Min BNSF RoW)					16	5	20	0	5	8	11	65
#3, Camp Wisdom to Davis					7	0	20	2.5	5	8	10	55.5
#4, Main @ Davis					7	10	20	0	5	8	11	61
#5, Davis to Center					2	10	20	0	5	6	13	56
#6, Nance to Center					7	20	20	2.5	5	10	13	77.5

- Scoring performed by Dallas County Staff
- 70 is minimum score to receive consideration

Councilmember Cooks and Councilmember Anderson supported the roundabout and voiced their reasons. The following Councilmembers in attendance were not in favor of the roundabout and voiced their reasons; Mayor Gordon, Mayor Pro Tem McBurnett, Councilmember At-Large Harvey, and Councilmember Veracruz.

Discussion on a Santa Fe connection with a right turn only took place. Mayor Gordon questioned the opposing Councilmembers if the Santa Fe connection with a right turn would change their opinion. The opposing Councilmembers stated no.

Councilmember Mark D. Cooks made a motion:

I make a motion to approve the Main Street Corridor Study recommendations for each segment of Main Street from I-20 to Nance Street and select the project at Segment Option 6 – Alternative 3, Intersection at Main St and Center St, Main St from Center St to Nance St, and Nance St from Main St to Santa Fe Trail as the City’s nomination for the Dallas County 7th Call for Projects.

Councilmember Monte Anderson seconded the motion. The vote was cast 2 for, 4 against (Mayor Barry L. Gordon, Councilmember At-Large Patrick Harvey, Councilmember Joe Veracruz, and Mayor Pro Tem Don McBurnett), with Councilmember Johnette Jameson absent. Item failed.

III.5.C. Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY20-21 Budget in the amount of \$1,075 to the Duncanville Chamber of Commerce for electrical costs associated with the upgrade to their LED Sign while serving as the Duncanville Official Visitor Center.
Item moved to Consent.

III.5.D. Take any necessary action as a result of the Executive Session.
Item moved until after Staff and Board Reports.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Annual Investment Report as of September 30, 2020.
No questions.

III.6.B. Receive the Public Works Department Quarterly Report.
No questions.

Mayor Gordon recessed Regular Session at 10:05 p.m.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:07 p.m. and City Attorney Hager read the item into record.

Executive Session was recessed at 10:12 p.m.
Executive Session was reconvened at 10:14 p.m.

- II.1

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:

City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located at Main Street and Magnolia Drive.
- II.2

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:

• City of Duncanville v. Valdez; property located at 315 Blossom
- II.3

City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

1. EON Reality Management Agreement Lease, Security Interest.
- II.4

The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: Interim City Manager and City Manager position.

Executive Session was closed at 11:31 p.m.

Regular Session was reconvened at 11:32 p.m.

- III.6.C.

Take any necessary action as a result of the Executive Session.

No action.

IV. ADJOURNMENT

The meeting was adjourned at 11:33 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**Duncanville City Council
Special Meeting
Monday, December 7, 2020**

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Monday, December 7, 2020, at 6:03 p.m. via videoconference with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

**STAFF VIA VIDEO
CONFERENCING:**

Kristin Downs, City Secretary
Robert E. Hager, City Attorney

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Special Meeting by video conference at 6:00 pm on Monday, December 7, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4:00pm on Monday, December 7, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 7th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_NvGc0OzzR1-1F0wUiRBKJw

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

- 1. Call to Order.**
- 2. Receive Public Comments.**
None.

Mayor Gordon recessed the Regular Session at 6:05 p.m.

- 3. The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews of a City personnel employee to wit: City Manager position.**

The Executive Session was called into session at 6:06 p.m. and read the item into record.

Mayor Gordon recessed Executive Session at 7:22 p.m.
Mayor Gordon reconvened Executive Session at 7:52 p.m.

Mayor Gordon closed the Executive Session at 7:59 p.m.

Mayor Gordon reconvened the Regular Session at 8:07 p.m.

- 4. TAKE ANY NECESSARY ACTION AS A RESULT OF THE EXECUTIVE SESSION.**
City Attorney Hager read a motion:

“Motion to hire and offer a contract to Aretha Ferrell-Benavides as City Manager of the City of Duncanville, Texas effective on February 8th, 2021 at a base salary of \$220,000.00 plus \$8,000.00 deferred compensation; and, based on waiving of insurance, standard vacation and sick time, membership in various professional organizations, severance of six months plus additional two month for every year of completed service not to exceed one year, relocation expenses up to \$7,500.00; Sixty (60) day notice of termination of employment, vehicle

available for business use or may use her personal vehicle at standard IRS mileage reimbursement rate.”

Councilmember At-Large Patrick Harvey made a motion, Councilmember Joe Veracruz seconded the motion. The vote was cast 4 for (Councilmember Veracruz, Mayor Pro Tem McBurnett, Councilmember Cooks, and Councilmember At-Large Harvey), 3 against (Councilmember Monte Anderson, Councilmember Jameson, and Mayor Gordon). Item passed.

ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Duncanville City Council Meeting Minutes
Joint Meeting with the
Duncanville Community & Economic Development Corporation (DCEDC)
Monday, December 14, 2020

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Special Meeting by video conference at 6:00 pm on Monday, November 9 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Monday, December 14, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 14th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_kgLOi6dfS6m3L2pGSwGsuQ

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

1. CALL TO ORDER

A joint meeting of the Duncanville City Council and the Duncanville Community & Economic Development Corporation (DCEDC) Board was called to order for City Council by Mayor Barry L. Gordon and for the Duncanville Community & Economic Development Corporation (DCEDC) Board by President Steve Dial on Monday, December 14, 2020 at 6:00 p.m. via videoconference with a quorum to wit:

Barry L. Gordon	Mayor
Patrick Harvey	Councilmember At-Large
Joe Veracruz	Councilmember
Don McBurnett	Mayor Pro Tem
Monte Anderson	Councilmember
Mark D. Cooks	Councilmember
Johnette Jameson	Councilmember

and with a quorum of the Duncanville Community & Economic Development Corporation (DCEDC) Board to wit:

Steve Dial	Chair
Derwin Broughton	Vice Chair
Tammi Abney	Board Member
Kenneth Govan	Board Member
Dave Galbraith	Board Member
Chan Williams	Board Member
Michael Grace	Board Member – 6:03 p.m.

2. RECEIVE PUBLIC COMMENTS (SEE ABOVE COMMENTS).
No comments.

Mayor Gordon recessed the Regular Session at 6:03 a.m. to convene into Executive Session.

3. EXECUTIVE SESSION:

IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, THE DUNCANVILLE CITY COUNCIL AND THE DCEDC SHALL CONVENE INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 551.072 – DELIBERATIONS ABOUT REAL PROPERTY, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY.

- **DISCUSS PROPERTY LOCATED AT 100 S. MAIN ST., DUNCANVILLE, TX 75116.**

Councilmember Anderson had to abstain from participation in the Executive Session.

The Executive Session was called into session at 6:13 a.m. and read the item into record.

Mayor Gordon closed the Executive Session at 4:35 p.m.

Mayor Gordon reconvened the Regular Session at 4:36 p.m.

- 4. **DISCUSS THE CITY OF DUNCANVILLE POLICY STATEMENT AND GUIDELINES FOR ECONOMIC DEVELOPMENT GRANTS AND TAX ABATEMENTS.**
Economic Development Director James presented the item. One minor change; added the word sustainable to the first page on the first line.

- 5. **DISCUSS THE DEVELOPMENT OBJECTIVES FOR THE RAILROAD FLATS PROPERTY.**
Chair Dial presented the item. Councilmember Anderson suggested a Guide Developer and to brainstorm with more people to get more community involvement.

Councilmember Cooks suggested placing signs on the property for prospective owners to know the vision of the buildings.

- 6. **ADJOURNMENT**
The meeting was adjourned at 7:16 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 15, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 15, 2020, at 6:00 p.m. via videoconference with a quorum to wit:

COUNCIL VIA VIDEO
CONFERENCING:

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

STAFF VIA VIDEO
CONFERENCING:

IT Director Tracy Beekman
Economic Development Director Jessica James
Public Works Director Bryan Greg Ramey
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert E. Hager

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, December 15, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 15, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 15th”. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_sD-YUDhMSBcCMKDWNJnfQg

After registering, you will receive a confirmation email containing information about joining the webinar.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon recessed the Briefing Session at 6:03 p.m. due to technical difficulties.

Mayor Gordon reconvened the Briefing Session at 6:05 p.m.

Mayor Gordon read the item into record, and Interim City Manager Frederiksen reviewed each item. Mayor Gordon stated Item 2B is postponed to a future Council Meeting date and Items 5A, 5B, and 5C will be moved to Individual Consideration.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. Discussion on Fire Station #1 Design.

Public Works Director Ramey and Stephen Hilt, BRW Architects presented the item.

The following design options were presented.

Option 1	Option 2	Option 3
		
Contemporary Massing and Color Palette	Contemporary Massing and Color Palette	More Traditional Massing - Lighter Color Palette
Partially Exposed Pre-Engineered Metal Building Structure	Concealed Pre-Engineered Metal Building Structure	Concealed Pre-Engineered Metal Building Structure
Most Cost Effective	Extra Volume - Potential Storage	False Façades - Additional Structural Steel Support
\$348 / SF	\$357 / SF	\$376 / SF
\$5,391,477	\$5,525,122	\$5,825,806

Council requested Options 1 and 2 be brought to Council at a later date with a list of cost adjustments to find the funds to cover the difference between Option 1 and Option 2.

I.2.B. ***Discuss the Purchasing Initiative Underutilized Business Equity Presentation.***

Item tabled by staff until a later City Council meeting.

I.2.C. ***Discussion on Assembling a Citizen Committee to Discuss and Recommend Street Bond Projects.***

Councilmember At-Large Harvey presented the item and questioned if Council had any interest to reassemble the Bond Committee to develop recommendations for capital spending's that would qualify under the Bond Ordinance for the undesignated \$1.5 million.

Mayor Gordon asked staff to put something together on the \$1.5 million as close to appropriately possible for what it was intended for.

Mayor Gordon recessed the Briefing Session at 7:30 p.m. and Executive Session was moved until after Staff and Board Reports.

II. **EXECUTIVE SESSION**

Executive Session was moved until after Staff and Board Reports.

II.1 ***City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located south of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.***

II.2 ***City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:***

- ***EON Reality Management Agreement Lease, Security Interest,***
- ***Involving an employee EOC Claim.***

II.3 ***The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews, and/or contract of a City personnel employee to wit: Interim City Manager and City Manager position.***

III. **REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. or immediately following the 6:00 pm Work Session/Briefing)**

The City Council convened into Regular Session in the Council Chambers at 7:31 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem Don McBurnett.

The Pledge of Allegiance and Texas Pledge were led by Mayor Gordon.

III.1. REPORTS

III.1.A. **Mayor's Report.**

Mayor thanked everyone for their thoughts and prayers for him and his wife on their recovery from COVID-19.

Mayor Gordon stated he has replaced the late Mayor McCowan as the primary lead for the NCTCOG Regional Transportation Committee and that Mayor Mason will serve as the alternate.

III.1.B. **Councilmembers' Reports**

Councilmember Cooks wished everyone a Merry Christmas and recognized and thanked District 4 for participating in decorating their homes.

Councilmember Jameson wished everyone a Merry Christmas and a safe and Happy Holiday.

Councilmember Anderson encouraged everyone to look at starting and growing their businesses in Duncanville.

Councilmember At-Large Harvey wished everyone a Merry Christmas.

III.1.C. **City Manager's Report.**

Interim City Manager Frederiksen thanked Economic Development Director James will be leaving the City and congratulated her on new job with the City of Benbrook.

III.2. PROCLAMATIONS AND PRESENTATIONS

None.

III.3. CITIZENS' INPUT

"Pursuant to Section 551.007 of the Texas Gov't Code, any member of the public has the opportunity to address the City Council concerning any matter of public business or any posted agenda item; however, the Act prohibits the City Council from deliberating any issues not on the public agenda and such non-agenda issues may be referred to City staff for research and any future action; all persons addressing are subject to council adopted rules and limitations permitted by law"

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 15, 2020, email citysecretary@duncanville.com and title the email "Public Comment – December 15th. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

The City Secretary will still set a two-minute time limit on the comments as they are read.

Mayor Gordon read the item into record. The following spoke during the Citizens Input Period:

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on the Christmas stroll in Armstrong Park and questioned if the City owned land to build Fire Station #1.

III.4. CONSENT AGENDA

Mayor Gordon requested that City Secretary Kristin Downs read the Consent Agenda Items.

III.4.A. ***Consider the Minutes for the October 19, 2020, Joint Meeting with Planning & Zoning Commission, and the October 20, 2020 City Council Regular Meeting.***

- III.4.B. *Consider a Resolution authorizing the second option to renew for an additional one-year period beginning November 27, 2020, and ending November 26, 2021, for IFB-19-001, Traffic Signal Maintenance Services, with Siemens Mobility, Inc., with an estimated amount up to \$156,610.00.*
- III.4.C. *Consider a Resolution of Canvass of Returns and Declaration of results of Run-Off Election.*
- III.5.A. *Consider a Resolution authorizing awards bid IFB 21-002 to Pavecon Public Works, LP for Street Reconstruction and Subsurface Utility Improvements Project at East Danieldale Road from S. Main St. to US-67 Service Road through the City's competitive bid process with an estimated expenditure amount not to exceed \$6,581,962.21.*
- III.5.B. *Consider a Resolution authorizing award of for IFB-21-001-Green Tree Lane Water & Wastewater Utility Improvements from 1700 to 1800 Green Tree Lane to FM Utilities, LLC, through the City's competitive bid process, with an estimated amount up to \$1,105,499.35.*
- III.5.C. *Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-007 for Construction Management Services for Danieldale Rd., Street and Subsurface Utilities Reconstruction from Main St to US-67 with Dunaway Associates in the proposed amount of \$157,030.00.*

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 7 for, 0 against. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. *Consider a Resolution authorizing awards bid IFB 21-002 to Pavecon Public Works, LP for Street Reconstruction and Subsurface Utility Improvements Project at East Danieldale Road from S. Main St. to US-67 Service Road through the City's competitive bid process with an estimated expenditure amount not to exceed \$6,581,962.21.*

Item moved to Individual Consideration.

- III.5.B. *Consider a Resolution authorizing award of for IFB-21-001-Green Tree Lane Water & Wastewater Utility Improvements from 1700 to 1800 Green Tree Lane to FM Utilities, LLC, through the City's competitive bid process, with an estimated amount up to \$1,105,499.35.*

Item moved to Individual Consideration.

- III.5.C. *Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-007 for Construction Management Services for Danieldale Rd., Street and Subsurface Utilities Reconstruction from Main St to US-67 with Dunaway Associates in the proposed amount of \$157,030.00.*

Item moved to Individual Consideration.

- III.5.D. *Consider a Resolution accepting the conveyance from Dallas County of real property and improvement located at 100 E. Wheatland Rd. (Dallas County Sub-Courthouse/Tax Office) to the City of Duncanville.*

Economic Development Director James presented the item. The former Dallas County Tax Office, located at 100 E. Wheatland Rd., has a deed restriction that requires the County to convey the property back to the City of Duncanville if the County determines that they have no further use of the property. Dallas County has completed the new South Dallas Government Center and relocated their Tax Office services from Duncanville to the new location at 8301 South Polk in Dallas. On December 1, 2020, the Commissioner's Court deliberated in executive session and agreed they did not have further use of the site and conveyed it back to the City. There is no cost to the City for accepting this conveyance.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.E. Take any necessary action as a result of the Executive Session.

Mayor Gordon recessed Regular Session at 7:55 p.m.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Economic Development Department Quarterly Report.

No questions.

II. EXECUTIVE SESSION

The Executive Session was called into session at 7:59 p.m. and City Attorney Hager read the item into record.

II.1 City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located south of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.

II.2 City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

- EON Reality Management Agreement Lease, Security Interest,
- Involving an employee EOC Claim.

II.3 The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews, and/or contract of a City personnel employee to wit: Interim City Manager and City Manager position.

The Council closed the Executive Session at 9:32 p.m.

III.5.E. Take any necessary action as a result of the Executive Session.

Councilmember Jameson had technical difficulties.

Mayor Gordon reconvened Regular Session at 9:47 p.m.

City Attorney Hager read the motion for Item II.1

City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located south of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.

"Motion to authorize the City Attorney to file a lawsuit against EON Realty Inc. for breach of contract, breach of lease and other appropriate causes of action to collect any and all compensatory consequential damages arising from a management contract and lease agreement."

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against (Councilmember Johnette Jameson had technical difficulties). Motion passed.

Item II.2

City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

- EON Reality Management Agreement Lease, Security Interest,
- Involving an employee EOC Claim.

No action.

City Attorney Hager read the motion for Item II.3

The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews, and/or contract of a City personnel employee to wit: Interim City Manager and City Manager position.

“Motion to approve the contract with Aretha R. Ferrell-Benavides as City Manager with the base salary and deferred compensation as previously offered with the same terms and conditions as stated with the following changes:

- 3.07 Waiver of health insurance
- 3.09 Provide a take home automobile and
- 13.02 Cap moving expenses at \$7,500.00, which may include visit to the DFW Metroplex; and, authorizing the Mayor to sign.”

Start date of February 22, 2021

Councilmember At-Large Patrick Harvey made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 5 for, 1 against (Councilmember Monte Anderson against and Councilmember Johnette Jameson had technical difficulties). Motion passed.

City Attorney Hager read the motion for Item II.3

“Motion to continue the contract of employment with the Interim City Manager, Paul Frederiksen, under same terms and conditions as previously agreed until February 21, 2021.”

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 6 for, 0 against (Councilmember Johnette Jameson had technical difficulties). Motion passed.

Mayor Gordon and Council thanked Interim City Manager Frederiksen for his hard work and dedication during his interim period.

IV. ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider a Resolution ordering a Joint Election to be held in the City of Duncanville on Saturday, May 1, 2021, for the purpose of electing a Councilmember At-Large for a two (2) year term, one Councilmember from District 1 for a two (2) year term, one Councilmember from District 3 for a two (2) year term and one Councilmember from District 5 for a two (2) year term.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- 1. Most engaged citizens in America

STAFF RESPONSIBLE:

Kristin Downs, City Secretary

BACKGROUND/HISTORY:

Article VII, Section 7.04, of the City Charter provides for a City Council composed of a Mayor and six (6) Councilmembers. Councilmember At-Large and Councilmembers from Districts 1, 3 and 5 are elected in each odd numbered year.

POLICY EXPLANATION:

Section 3.005(c) of the Texas Election Code requires a May election to be ordered not later than the 71st day before Election Day. For the May 1, 2021 election, the deadline for ordering the election is Friday, February 12, 2021.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

Staff recommends approval of a Resolution ordering a Joint Election to be held in the City of Duncanville on Saturday, May 2, 2020, for the purpose of electing a Councilmember At Large for a two (2) year term, one Councilmember from District 1 for a two (2) year term, one Councilmember from District 3 for a two (2) year term and one Councilmember from District 5 for a two (2) year term.

ATTACHMENTS:

[Attachment 1 - Resolution No. - 2021-011 - Ordering the May 1, 2021 Election](#)

A RESOLUTION OF THE CITY OF DUNCANVILLE, TEXAS

RESOLUTION NO. 2021-011

ELECTION OF MUNICIPAL OFFICERS

Duncanville, Texas

May 1, 2021

ELECTION ORDER FOR JOINT ELECTION

BE IT REMEMBERED THAT on this 19th day of January 2021, at a meeting of the City Council of the City of Duncanville, Texas, a quorum being present, the meeting was called to order and the Council issued the following order:

WHEREAS, the City has or will enter into an agreement with Dallas County and other political subdivisions to hold the election as a Joint Election;

NOW, THEREFORE, IT IS ORDERED that an election be held in the City of Duncanville, Texas on the 1st day of May 2021, the same being the first Saturday of said month, for the following purpose:

To elect the Councilmember At Large for a two (2) year term, one Councilmember from District 1 for a two (2) year term, one Councilmember from District 3 for a two (2) year term and one Councilmember from District 5 for a two (2) year term.

The candidate for each such office receiving a majority of all votes cast for all candidates for such office shall be elected to serve such term or until his or her successor is duly elected and qualified.

In the event any candidate for any one of said offices fails to receive a majority of all votes cast for all the candidates for such office, a run-off election shall be called as provided for by the Charter of the City and the State Election Code; and, will be held on
Page 1 of 9

June 5, 2021. The Dallas County Elections Administrator will conduct the run-off election.

The local polling places for said election shall be the Duncanville Library, 201 James Collins Blvd; Byrd Middle School, 1040 West Wheatland Road; Fairmeadows Elementary School, 101 East Fairmeadows Drive; and Reed Middle School, 530 East Freeman Street, Duncanville, Texas; in accordance with the Vote Center, persons may vote anywhere in the County for early voting and election day.

The polls shall be open from 7:00 a.m. to 7:00 p.m.

Qualified voters shall vote for a candidate for Councilmember At Large, and only for a Councilmember candidate seeking election within that voter's single member district.

The election shall be held as a Joint Election pursuant to a Joint Election Agreement and Election Services Contract by and between the City of Duncanville, Dallas County and other political subdivisions. (The "Agreement").

Notice of said election shall be published once in the official newspaper of the City not earlier than the 30th day or later than the 10th day before Election Day and shall be posted on the Bulletin Board used to publish notice of City Council Meetings not later than the 21st day before Election Day. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting stating the date and place of posting.

Pursuant to the above mentioned Joint Election Agreement, the Dallas County Elections Administrator shall serve as Election Administrator for the election.

Presiding Election Judges and an Alternate Presiding Election Judge appointed to serve at said polling places shall be those election officials furnished

by the Elections Administrator from the list of proposed election judges in accordance with the Joint Election to the agreement or as otherwise selected pursuant to the terms of the agreement.

An Early Voting Ballot Board is hereby created pursuant to Section 87.001 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the agreement and the Presiding Judge and Alternate Presiding Judge of the Early Voting Ballot Board shall be the election officials listed in the agreement.

EARLY VOTING

Michael Scarpello, Elections Administrator, is the appointed early voting clerk in compliance with Section 271.006 of the Texas Election Code. Other deputy early voting clerks will be appointed as needed to process early voting mail and to conduct early voting at the branch locations. Early voting shall also be conducted at the main early voting polling place or any County Branch Early Voting location.

Early voting by personal appearance will be conducted on weekdays beginning Monday, April 19, 2021, and continuing through Friday, April 23, 2021, between 8 a.m. and 5 p.m.; Saturday, April 24, 2021, between 8 a.m. and 5 p.m.; Sunday, April 25, 2021, between 1 p.m. and 6 p.m.; Monday, April 26, 2021 between 7 a.m. and 7 p.m.; and, Tuesday, April 27, 2021 between 7 a.m. and 7 p.m., as provided in the Joint Election Agreement. Any qualified voter for the Joint Election may vote early by personal appearance at either the main early voting location or at any of the branch locations.

MAIN EARLY VOTING POLLING PLACE:

-- GEORGE L ALLEN SR. COURTS BUILDING:
600 Commerce Street
Dallas, Texas 75202

BRANCH EARLY VOTING POLLING PLACES:

-- DUNCANVILLE LIBRARY/COMMUNITY CENTER
201 James Collins Blvd.
Duncanville, Texas 75116

Other locations within Dallas County are available on the County Elections Department Website.

EARLY VOTING BY MAIL

Applications for early voting ballot by mail should be submitted to:

Michael Scarpello, Elections Administrator
Dallas County Elections Department,
1520 Round Table Drive
Dallas, TX 75247
Email: evapplications@dallascounty.org
(Scanned version of an original application)
Fax: 214-819-6301

An application may be submitted any time during the year of the election. The deadline for which applications for ballots by mail must be received by the early voting clerk is April 20, 2021 (the eleventh day before Election Day). The deadline for an FPCA is the same as an application for ballot by mail.

All requests for early voting ballots by mail that are received by the City of Duncanville will be transported by runner on the day of receipt to Michael Scarpello, Elections Administrator, Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247.

The City Secretary shall present such returns to the City Council for canvassing of said election. The canvass of said election return shall be conducted by the City Council in accordance with state law.

DULY ORDERED by the City Council of the City of Duncanville, Texas, this the
19th day of January 2021.

APPROVED:

BARRY L. GORDON, MAYOR

ATTEST:

KRISTIN DOWNS, CITY SECRETARY

UNA RESOLUCIÓN DEL AYUNTAMIENTO DE DUNCANVILLE, TEXAS

RESOLUCIÓN NÚM. 2021-011

ELECCIÓN DE FUNCIONARIOS MUNICIPALES

Duncanville, Texas

1ero de mayo del 2021

MANDATO PARA CONVOCAR ELECCIONES CONJUNTAS

HÁGASE A MANERA DE RECORDATORIO que en este día 19 de enero del año 2021, en una reunión del Concejo Municipal de Duncanville, Texas, estando presente el quórum, la reunión se llamó al orden y el Concejo promulgó el mandato a continuación:

CONSIDERANDO QUE, el Ayuntamiento firmó o firmará un acuerdo con el Condado de Dallas y otras subdivisiones políticas para convocar a elecciones como Elecciones Conjuntas;

AHORA, POR LO TANTO, SE ANUNCIA EL MANDATO que se convoque a elecciones en el Municipio de Duncanville, Texas el próximo 1ero de mayo del 2021, ejerciéndose la misma el segundo sábado de dicho mes, para el propósito que se menciona a continuación:

Para elegir a un miembro del consejo en general por un periodo de dos (2) años, a un miembro del consejo del Distrito 1 por un periodo de dos (2) años, un miembro del consejo para el Distrito 3 por un periodo de dos (2) años y un miembro del consejo del Distrito 5 por un periodo de (2) años.

El candidato a ocupar para tal oficina recibiendo la mayoría de todos los votos contados entre todos los candidatos para dicha oficina deberá ser electo para servir sus termino servicios o hasta que su sucesor(a) sea debidamente electo(a) y llene las cualidades establecidas.

En caso de que cualquier candidato para dicha gestión no logre acumular la mayoría de todos los votos contados entre todos los candidatos a ocupar dicha gestión, se llevará a cabo una segunda ronda de elecciones según se contempla en la Carta Constitutiva del Municipio y el Código Electoral del Estado; y, se llevará a cabo el 5 de junio del 2021. El

Administrador Electoral del Condado de Dallas llevara a cabo la segunda ronda de elecciones.

Las casillas electorales locales para la antedicha elección se instalarán en la Biblioteca de la Ciudad de Duncanville ubicada en 201 James Collins Blvd.; Escuela de Educación Intermedia Byrd Middle School, 1040 West Wheatland Road, en la Escuela Primaria Fairmeadows Elementary School, 101 East Fairmeadows Drive y en la Escuela de Educación Intermedia Reed Middle School, 530 East Freedman Street, Duncanville, Texas; de acuerdo con el Centro de Votación, las personas pueden votar en cualquier lugar del Condado para la votación anticipada y el día de las elecciones.

Las casillas electorales abrirán sus puertas a partir de las 7:00 a.m. y cerrarán hasta las 7:00 p.m.

Los electores que cumplan con los requisitos votarán por Para elegir al miembro de consejo general y solamente por un candidato a concejal que esté en búsqueda de ser electo dentro del distrito electoral con un sólo integrante.

Las elecciones se llevarán a cabo como una Elección Conjunta apegándose a un Convenio de Elecciones Conjuntas y al Contrato de Servicios Electorales firmados por y con la participación del Municipio de Duncanville, el Condado de Dallas y otras subdivisiones políticas (el “Convenio”).

La notificación de dicha elección se publicará una sola vez en el diario oficial del Municipio antes de 30 días, día o posterior a 10 días previo al día de la elección y se exhibirá en el lugar designado para las notificaciones públicas de las Reuniones del Ayuntamiento antes de 21 días previo al día de la elección. (4.003) Se deberá conservar, como una constancia de dicha notificación, un ejemplar de la notificación publicada que contenga el nombre del periódico y la fecha de su publicación, y la persona que publique dicha notificación tomará nota de la hora de dicha publicación, la fecha en la que se publicó y el lugar donde se publicó. (4.005)

De conformidad con el Convenio de Elección Conjunta arriba mencionado, el Administrador Electoral del Condado de Dallas quedará facultado como el Administrador Electoral para dichas elecciones.

Los jueces asignados para que presidan las elecciones y un juez alterno que presida las elecciones y que preste sus servicios en dichas casillas electorales, serán aquellos funcionarios electorales que sean nombrados por el Administrador Electoral entre una lista de jueces electorales

propuestos en el Anexo del convenio, o de alguna otra manera seleccionados de conformidad con las cláusulas del convenio.

En cumplimiento con la Sección 87.001 del Código Electoral de Texas, por este medio se crea un Consejo Electoral para el Voto Anticipado. El Consejo Electoral para el Voto Anticipado deberá constar de los integrantes nombrados de la manera manifestada en el convenio; y el juez que lo presida y un juez alterno que presida el consejo para las elecciones anticipadas, serán aquellos funcionarios electorales mencionados en el convenio.

VOTACIÓN ANTICIPADA

Michael Scarpello, el Administrador Electoral, es nombrado como secretario del voto anticipado apegándose a la Sección 271.006 del Código Electoral de Texas. Se nombrarán a otros delegados de las elecciones anticipadas, según se considere necesario, para procesar los votos anticipados por correo y llevar a cabo las elecciones anticipadas en las ramificaciones de las casillas electorales. Las elecciones anticipadas también podrán ejercerse en cualquier casilla electoral del Condado para ejercer el voto anticipado.

La votación por apariencia temprana será conducida entre días hábiles a partir de comenzando lunes 19 de abril del 2021 y continuará hasta el viernes 23 de abril del 2021, entre las 8:00 a.m. y las 5:00 p.m., el sábado 24 de abril del 2021 entre las 8:00 a.m. y las 5:00 p.m., el domingo 25 de abril del 2021 entre la 1:00 p.m. y las 6:00 p.m., el lunes 26 de abril del 2021 entre las 7:00 a.m. y 7:00 p.m., y el martes 27 de abril del 2021 entre las 7:00 a.m. y 7:00 p.m. Cualquier elector que cumpla con los requisitos para la Elección Conjunta, podrá ejercer la votación anticipada en persona, ya sea en cualquiera de las casillas electorales para la votación anticipada o en cualquiera de sus ramificaciones.

UBICACIÓN DE LA SEDE PRIMARIA PARA EL VOTO ANTICIPADO

GEORGE L ALLEN SR. COURTS BUILDING:
600 Commerce Street
Dallas, Texas 75202

CENTRO DE VOTACION PARA VOTACION ADELANTADA:

DUNCANVILLE LIBRARY/COMMUNITY CENTER
201 James Collins Blvd.
Duncanville, Texas 75116

Localidades de votación adicionales dentro del Condado de Dallas están disponibles en el sitio web del Departamento de Elecciones del Condado.

VOTO ANTICIPADO POR CORREO

Las solicitudes de boletas electorales para votar anticipadamente por correo deberán enviarse por correo a:

Michael Scarpello, Elections Administrator
Dallas County Elections Department,
1520 Round Table Drive
Dallas, TX 75247

Email: evapplications@dallascounty.org (Versión escaneada de una aplicación)

Fax: 214-819-6301

Se puede presentar una solicitud en cualquier momento durante el año de la elección. La fecha límite para la cual el secretario de votación anticipada debe recibir las solicitudes de boletas por correo es el 20 de abril del 2021 (el undécimo día antes del día de las elecciones). La fecha límite para una FPCA es la misma que para una solicitud de boleta por correo.

Todas las solicitudes de boletas de votación anticipada por correo recibidas por la ciudad de Duncanville serán transportadas por el corredor el día de la recepción a Michael Scarpello, Secretario Electoral del Voto Anticipado, Departamento Electoral del Condado de Dallas, 1520 Round Table Drive, Dallas, Texas 75247.

DEBIDAMENTE EXPEDIDO ESTE MANDATO por el Ayuntamiento Municipal de la Ciudad de Duncanville, Texas este día 19 de enero del 2021.

APROBADO:

Barry L. Gordon, ALCALDE

ATESTIGUÓ:

Kristin Downs, SECRETARÍA DE LA CIUDAD



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider a Resolution approving a Special Sewer Permit for 1411 South Cockrell Hill Road.

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **2. Create high quality neighborhoods and parks**
 - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:

Bryan G. Ramey II, P.E., Director of Public Works

BACKGROUND/HISTORY:

The building at 1411 S Cockrell Hill Rd was constructed as a single-family residence in 1955 and was served by an On-Site Sewage Facility (OSSF), commonly known as a septic system. In November 1999, the parcel and surrounding parcels were rezoned to General Retail (Ord No. 1610). The property continued as a legal non-conforming residence with septic system until the property was purchased by the current owner in September 2019.

The current property owner intends to convert the home to a restaurant offering single-serve sandwiches and wine for take-out only. According to City Ordinance, all non-residential uses are required to connect to City sanitary sewer infrastructure; however, there are significant challenges and costs in connecting this property to the City's infrastructure. The City would contract the design and construction work; however, the costs of the connection is borne by the property owners that would benefit from the improvement.

The City Staff examined two options in an effort to determine the best method to connect the property to the City's Sanitary Sewer infrastructure (See Attachment 1 for map):

1. Connection at 1331 S Cockrell Hill Rd. In this option, a manhole would be constructed at the west side of the property and a sewer line would extend approximate 520' north to connect with the existing sewer line that runs east-west along the north side of 1331 S Cockrell Hill Rd. This option was ruled out due to the estimated cost of \$120,000.00 which would be borne by the property owners at 1407 and 1411 S Cockrell Hill Rd. The property owner at 1331 S Cockrell Hill Rd would not have to contribute since they already have sewer access.

2. Aerial Crossing west of 1411 S Cockrell Hill Rd. In this option, a manhole would be constructed at the west side of the property and a sewer line would extend approximately 150' west to connect to the existing sewer line that runs north-south on the west side of Mauk Branch Creek. This option was ruled out due to the estimated cost of \$80,000.00 which would be borne by the property owners at

1407, 1411, and 1415 S Cockrell Hill Rd. Another challenge with this option is that it requires another aerial crossing over the creek. This is very undesirable as aerial lines are vulnerable to debris during high-water events so Staff tries to minimize the number of aerial crossings in the City.

The City Ordinance allows the City Council to approve a Special Sewer Permit on a case-by-case basis when there are challenges in meeting the requirement to connect non-residential properties to existing sanitary sewer infrastructure. The property owner is requesting City Council approve a Special Sewer Permit for 1411 S Cockrell Hill Rd. The property owner has already acquired a septic system design sealed by a Registered Professional Sanitarian and received approval by the Texas Commission on Environmental Quality (Resolution Exhibits A & B).

POLICY EXPLANATION:

According to Section 20-79 - Regulations Controlling Discharges, of the City Code of Ordinances, any property uses other than single-family residence within the city limits shall be required to install and tie into an organized sanitary sewage disposal system unless granted as special sewer permit. The purpose of this resolution is to approve a special sewer permit so the property owner at 1411 S Cockrell Hill Rd can construct a septic system in lieu of connecting to the City's wastewater infrastructure.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

Staff recommends approval of a Special Sewer Permit for 1411 South Cockrell Hill Road.

ATTACHMENTS:

[Attachment 1 - FY21 DPW 1411 S Cockrell Hill Map, 2021-01-07](#)

[Attachment 2 - Resolution No. - 2021-007 - Authorizing a Special Sewer Permit for 1411 South Cockrell Hill Road - Pdf](#)

Attachment 1 – Utilities Map of 1411 S Cockrell Hill Rd and surrounding area.



RESOLUTION NO. 2021-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING A SPECIAL SEWER PERMIT FOR 1411 SOUTH COCKRELL HILL ROAD; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Any property use other than single-family residence within the city limits shall be required to install and tie into an organized sanitary sewage disposal system, unless granted a special sewer permit; and

WHEREAS, The City Council may grant a special sewer permit under appropriate cases on such terms and conditions as may be necessary to the health and welfare of the city under the circumstances of each individual case; and

WHEREAS, The City of Duncanville Public Works Director has determined that the location of the existing organized sanitary sewage disposal system makes it impractical for the property at 1411 South Cockrell Hill Road to tie into it; and

WHEREAS, A Registered Professional Sanitarian provided a sealed On-Site Sewage Facility (OSSF) design on November 17, 2020 that will accommodate the anticipated waste loading in a manner that will conform to the standards developed by the Texas Department of Health [Exhibit A]; and

WHEREAS, The Texas Commission on Environmental Quality (TCEQ) has reviewed and approved the OSSF design on December 4, 2020 as in conformance with the minimum standards established by TCEQ [Exhibit B].

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, THAT:

SECTION 1. The City of Duncanville, Texas grants a special sewer permit for 1411 South Cockrell Hill Road for construction of an On-Site Sewage Facility (OSSF) in accordance with the sealed design provided in Exhibit A and with an approved post-construction facility inspection by the Texas Commission on Environmental Quality (TCEQ) as stated in Exhibit B.

SECTION 2. That the approved commercial uses of the property at 1411 South Cockrell Hill Road be in conformance to the sealed design.

SECTION 3. That the City Council of the City of Duncanville hereby authorizes the City Manager or designee to execute the necessary documents to conform to the Resolution as appropriate.

SECTION 4. That this Resolution shall take effect immediate from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 19th day of January, 2021.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

EXHIBIT A

Victor Ashe, RS-4185, SE OS-0022976 11/17/2020
 6168 FM 205 Cell: 254.592.9629
 Stephenville, Texas 76401 Page 1 Fax: 254.918.6897

Site Evaluation And OSSF Design

Designer: Victor Ashe
 Applicant: c/o Royal Flush Septics
 Site: 1411 S. Cockrell Hill Rd., Duncanville, Texas

Features of Site:
 Incorporated Area No
 Presence of 100-Year Flood Hazard No (Fema Flood Map **48113C0470K**)
 Presence of ponds, lakes, streams within 100' Yes
 Existing or proposed water well No
 Community water system Yes
 Organized sewage service available to site No

Topography: Terrain slopes 3% to east. Vegetation is grass. Precipitation run-off is adequate.

Observed Soil Textures:

Test	#1-2				
Depth inches	Class	Texture	Restrictive Horizon	Redox Water	S/U
43	IV	Clay	Yes	Yes	U

Design Notes

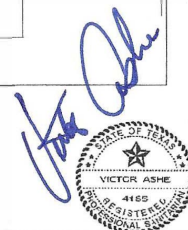
1. The proposed OSSF replaces an outdated system and provides secondary treatment followed by surface application for a three-bedroom house <2500 square feet.
2. Then house will be used commercially to prepare single-serve sandwiches and wine for take-out only.
3. There will be no cooking or dining within the building building.
4. Outdated system is to be abandoned.
5. Clean-outs are to be installed as needed.
6. Slope of 3" Sch. 40 PVC drain from dwelling to tank is to be a minimum of 1/8" inch per foot.
7. Effluent flows to the 500 GPD aerobic treatment unit, then to the 750-gallon timer pump tank and is discharged to the surface application field to two 30' radius 360° LA RCW spray irrigation rotors.
8. Buffer to water main is 10'.
9. Buffer to creek is 50'.
10. Buffer for surface application area to property lines is 10' with timer pump tank.

Aerobic Treatment Design Calculations

1	Facility Type	SFR
2	Number Bedrooms	3
3	Square Footage	<2500
4	Flow Rate GPD WSD	240
5	Design Aerobic Treatment Capacity GPD	500
6	Chlorination Device	Yes
7	Pump Tank Capacity (Gallons)	750
8	Pump Tank Controls (Demand or Timer)	Timer
9	Capacity Pump-On & Alarm-On Gallons	80
10	Capacity Between Inlet & Alarm-On	240
11	Pump Tank To be Equipped With High Water Alarm	Yes
12	1/2 HP Utility Pump	Yes
13	Subsurface Application Rate (Gallons/Square Ft.)	0.045
14	Required Surface Application Area (Square Feet)	5333
15	Proposed Nozzle Radius (Ft)	30
16	Surface Area per Nozzle (Sq ft)	2827
17	Quantity ProPlus 11003-RCW-LA #3 Rotors Proposed	2.00
18	Total Surface Area (Sq Ft)	5655

Page 3 of 5

1411 S. Cockrell Hill Rd., Duncanville, Texas



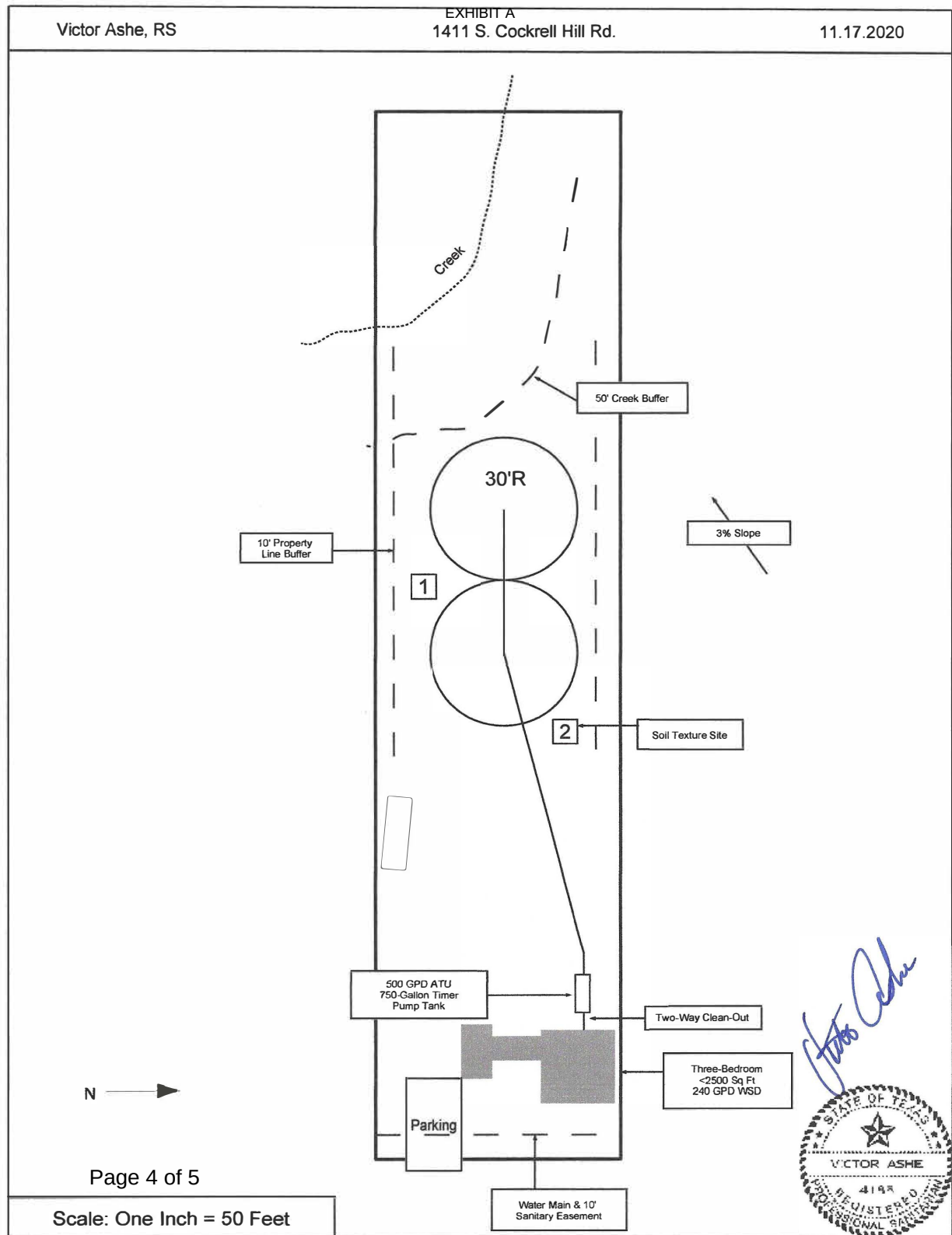


EXHIBIT B

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 4, 2020

Lamesa Logan
1107 Nimitz Dr,
Duncanville, TX 75137

Re: Authorization to Construct an On-Site Sewage Facility
Located at 1411 South Cockrell Hill Road, Duncanville, Dallas County, Texas
OSSF Permit Application Number 057-0294

Dear Applicant:

This serves to notify all persons that an on-site sewage facility application, related technical information, and the appropriate fee have been received by the Texas Commission on Environmental Quality (TCEQ). The application has been reviewed for administrative and technical consideration against the minimum standards established by the TCEQ. Authorization is hereby granted for the construction, as shown on the submitted plans, and is based on the information provided in the application. Any alterations to the approved planning materials will require approval by the TCEQ prior to installation.

You or the installer must contact the TCEQ Regional office **FIVE (5) WORKING DAYS PRIOR** to completion to schedule the required facility inspection. The authorization to construct is valid for one year (1) from the date of issue. If a final inspection has not been performed within one year (1), a new application and fee will be required.

If you have any questions, or if we may be of assistance to you, please contact Mr. Garen Thomas of the DFW Region office at (817) 588-5908.

Sincerely,

Michael Sessions
WQ Work Leader
DFW Region Office
Texas Commission on Environmental Quality

MS/gt

cc: Mr. James Rivas, Installer, Email: christopher@royalflushseptics.com
Ms. Laura Lopez, Email: laura@royalflushseptics.com

Page 5 of 5

Texas Region 4 Dallas/Fort Worth • 2309 Gravel Dr. • Fort Worth, Texas 76118-6951 • 817-588-5800 • Fax 817-588-5700
Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customer survey
printed on recycled paper



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider a Resolution authorizing a purchase agreement with Tyler Technologies Inc., for Annual Software Support and Maintenance for the City ERP System, using Sourcewell Cooperative Contract 090320-TTI in an amount up to \$92,026.12.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- 6. Become a “best-practices” organization
 - Goal: N/A

STAFF RESPONSIBLE:

Tracy R Beekman - IT Director

Sheila Baker - Purchasing Manager

BACKGROUND/HISTORY:

For the past three years, the City has been moving City departmental functions to Tyler Technologies Munis software/system for its Electronic Resource Planning (ERP) capabilities. The City has currently completely implemented Munis Financials, Human Capital Management, General Revenues, and Asset and Work Order Management modules and are in the process of implementing EnerGov, Utility Billing Customer Information Suite, Tyler 311, and Customer Self Service modules. Support and Maintenance for these modules is charged to the City on an annual basis and this year includes all purchased modules. Support and Maintenance provides the necessary software upgrades to keep our ERP system up to date with new features and fixes and allows for the City to log call for support with issues that can only be solved with the help of software provider.

Support and maintenance for Tyler Technologies Software takes the place of support and maintenance for the various disparate systems that it has replaced or will replace via the implementation process. This total expenditure for Tyler Technologies software support and maintenance, for all modules that have been or are in the process of being implemented still comes in less than what the City's expenses were for one year of support and maintenance with our legacy Finance and Payroll system.

POLICY EXPLANATION:

State law provides that a local government purchasing an item under a cooperative purchasing agreement satisfies any State law requiring that the local government seek competitive bids for the purchase of the item. Sourcewell contracts are competitively bid to increase and simplify the purchasing power of entities across the State of Texas. The Texas Local Government Code Chapters 271 and 791 allows for government agencies to voluntarily participate in these cooperative arrangements.

FUNDING SOURCE:

FY21 Information Technology Budget and FY21 Utility Billing Accounting Budget

Contract Log #:

1486

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the purchase of annual support and maintenance for City ERP system software from Tyler Technologies Inc. through Sourcewell contract #090320-TTI in the amount up to \$92,026.12.

ATTACHMENTS:

[Attachment 1 - Resolution No. - 2021-010 - Annual Renewal of Tyler Technologies Support and Maintenance](#)

[SAMS-TYLER TECHNOLOGIES INC-2021](#)

RESOLUTION NO. 2021-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE PURCHASE OF ANNUAL SUPPORT AND MAINTENANCE FOR CITY ERP SYSTEM SOFTWARE FROM TYLER TECHNOLOGIES INC THROUGH SOURCEWELL CONTRACT #090320-TTI IN THE AMOUNT OF \$92,026.12; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE NECESSARY DOCUMENTS AND/OR PAYMENT; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is desired to continue use of Tyler Technologies Munis and EnerGov software; and

WHEREAS, the Sourcewell purchasing cooperative has awarded contract #110515-TTI convering ERP system to Tyler Technologies, Inc; and

WHEREAS, the City has obtained an invoice for continued support and maintenance from Tyler Technologies Inc. in the amout of \$92,026.12.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, THAT:

SECTION 1. the City Council of the City of Duncanville, Texas hereby approves the purchase of support and maintenance for our Munis and EnerGov software from Tyler Technologies, Inc. through the Sourcewell contract #110515-TTI with Tyler Technologies, Inc. in an amount not to exceed \$92, 026.12 as provided in the attached Exhibit "A" which is attached hereto and incorporated herein.

SECTION 2. the City Council of the City of Duncanville, Texas hereby authorized the City Manager or designee to execute the necessary documents and/or payment.

SECTION 3. this Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 19th day of January, 2021.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

**Remittance:**

Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Exhibit A

Invoice

Invoice No	Date	Page
045-322416	12/01/2020	1 of 3

Questions:

Tyler Technologies - ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Email: ar@tylertech.com



Bill To: City of Duncan ville
Attn: Tracy Beekman
203 East Wheatland Road
Duncanville, TX 75116

RECEIVED
12/28/20

Ship To: City of Duncan ville
Attn: Tracy Beekman
203 East Wheatland Road
Duncanville, TX 75116

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
49306 - 16600 - 16600	148487		USD	NET30	12/31/2020

Date	Description	Units	Rate	Extended Price
Contract No.: Duncanville, TX				
	Support & Update Licensing - Time & Attendance Maintenance	1	6,135.41	6,135.41
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	Executime Hardware-Depot Maintenance	2	379.05	758.10
	Maintenance: Start: 01/Jan/2021, End: 31/Dec/2021			
	SUPPORT & UPDATE LICENSING - RECRUITING	1	540.85	540.85
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - ACCTG/GL/BUDGET/AP	1	5,703.50	5,703.50
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - PURCHASING	1	1,514.38	1,514.38
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - REQUISITIONS	1	983.36	983.36
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - PROJECT & GRANT ACCOUNTING	1	1,180.04	1,180.04
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - CASH MANAGEMENT	1	983.36	983.36
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - CONTRACT MANAGEMENT	1	649.02	649.02
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - CAPITAL ASSETS	1	1,514.38	1,514.38
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - ACCOUNTS RECEIVABLE	1	1,298.03	1,298.03
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - GENERAL BILLING	1	590.01	590.01
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - MUNIS ANALYTICS & REPORTING	1	5,388.82	5,388.82
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - CAFR STATEMENT BUILDER	1	2,090.19	2,090.19
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - TYLER FORMS PROCESSING	1	1,638.94	1,638.94
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - EMPLOYEE EXPENSE REIMBURSEMENT	1	786.69	786.69
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - PAYROLL W/ESS	1	3,166.43	3,166.43
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - HUMAN RESOURCES & TALENT MANAGEMENT	1	2,596.08	2,596.08
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			



Remittance:
Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
045-322416	12/01/2020	2 of 3

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Phone: 1-800-772-2260 Press 2, then 1
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Bill To: City of Duncan ville
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203 East Wheatland Road
Duncanville, TX 75116

Ship To: City of Duncan ville
Attn: Tracy Beekman
203 East Wheatland Road
Duncanville, TX 75116

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
49306 - 16600 - 16600	148487		USD	NET30	12/31/2020

Date	Description	Units	Rate	Extended Price
	EnerGov Support - IG WORKFORCE APPS	15	124.80	1,872.00
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	EnerGov Support- e-REVIEWS	1	3,744.00	3,744.00
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	EnerGov Support - COMMUNITY DEVELOPMENT	15	374.40	5,616.00
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	EnerGov Support - CITIZEN SELF SERVICE - COMMUNITY DEVELOPMENT	1	1,996.80	1,996.80
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	EnerGov Support - ADV SERVER EXTENSIONS BUNDLE	1	1,996.80	1,996.80
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - INVENTORY	1	1,338.48	1,338.48
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - ASSET MAINTENANCE	15	224.64	3,369.60
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - TYLER ASSET MAINTENANCE	1	374.40	374.40
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - TYLER CASHIERING	1	2,059.20	2,059.20
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - TYLER INCIDENT MANAGEMENT/TYLER 311	1	1,040.00	1,040.00
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING-REQUESTOR ACCESS LICENSE - SITE LICENSE	1	374.40	374.40
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	EnerGov Support- GIS	30	104.00	3,120.00
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - CITIZEN SELF SERVICE	1	2,059.20	2,059.20
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - UTILITY BILLING INTERFACE	1	1,544.40	1,544.40
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - UTILITY BILLING CIS	1	4,305.60	4,305.60
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - CENTRAL PROPERTY FILE	1	572.00	572.00
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	SUPPORT & UPDATE LICENSING - MAPLINK GIS INTEGRATION	1	1,591.20	1,591.20
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	Tyler GIS - Site License	1	6,309.68	6,309.68
	Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022			
	EnerGov Support - IG WORKFORCE APPS	15	124.80	1,872.00



Remittance:
Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
045-322416	12/01/2020	3 of 3

Questions:
Tyler Technologies - ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Email: ar@tylertech.com

Bill To: City of Duncan ville
Attn: Tracy Beekman
203 East Wheatland Road
Duncanville, TX 75116

Ship To: City of Duncan ville
Attn: Tracy Beekman
203 East Wheatland Road
Duncanville, TX 75116

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
49306 - 16600 - 16600	148487		USD	NET30	12/31/2020

Date	Description	Units	Rate	Extended Price
Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022				
EnerGov Community Development Suite - Maintenance		15	374.40	5,616.00
Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022				
Maintenance: Start: 17/Jan/2021, End: 16/Jan/2022				
Tyler Content Manager Annual Fees		1		\$3,736.77
Sourcewell 110515-TTI				

****ATTENTION****
Order your checks and forms from
Tyler Business Forms at 877-749-2090 or
tylerbusinessforms.com to guarantee
100% compliance with your software.

Subtotal	92,026.12
Sales Tax	0.00
Invoice Total	92,026.12

SAM Search Results
List of records matching your search for :
Search Term : Tyler Technologies, Inc.*
Record Status: Active

ENTITY	Tyler Technologies, Inc.	Status: Active
DUNS: 041089293	+4:	CAGE Code: 5DK54 DoDAAC:
Expiration Date: 10/07/2021	Has Active Exclusion?: No	Debt Subject to Offset?: No
Address: 5101 Tennyson Pkwy		
City: Plano	State/Province: TEXAS	
ZIP Code: 75024-3525	Country: UNITED STATES	



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider a Resolution authorizing award of bid IFB 21-0010 to Nova Paintings, LLC, for the Danieldale Pump Station Rehabilitation – Phase 1 Construction Project through the City's competitive bid process with an estimated expenditure amount not to exceed \$1,146,800.00

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **2. Create high quality neighborhoods and parks**
 - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:

Bryan G. Ramey, II, P.E., Director of Public Works
Jacqueline Culton, P.E., Assistant Director of Public Works
Sheila Baker, Purchasing Manager

BACKGROUND/HISTORY:

The Danieldale Pump Station Rehabilitation – Phase 1 Construction Project provides for the rehabilitation of the two ground storage tanks located at Danieldale Road. The construction contract provides for furnishing all labor, materials and equipment and performing all work necessary for the construction of:

- **Danieldale North 2.0 million gallon (MG) Ground Storage Tank Improvements:** includes the replacement of interior and exterior ladders with fall protection and access restriction equipment included; replacement of the tank roof vent; removal and replacement of the tank interior and exterior coatings; lead paint management, cleanup and disposal (tank exterior, if required); removal and replacement of the ground storage tank base plate waterproofing sealant; hatch frame modification; removal and replacement of the roof hatch; painting the City logo on the tank; quality control testing for the tank coatings; and disinfection of the tank.
- **Danieldale South 2.5 MG Ground Storage Tank Improvements:** includes the replacement of interior and exterior ladders with fall protection and access restriction equipment included; replacement of the tank roof vent; removal and replacement of the tank interior and exterior coatings; removal and replacement of the ground storage tank base plate waterproofing sealant; hatch frame modification; removal and replacement of the roof hatch; quality control testing for the tank coatings; and disinfection of the tank. (Attachment 1).

On September 18, 2018, City Council approved the Professional Engineering Services Agreement with RJN Group for the design of improvements to the Danieldale Pump Station facility and the two ground storage tanks at the Danieldale Pump Station site.

Construction of improvements to the ground storage tanks will provide for continued high water quality. The interior and exterior ladders with fall protection will provide for increased employee and contractor safety while accessing the ground storage tanks.

The contractor will have until September 30, 2021, to complete this project. Rehabilitation of the 2.0 MG North Tank shall be done prior to the rehabilitation of the 2.5 MG South Tank. The North 2.0 MG ground storage tank will be rehabilitated first including passing all regulatory water quality testing before the South 2.5 MG tank is taken out of service for improvements. Upon completion of the project and acceptance of the work by the City of Duncanville, Nova Paintings must provide a two (2) year maintenance bond in the amount of 100% of the Contract price.

The Invitation to Bid IFB-21-010 was advertised in the Focus Daily on November 2, 2020, and November 9, 2020. The bid request was also advertised through the bidding notification system for Public Purchase, Black Chamber of Commerce, Hispanic Chamber of Commerce, Regional Hispanic Contractors, Black Contractors Association, North Texas Regional Certification Agency, 432 Historically Underutilized Businesses (HUBs) vendors from the State of Texas Centralized Master List, were notified via email. The City received four completed bids prior to bid closing on December 18, 2020. Nova Paintings, LLC, Humble, Texas, was the lowest responsive responsible bidder (Attachment 2).

Nova Paintings, LLC's, bid amount of \$1,146,800.00 is below the Engineer's Estimate of \$1,700,000.00. While the City has not previously contracted with Nova Paintings, LLC., verification of Nova's references for previous work performed for the cities of the City of Deer Park, the City of Abilene, and Texarkana Water Authority, Texas was completed by RJN Group, the Designer of Record. All of the references contacted had nothing but good things to say about the workmanship, timeliness, and overall experience of working with Nova. RJN and city staff also reviewed Nova Paintings' pre-qualification documentation relative to its direct experience with the repair and repainting of steel water storage tanks. RJN Group also reviewed the audited financial reports that were submitted in Nova's Pre-Qualification package. RJN did not find anything in the reports which suggest Nova would not be financially capable of completing this contract. Based on Nova's previous experience and financial solvency, City Staff and RJN Group find Nova Paintings, LLC., acceptable for this project. Therefore, Staff and RJN are recommending the City of Duncanville enter into a contract with Nova Paintings, LLC., for the construction of the project (Attachment 3).

POLICY EXPLANATION:

The lowest responsive and responsive bid was received from Nova Paintings, LLC., of Humble, Texas, in the amount of \$1,146,800.00. The Engineer's Opinion of the Probable Cost of Construction for the project was \$1,700,000.00. Staff and RJN have reviewed the bid, bidder qualifications, and references and recommends award to Nova Paintings, LLC., for this project. This project was bid in compliance with Texas municipal purchasing statutes.

FUNDING SOURCE:

\$1,146,800.00 is allocated in the FY21 Utilities Capital Improvements Projects Fund for this project.

Contract Log #:

1485

RECOMMENDATION:

Staff recommends approval of a resolution authorizing award of IFB #21-0010, Danieldale Pump Station Rehabilitation – Phase 1 Construction, attached hereto and incorporated herein as Exhibit "A", to Nova Paintings, LLC., through the City's competitive bid process, in an amount up to \$1,146,800.00.

ATTACHMENTS:

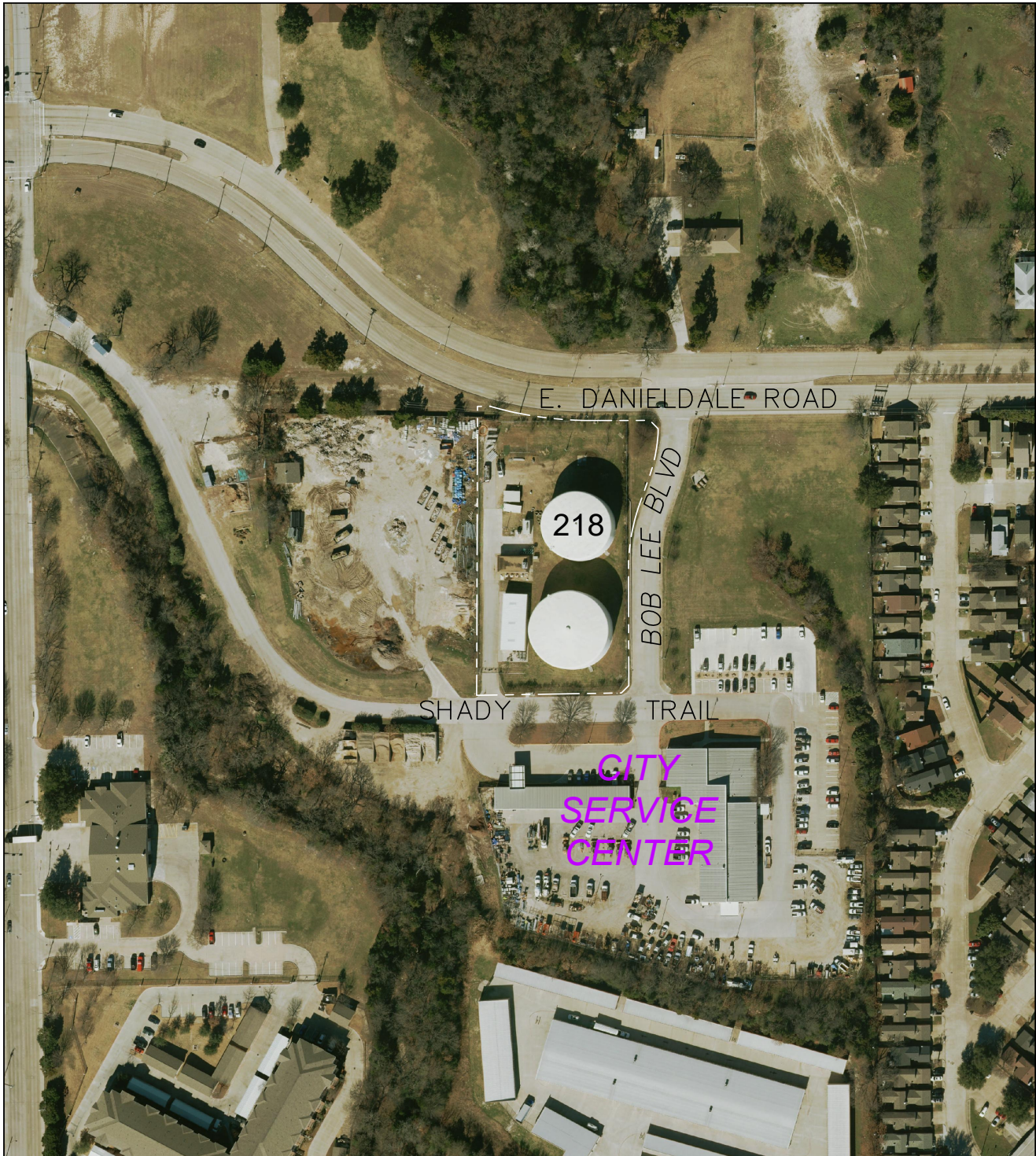
[Attachment 1 - Project Location Map Danieldale Pump Station Improvements Phase 1](#)

[Attachment 2 - IFB Number 21-0010 Bid Tab](#)

[Attachment 3 - IFB 21-0010 Final Construction Contract Award Recommendation Ltr](#)

[Attachment 4 - Resolution 2021-003 Invitation for Bid IFB 21-0010 Danieldale Pump Rehab - Phase 1](#)

ATTACHMENT 1



E. Danieldale Road
Pump Station

218 E. Danieldale Road



ATTACHMENT 2

Owner: Project:	City of Duncanville, Dallas County, Texas DANIELDALE PUMP STATION REHABILITATION - PHASE 1 CONSTRUCTION IFB NO. 21-0010			Bidders Name & Address Nova Paintings, LLC 4830 Wilson Rd Ste 300, PMB 115 Humble TX 77396 281-570-4913 281-441-8916 fax.		Bidders Name & Address A&M Construction & Utilities Inc. 4950 Grisham Dr Rowlett TX 75088 972-412-0255 972-463-0736 fax		Bidders Name & Address Classic Protective Coatings Inc N7670 State Road 25 Menomonie, WI 54751 715-233-6267 715-233-6268 fax		Bidders Name & Address TMI Coatings Inc 3291 Terminal Dr St Paul MN 55121 651-452-6100 651-452-0598 fax	
Bid Opens	December 18, 2020 @ 2:00 PM										
Item #	Est. Qty.	Unit	Description	Unit Bid Price Materials	Total Bid Extension	Unit Bid Price Materials	Total Bid Extension	Unit Bid Price Materials	Total Bid Extension	Unit Bid Price Materials	Total Bid Extension
Danieldale Pump Station Miscellaneous											
1	1	LS	Erosion Control	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ 3,000.00	\$ 3,000.00	\$ 32,100.00	\$ 32,100.00
2	1	LS	Prepare and Furnish Construction Management and Site Safety Plan	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 7,500.00	\$ 2,300.00	\$ 2,300.00	\$ 4,100.00	\$ 4,100.00
3	1	LS	Trench Safety, Shoring and Confined Space Safety Plan Implementation	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 4,200.00	\$ 4,200.00
			Total		\$ 15,000.00		\$ 32,500.00		\$ 6,800.00		\$ 40,400.00
Danieldale North 2.0 MG Ground Storage Tank Improvements											
4	1	LS	Exterior Tank Ladder Remove and Replace, Including Installation of Fall Protection Device and Access Restriction Door, and Coating System Application	\$ 12,000.00	\$ 12,000.00	\$ 20,000.00	\$ 20,000.00	\$ 12,400.00	\$ 12,400.00	\$ 13,400.00	\$ 13,400.00
5	1	LS	Interior Ladder, Remove and Replace, Including Installation of Fall Protection Device and Coating System Application	\$ 8,000.00	\$ 8,000.00	\$ 20,000.00	\$ 20,000.00	\$ 9,800.00	\$ 9,800.00	\$ 8,300.00	\$ 8,300.00
6	1	LS	24-Inch Roof Vent, Removal and Replacement, Including New Unit Installation	\$ 7,000.00	\$ 7,000.00	\$ 8,000.00	\$ 8,000.00	\$ 12,000.00	\$ 12,000.00	\$ 9,200.00	\$ 9,200.00
7	1	LS	Hatch Frame Modification and Removal of Existing Roof Hatch and Replacement with New Hinged Hatch, Install	\$ 5,400.00	\$ 5,400.00	\$ 5,000.00	\$ 5,000.00	\$ 800.00	\$ 800.00	\$ 6,400.00	\$ 6,400.00
8	1	LS	Interior Tank Rehabilitation, Including Existing Coating Removal, Minor Damage Repairs, Surface Preparation Cleanup, Dehumidification System, New Coating System Application and Quality Control Testing	\$ 300,000.00	\$ 300,000.00	\$ 390,000.00	\$ 390,000.00	\$ 455,000.00	\$ 455,000.00	\$ 455,000.00	\$ 455,000.00
9	1	LS	Exterior Tank Rehabilitation, Including Wind Rated Containment System, Existing Coating Removal, Minor Damage Repairs, Surface Preparation, Cleanup, New Coating System Application and Quality Control Testing	\$ 199,500.00	\$ 199,500.00	\$ 265,000.00	\$ 265,000.00	\$ 302,100.00	\$ 302,100.00	\$ 291,000.00	\$ 291,000.00
10	1	LS	Ground Storage Tank BaseWaterproofing Seal, Including Preparation, Application, Cleanup and Quality Control Testing	\$ 2,000.00	\$ 2,000.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 3,700.00	\$ 3,700.00
11	1	LS	Tank Logo, Including Preparation, Application and Cleanup	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 6,000.00	\$ 6,000.00	\$ 18,000.00	\$ 18,000.00
12	1	LS	Water Quality Control Testing Services and Reporting for Tank Disinfection and Certification	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 4,000.00	\$ 4,000.00
			Total		\$ 546,900.00		\$ 733,500.00		\$ 803,800.00		\$ 809,000.00
Danieldale South 2.5 MG Ground Storage Tank Improvements											
13	1	LS	Exterior Tank Ladder Remove and Replace, Including Installation of Fall Protection Device and Access Restriction Door, and Coating System Application	\$ 12,000.00	\$ 12,000.00	\$ 20,000.00	\$ 20,000.00	\$ 12,400.00	\$ 12,400.00	\$ 13,400.00	\$ 13,400.00
14	1	LS	Interior Ladder, Remove and Replace, Including Installation of Fall Protection Device and Coating System Application	\$ 8,000.00	\$ 8,000.00	\$ 20,000.00	\$ 20,000.00	\$ 9,800.00	\$ 9,800.00	\$ 8,300.00	\$ 8,300.00
15	1	LS	36-Inch Roof Vent, Removal and Replacement, Including New Unit Installation	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 14,000.00	\$ 14,000.00	\$ 10,600.00	\$ 10,600.00
16	1	LS	Hatch Frame Modification and Removal of Existing Roof Hatch and Replacement with New Hinged Hatch, Install	\$ 5,400.00	\$ 5,400.00	\$ 5,000.00	\$ 5,000.00	\$ 800.00	\$ 800.00	\$ 6,400.00	\$ 6,400.00
17	1	LS	Interior Tank Rehabilitation, Including Existing Coating Removal, Minor Damage Repairs, Surface Preparation Cleanup, Dehumidification System, New Coating System Application and Quality Control Testing	\$ 342,000.00	\$ 342,000.00	\$ 416,000.00	\$ 416,000.00	\$ 545,000.00	\$ 545,000.00	\$ 539,000.00	\$ 539,000.00
18	1	LS	Exterior Tank Rehabilitation, Including Wind Rated Containment System, Existing Coating Removal, Minor Damage Repairs, Surface Preparation, Cleanup, New Coating System Application and Quality Control Testing	\$ 200,000.00	\$ 200,000.00	\$ 264,000.00	\$ 264,000.00	\$ 337,600.00	\$ 337,600.00	\$ 337,000.00	\$ 337,000.00
19	1	LS	Ground Storage Tank BaseWaterproofing Seal, Including Preparation, Application, Cleanup and Quality Control Testing	\$ 2,000.00	\$ 2,000.00	\$ 3,500.00	\$ 3,500.00	\$ 5,200.00	\$ 5,200.00	\$ 3,700.00	\$ 3,700.00
20	1	LS	Remove Cathodic Protection System	\$ 4,500.00	\$ 4,500.00	\$ 3,000.00	\$ 3,000.00	\$ 1,600.00	\$ 1,600.00	\$ 17,200.00	\$ 17,200.00
21	1	LS	Water Quality Control Testing Services and Reporting for Tank Disinfection and Certification	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 4,000.00	\$ 4,000.00
			Total		\$ 584,900.00		\$ 741,500.00		\$ 927,600.00		\$ 939,600.00
Danieldale Pump Station Miscellaneous Total											
					\$ 15,000.00		\$ 32,500.00		\$ 6,800.00		\$ 40,400.00
			Danieldale North 2.0 MG Ground Storage Tank Improvements Total		\$ 546,900.00		\$ 733,500.00		\$ 803,800.00		\$ 809,000.00
			Danieldale South 2.5 MG Ground Storage Tank Improvements Total		\$ 584,900.00		\$ 741,500.00		\$ 927,600.00		\$ 939,600.00
			Base Bid Total		\$ 1,146,800.00		\$ 1,507,500.00		\$ 1,738,200.00		\$ 1,789,000.00



ATTACHMENT 3

www.rjn.com

January 7, 2021

Ms. Jacqueline (Jackie) Culton, P.E.,
 Assistant Director of Public Works
 City of Duncanville
 203 E Wheatland Rd.
 Duncanville, TX 75138-0280

Subject: Construction Contract Award Recommendation Letter
 City of Duncanville
 Danieldale Pump Station Rehabilitation – Phase 1 Project (IFB #21-0010)

Dear Ms. Culton:

A total of four (4) bids were officially received, opened and read aloud for the above referenced City of Duncanville project IFB #21-0010 during the virtual bid opening session held by the City of Duncanville Purchasing Department on December 18, 2020, at 2:00 p.m.

A summary of those bidders and amount bid are shown in the table below:

• Nova Paintings, LLC	\$1,146,800.00*
• A&M Construction & Utilities, Inc.	\$1,507,500.00*
• Classic Protective Coatings	\$1,738,200.00
• TMI Coatings, Inc.	\$1,789,000.00

Notes*:

- A bid amount of \$1,446,800.00 was read aloud for Nova Painting, LLC;
- The A&M Construction & Utilities bid was read aloud as \$1,499,000.00; The corrected amount is shown above, addressing a tabulation error.

On December 29, 2020, the City of Duncanville forwarded by e-mail, the bid information provided by the apparent low bidder (Nova Paintings, LLC) to the RJN Group, Inc. for the review of the bid submittal, including conducting additional reference checks provided by the bidder. The RJN Group, Inc. has completed its review of the bid information received from the City regarding Nova Paintings, LLC (see attached).

6701 Brentwood Stair Road, Suite 100W • Fort Worth, TX 76112-3363 • 817.451.3500 • fax 817.451.3506



ATTACHMENT 3

www.rjn.com

Based on our review of this information, RJN Group, Inc. has determined that Nova Paintings, LLC was clearly the low bidder on this project and is considered as a responsible, responsive bidder based on reference checks conducted.

Therefore, RJN recommends that the City awards this construction contract to **Nova Paintings, LLC in the amount of \$1,146,800.00**, per the written amount stated in the Bid Proposal Form and submitted to the City of Duncanville under a 5% bid bond.

If there are any questions concerning our recommendations or if additional information is needed, please call me at (817) 876-9695 or email me at cbrooks@rjnmail.com.

Regards,

Chris E. Brooks, P.E.
Sr. Project Manager

CB/jj

Attachment

CC: Terrace Stewart, P.E., Director of Infrastructure, RJN Group
Daniel Jackson, P.E., Senior VP, RJN Group

RESOLUTION NO. 2021-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, HEREBY AWARDS BID IFB 21-0010 TO NOVA PAINTINGS, LLC., FOR THE DANIELDALE PUMP STATION REHABILITATION – PHASE 1 CONSTRUCTION PROJECT THROUGH THE CITY’S COMPETITIVE BID PROCESS WITH AN ESTIMATED EXPENDITURE AMOUNT NOT TO EXCEED \$1,146,800.00; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PUBLIC WORKS CONTRACT AND APPROPRIATE DOCUMENTS AFTER APPROVAL BY THE CITY ATTORNEY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Duncanville desires to continue its commitment to make infrastructure improvements to the quality and capacity of the City's drinking water system infrastructure; and

WHEREAS, the City of Duncanville has \$1,146,800.00 available in the FY21 Utility Fund for the construction of Daniieldale Pump Station Rehabilitation – Phase 1 Construction Project which consists of improvements to the two ground storage tanks at the pump station site; and

WHEREAS, the City of Duncanville City Council desires to use these funds for water improvements to benefit the citizens of Duncanville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, THAT:

SECTION 1. The City Council hereby awards Bid IFB-21-0010 to Nova Paintings, LLC for the Daniieldale Pump Station Rehabilitation – Phase 1 Construction Project through the City's competitive bid process, with an estimated expenditure amount not to exceed \$1,146,800.00.

SECTION 2. That the City Council of the City of Duncanville hereby authorizes the Interim City Manager to execute a public works contract, approved by the City Attorney; and to execute any other necessary documents to conform to this Resolution as appropriate after approval by the City Attorney.

SECTION 3. That this Resolution shall take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of
Duncanville, Texas, on the 19th day of January, 2021.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

EXHIBIT A



**Endurance American Insurance Company
Bid Bond**

Know all men by these presents:

That we, the undersigned Nova Painting, LLC, as Principal (hereinafter the "Principal"), and Endurance American Insurance Company, 1221 Avenue of the Americas, 18th Fl, New York, NY 10020, a Delaware corporation (hereinafter the "Surety"), are held and firmly bound unto City of Duncanville, (hereinafter the "Obligee") in the penal sum of Five Percent GAB, \$ 5% GAB, for the payment of which sum the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein.

Whereas, the Principal has submitted a bid for City of Duncanville - Public Works Department Daniel Dale Pump Station Rehabilitation - Phase 1 Construction IFB No. 21-0010

Now, therefore, if the Obligor shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligor in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and materials furnished in prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligor the difference, not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligor may reasonably contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The liability of the Surety hereunder shall in no event exceed the lesser of: (a) the penalty hereof; or (b) the difference between the amount specified in the Principal's bid and any larger amount for which the Obligor reasonably contracts with another party to perform the work specified in the Principal's bid.

Signed and sealed this 14th day of December, 2020.

Principal: **Nova Painting, LLC**

By: [Signature]
Name & Title:

Spiros Kollias, Manager

Surety: Endurance American Insurance Company

By: [Signature]
Name: **Kristina Matthijetz**
(Attorney-In-Fact)

(SEAL)

EXHIBIT A



POWER OF ATTORNEY

11066

KNOW ALL BY THESE PRESENTS, that Endurance Assurance Corporation, a Delaware corporation, Endurance American Insurance Company, a Delaware corporation, Lexon Insurance Company, a Texas corporation, and/or Bond Safeguard Insurance Company, a South Dakota corporation, each, a "Company" and collectively, "Sompo International," do hereby constitute and appoint: Michael T. Siegler, Teresa S. Muniz, Kristina M. Matthijetz, Theresa M. Krause as true and lawful Attorney(s)-in-Fact to make, execute, seal, and deliver for, and on its behalf as surety or co-surety; bonds and undertakings given for any and all purposes, also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate the Company for any portion of the penal sum thereof in excess of the sum of ONE HUNDRED MILLION Dollars (\$100,000,000.00).

Such bonds and undertakings for said purposes, when duly executed by said attorney(s)-in-fact, shall be binding upon the Company as fully and to the same extent as if signed by the President of the Company under its corporate seal attested by its Corporate Secretary.

This appointment is made under and by authority of certain resolutions adopted by the sole shareholder of each Company by unanimous written consent effective the 15th day of June, 2019, a copy of which appears below under the heading entitled "Certificate".

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the sole shareholder of each Company by unanimous written consent effective the 15th day of June, 2019 and said resolution has not since been revoked, amended or repealed:

RESOLVED, that the signature of an individual named above and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signature or seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, each Company has caused this instrument to be signed by the following officers, and its corporate seal to be affixed this 15th day of June, 2019.

 By: Richard Appel, SVP & Senior Counsel 	 By: Richard Appel, SVP & Senior Counsel 	 By: Richard Appel, SVP & Senior Counsel 	 By: Richard Appel, SVP & Senior Counsel
---	---	---	---

ACKNOWLEDGEMENT

On this 15th day of June, 2019, before me, personally came the above signatories known to me, who being duly sworn, did depose and say that he/she is an officer of each of the Companies; and that he executed said instrument on behalf of each Company by authority of his office under the by laws of each Company.

By:
 Amy Taylor, Notary Public - My Commission Expires 5/9/23

CERTIFICATE

I, the undersigned Officer of each Company, DO HEREBY CERTIFY that:

1. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of each Company and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with the original power of attorney, and that the same is a true and correct copy of the original power of attorney and of the whole thereof;
2. The following are resolutions which were adopted by the sole shareholder of each Company by unanimous written consent effective June 15, 2019 and said resolutions have not since been revoked, amended or modified:

"RESOLVED, that each of the individuals named below is authorized to make, execute, seal and deliver for and on behalf of the Company any and all bonds, undertakings or obligations in surety or co-surety with others: RICHARD M. APPEL, BRIAN J. BEGGS, CHRISTOPHER DONELAN, SHARON L. SIMS, CHRISTOPHER L. SPARRO, MARIANNE L. WILBERT

; and be it further

RESOLVED, that each of the individuals named above is authorized to appoint attorneys-in-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Company."

3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this _____ day of _____, 20____.

By:
 Daniel S. Lurie, Secretary

NOTICE: U.S. TREASURY DEPARTMENT'S OFFICE OF FOREIGN ASSETS CONTROL (OFAC)

No coverage is provided by this Notice nor can it be construed to replace any provisions of any surety bond or other surety coverage provided. This Notice provides information concerning possible impact on your surety coverage due to directives issued by OFAC. Please read this Notice carefully.

The Office of Foreign Assets Control (OFAC) administers and enforces sanctions policy, based on Presidential declarations of "national emergency". OFAC has identified and listed numerous foreign agents, front organizations, terrorists, terrorist organizations, and narcotics traffickers as "Specially Designated Nationals and Blocked Persons". This list can be located on the United States Treasury's website - <https://www.treasury.gov/resource-center/sanctions/SDN-List>.

In accordance with OFAC regulations, if it is determined that you or any other person or entity claiming the benefits of any coverage has violated U.S. sanctions law or is a Specially Designated National and Blocked Person, as identified by OFAC, any coverage will be considered a blocked or frozen contract and all provisions of any coverage provided are immediately subject to OFAC. When a surety bond or other form of surety coverage is considered to be such a blocked or frozen contract, no payments nor premium refunds may be made without authorization from OFAC. Other limitations on the premiums and payments may also apply.

EXHIBIT A

**PROPOSAL
TO
THE CITY OF DUNCANVILLE, TEXAS (OWNER)
FOR THE CONSTRUCTION OF
DANIELDALE PUMP STATION REHABILITATION – PHASE 1
DUNCANVILLE, DALLAS COUNTY, TEXAS**

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein, that this proposal is made without collusion with any other person, firm or corporation; that he has carefully examined the form of contract, Notice to Contractors, Specifications, and the drawings therein referred to and has carefully examined the locations, conditions, and classes of materials of the proposed work, and agrees that he will provide all necessary labor, machinery, tools, apparatus, and other items incidental to construction, and will do all the work called for in the contract and specifications in the manner prescribed therein and according to the requirements of the Engineer and therein set forth.

It is understood that the following quantities of work to be done at unit prices are approximate only and are intended principally to serve as a guide in evaluating bids. Payment for such items will be made on the basis of the actual quantity incorporated in the work.

It is further agreed that the quantities of work to be done at unit prices and material to be furnished may be increased or diminished as may be considered necessary, in the opinion of the Engineer, to complete the work fully as planned and contemplated, and that all quantities of work, whether increased or decreased are to be performed at the unit prices set forth below except as provided in the specifications. Any item necessary but not specifically listed will be considered incidental work to the various bid items shown and will not be paid for separately.

The undersigned agrees, upon written acceptance of this bid, mailed or otherwise, furnished within 90 calendar days after the date of opening of bids, he will, within 10 calendar days after receipt of the prescribed forms, execute the Standard Form of Agreement, and give performance, payment and maintenance bonds, on Standard Forms with good and sufficient surety.

Accompanying this proposal is a (certified or cashier's check payable to the Owner) (Bid Bond) in

the amount of five percent GAB (DOLLARS)
\$ 75 GAB

This bid security accompanying this proposal shall be returned to the bidder, unless in case of the acceptance of the proposal the bidder shall fail to execute a contract and file performance and payment bonds within ten (10) days after its acceptance, in which case the bid security shall become the property of the Owner, and shall be considered as payment for damages due to delay and other inconveniences suffered by the Owner on account of such failure of the bidder. It is understood that the Owner reserves the right to reject any and all bids.

It is further agreed that lump sum prices may be increased to cover additional work ordered by the Engineer, but not shown on the plans or required by the specifications, in accordance with the provisions of the General Conditions. Similarly, they may be decreased to cover deletion of work

EXHIBIT A

so ordered.

The successful Bidder shall separate each item bid into sub-prices within ten (10) days after award of contract which include:

1. Materials to be incorporated into the projects, hereafter called "Materials".
2. Labor, overhead, profit, equipment rental, materials not to be incorporated into the project, etc.

The undersigned hereby proposes and agrees to perform all work of whatever nature required, in strict accordance with the plans and specifications, for the following sum or prices, to wit:

Quantities listed in the Bid Form Proposal below are estimates only. The City of Duncanville does not agree to buy a minimum or maximum quantity during the course of this contract. The City of Duncanville may choose to construct all, none, or any combination of the items listed below to optimize use of its allotted funds. The Bid Items shall cover all costs related to ALL of the work shown as though each will be constructed as a result of this bid package.

EXHIBIT A

CITY OF DUNCANVILLE DANIELDALE PUMP STATION REHABILITATION - PHASE 1
BID SCHEDULE

ITEM NO.	APPROXIMATE QUANTITY	UNIT	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
DANIELDALE PUMP STATION MISCELLANEOUS					
1	1	LS	Erosion Control five thousand		
			DOLLARS AND zero	\$ 5,000 -	\$ 5,000 -
			CENTS PER UNIT		
2	1	LS	Prepare and Furnish Construction Management and Site Safety Plan five thousand		
			DOLLARS AND zero	\$ 5,000 -	\$ 5,000 -
			CENTS PER UNIT		
3	1	LS	Trench Safety, Shoring and Confined Space Safety Plan Implementation five thousand		
			DOLLARS AND zero	\$ 5,000 -	\$ 5,000 -
			CENTS PER UNIT		
DANIELDALE NORTH 2.0 MG GROUND STORAGE TANK IMPROVEMENTS					
4	1	LS	Exterior Tank Ladder Remove and Replace, Including Installation of Fall Protection Device and Access Restriction Door, and Coating System Application twelve thousand		
			DOLLARS AND zero	\$ 12,000 -	\$ 12,000 -
			CENTS PER UNIT		
5	1	LS	Interior Ladder, Remove and Replace, Including Installation of Fall Protection Device and Coating System Application eight thousand		
			DOLLARS AND zero	\$ 8,000 -	\$ 8,000 -
			CENTS PER UNIT		
6	1	LS	24-Inch Roof Vent, Removal and Replacement, Including New Unit Installation Complete and In Place seven thousand		
			DOLLARS AND zero	\$ 7,000 -	\$ 7,000 -
			CENTS PER UNIT		
7	1	LS	Hatch Frame Modification and Removal of Existing Roof Hatch and Replacement with New Hinged Hatch, Install Complete in Place five thousand four hundred		
			DOLLARS AND zero	\$ 5,400 -	\$ 5,400 -
			CENTS PER UNIT		

EXHIBIT A

CITY OF DUNCANVILLE DANIELDALE PUMP STATION REHABILITATION - PHASE 1
BID SCHEDULE

ITEM NO.	APPROXIMATE QUANTITY	UNIT	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
8	1	LS	Interior Tank Rehabilitation, Including Existing Coating Removal, Minor Damage Repairs, Surface Preparation, Cleanup, Dehumidification System, New Coating System Application and Quality Control Testing <u>three hundred thousand</u> DOLLARS AND <u>zero</u> CENTS PER UNIT	\$ 300,000 -	\$ 300,000 -
9	1	LS	Exterior Tank Rehabilitation, Including Wind Rated Containment System, Existing Coating Removal, Minor Damage Repairs, Surface Preparation, Cleanup, New Coating System Application and Quality Control Testing <u>one hundred ninety nine thousand -</u> DOLLARS AND <u>five hundred dollars</u> <u>zero</u> CENTS PER UNIT	\$ 199,500 -	\$ 199,500 -
10	1	LS	Ground Storage Tank Base Plate Waterproofing Seal, Including Preparation, Application, Cleanup and Quality Control Testing <u>two thousand</u> DOLLARS AND <u>zero</u> CENTS PER UNIT	\$ 2,000 -	\$ 2,000 -
11	1	LS	Tank Logo, Including Preparation, Application and Cleanup <u>ten thousand</u> DOLLARS AND <u>zero</u> CENTS PER UNIT	\$ 10,000 -	\$ 10,000 -
12	1	LS	Water Quality Control Testing Services and Reporting for Tank Disinfection and Certification <u>three thousand</u> DOLLARS AND <u>zero</u> CENTS PER UNIT	\$ 3,000 -	\$ 3,000 -
DANIELDALE SOUTH 2.5 MG GROUND STORAGE TANK IMPROVEMENTS					
13	1	LS	Exterior Ladder Remove and Replace, Including Installation of Fall Protection Device and Access Restriction Door, and Coating System Application <u>twelve thousand</u> DOLLARS AND <u>zero</u> CENTS PER UNIT	\$ 12,000 -	\$ 12,000 -
14	1	LS	Interior Ladder Remove and Replace, Including Installation of Fall Protection Device and Coating System Application <u>eight thousand</u> DOLLARS AND <u>zero</u> CENTS PER UNIT	\$ 8,000 -	\$ 8,000 -

EXHIBIT A

CITY OF DUNCANVILLE DANIELDALE PUMP STATION REHABILITATION - PHASE 1
BID SCHEDULE

ITEM NO.	APPROXIMATE QUANTITY	UNIT	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
15	1	LS	36-Inch Roof Vent, Removal and Replacement, Including New Unit Installation Complete and In Place <i>Eight thousand</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>8,000</i> -	\$ <i>8,000</i> -
16	1	LS	Hatch Frame Modification and Removal of Existing Roof Hatch and Replacement with New Hinged Hatch, Install Complete In Place <i>five thousand four hundred</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>5,400</i> -	\$ <i>5,400</i> -
17	1	LS	Interior Tank Rehabilitation, Including Existing Coating Removal, Minor Damage Repairs, Surface Preparation, Cleanup, Dehumidification System, New Coating System Application and Quality Control Testing <i>three hundred forty-two thousand</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>342,000</i> -	\$ <i>342,000</i> -
18	1	LS	Exterior Tank Rehabilitation, including Wind Rated Containment System, Existing Coating Removal, Minor Damage Repairs, Surface Preparation, Cleanup, New Coating System Application and Quality Control Testing <i>two hundred thousand</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>200,000</i> -	\$ <i>200,000</i> -
19	1	LS	Ground Storage Tank Base Plate Waterproofing Seal, Including Preparation, Application, Cleanup and Quality Control Testing <i>two thousand</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>2,000</i> -	\$ <i>2,000</i> -
20	1	LS	Remove Cathodic Protection System <i>four thousand five hundred</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>4,500</i> -	\$ <i>4,500</i> -
21	1	LS	Water Quality Control Testing Services and Reporting for Tank Disinfection and Certification <i>three thousand</i> DOLLARS AND <i>zero</i> CENTS PER UNIT	\$ <i>3,000</i> -	\$ <i>3,000</i> -

EXHIBIT A

CITY OF DUNCANVILLE DANIELDALE PUMP STATION REHABILITATION - PHASE 1
BID SCHEDULE

Danieldale Pump Station Miscellaneous: \$ 15,000

Subtotal North 2.0 MG Ground Storage Tank Improvements: \$ 546,900

Subtotal South 2.5 MG Ground Storage Tank Improvements: \$ 584,900

Total Bid Amount: \$ 1,146,800

Company Name: Nova Paintings, LLC

Address: 4830 Wilson Rd, ste 300, pmb 115, Humble Texas 77396

Authorized Contact (Print): Spicas Kollias

Signature: 

Telephone: 281-570-4913

Fax: 281-441-8916

EXHIBIT A

DANIELDALE PUMP STATION REHABILITATION - PHASE 1

SCHEDULE OF MAJOR MATERIALS – Suppliers

a. Coatings/Paints: The mec Company, Inc.

In the event of the award of the contract to the undersigned, the undersigned will furnish a performance bond and a payment bond for the full amount of the contract, to ensure proper compliance with the terms and provisions of the contract, to insure and guarantee the work until the final completion and acceptance and to guarantee payment of all lawful claims for labor performed and materials furnished in the fulfillment of the contract.

The work proposed to be done shall be accepted when fully completed and finished in accordance with the plans and specifications and to the satisfaction of the Owner and the Engineer.

The Contractor shall begin the work as specified in the work order and agrees to complete the specific improvements identified in the bid in compliance with the Period of Performance requirement listed in Part 3B of the Duncanville General Conditions.

The undersigned certifies that the bid prices contained in this proposal have been carefully checked and are submitted as correct and final. The Bidder acknowledges that quantities determined as provided in the Contract Documents.

The undersigned, as Bidder, declares that in the event of the award of a contract to the undersigned, the undersigned will comply with Immigration Reform & Control Act of 1986.

The undersigned, as Bidder, declares that in the event of the award of a contract to the undersigned, the undersigned will comply with the Americans with Disabilities Act of 1990.

NOTE: Unit and lump sum prices must be shown in words and figures for each item listed in this proposal and in the event of discrepancy the words shall control.

Receipt is hereby acknowledged of the following addenda to the contract documents:

Addendum No. 1: Dated	<u>11-20-20</u>	Received	<u>[Signature]</u>
Addendum No. 2: Dated	<u>11-20-20</u>	Received	<u>[Signature]</u>
Addendum No. 3: Dated	_____	Received	_____
Addendum No. 4: Dated	_____	Received	_____
Addendum No. 5: Dated	_____	Received	_____

Contractor hereby acknowledges that he has a copy of the following document in his possession:

"Standard Specifications for Public Works Construction, latest edition, as published by the North Central Texas Council of Governments"

EXHIBIT A

DANIELDALE PUMP STATION REHABILITATION – PHASE 1

REFERENCES

The bidder is **REQUIRED** to provide a minimum of 3 current references with the bid. References must be from clients (especially public agencies) the contractor has served in a similar capacity of services and or products specifically required within this bid, quote, offer, and or proposal within the last 24 months. Bids without total complete references (**ALL INFORMATION REQUIRED SUCH AS TELEPHONE NUMBER, ETC.**) may be considered incomplete and may disqualify your bid.

ORGANIZATION NAME: City of Abilene
 ADDRESS: 209 East Highway 80
 CITY: Abilene STATE: Texas ZIP: 79601
 CONTACT: Kirt Harle PHONE: 325-695-1070
 DESCRIPTION OF PROJECT: 5,000,000 Gallon Ground storage tank,
Project Amount: \$1,150,700 Start: 1/2018 End: 5/1/2018

ORGANIZATION NAME: City of Jersey Village
 ADDRESS: 16501 Jersey Dr.
 CITY: Jersey Village STATE: Texas ZIP: 77040
 CONTACT: Pete Garcia PHONE: 979-402-4775
 DESCRIPTION OF PROJECT: 720,000 Gallon ground storage tank
Project Amount: \$315,000 Start: 6/17/2019 End: 10/3/2019

ORGANIZATION NAME: City of Deer Park
 ADDRESS: Pasadena Blvd
 CITY: Deer Park STATE: Texas ZIP: 77536
 CONTACT: Nick Cook PHONE: 832-421-7387
 DESCRIPTION OF PROJECT: 1,000,000 Gallon ground storage tank
Project Amount: \$510,265 Start: 10/7/2020 End: 8/20/20



**ADDENDUM TO THE INVITATION FOR BID
Danielsdale Pump Station Project
CITY OF DUNCANVILLE
PURCHASING DIVISION**

ADDENDUM NO. 1

DATE ISSUED: December 17, 2020

INVITATION FOR BID NUMBER (IFB): 21-0010

ORIGINAL PROPOSAL SUBMISSION DATE: December 18, 2020 (No Change)

**ORIGINAL PRE-QUALIFICATION SUBMISSION DATE: December 2, 2020 (Changed)
December 14, 2020**

**ORIGINAL PRE-QUALIFICATION NOTIFICATION DATE: December 9, 2020 (Changed)
December 17, 2020**

Addendum No. 1, dated December 17, 2020 is hereby amended to the following:

1. Pre-Qualification Submission Deadline Date changed from December 2, 2020 to December 14, 2020
2. Pre-Qualification Review Notification Date changed from December 9, 2020 to December 17, 2020

All other terms and conditions remain unchanged.

Sheila Baker

Sheila Baker

PURCHASING MANAGER

COMPANY NAME: Nova Paintings, LLC

SIGNATURE: *Sheila Baker*

NOTE: Company name and signature must be the same as on the bid documents.

IFB 21-0010,
For Danielsdale Pump Station Project Phase 1



EXHIBIT A

www.rjn.com

December 17, 2020

Nova Paintings LLC
4830 Wilson Rd, Ste 300
Humble, TX 77396

Re: **City of Duncanville Pre-Qualification Submittal for
Danieldale Pump Station Project IFB #21-0010**

Thank you for submitting a Pre-Qualification Package for the referenced project. We have reviewed the Pre-Qualification Package your company submitted for the above referenced City of Duncanville project.

Based on our review of the pre-qualification submittal, we have determined that your company is considered qualified for the IFB #21-0010 tank rehabilitation project. Per Paragraph 3.d. of Section 00 45 11, your company is eligible to submit a bid for this project. Your company will also be considered eligible to submit bids for any water steel tank rehabilitation project for the City of Duncanville advertised through December 31, 2021.

Please contact the City of Duncanville Purchasing Manager, Sheila Baker, at (972) 780-5058 if there are any questions or if additional info is needed.

Sincerely,

Chris E. Brooks, P.E.
Senior Project Manager
RJN GROUP, INC.

Cc: Jackie Culton, P.E. (City of Duncanville)
Sheila Baker, MPA, CPM (City of Duncanville)



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider a Resolution endorsing the implementation of a continuing pretreatment program as required by 40 CFR 403 for the Trinity River Authority's (TRA) Ten Mile Creek Regional Wastewater System.

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **2. Create high quality neighborhoods and parks**
 - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:

Bryan G. Ramey, II, P.E., Director of Public Works

Jacqueline R. Culton, P.E., Assistant Director of Public Works

BACKGROUND/HISTORY:

The City's wastewater flows to the TRA Central Regional Wastewater System (CRWS), TRA Ten Mile Creek Regional Wastewater System (TMCRRWS) and the City of Dallas' wastewater system. The City of Duncanville contracts with the Trinity River Authority (TRA) for treatment of most of the wastewater generated within the Duncanville city limits.

In 2005, the EPA modified the federal pretreatment regulations found in Chapter 40 of the Code of Federal Regulations (CFR), Section 403. These regulations are referred to as "Streamlining". Once EPA updated the General Pretreatment Regulations, the TCEQ required, through the TMCRRWS current TPDES permit, that the TRA modify the current pretreatment program to include Streamlining provisions. TCEQ requires pretreatment of industrial discharges into the wastewater treatment facilities located in Texas.

On May 22, 2013, TRA's Ten Mile Creek Regional Wastewater System (TMCRRWS) received a new Texas Pollutant Discharge Elimination System (TPDES) Wastewater Discharge Permit from the Texas Commission on Environmental Quality (TCEQ). The permit required TRA to update its current TMCRRWS wastewater pretreatment program to comply with changes in the United States Environmental Protection Agency's (EPA) federal pretreatment regulations. This includes modifications to TRA's contracting parties' wastewater ordinances, enforcement response plans, permit applications, and other associated documents.

On September 27, 2013, TRA conducted a meeting with its TMCRRWS Contracting Parties to review the modification process and present the required streamlining provisions. After each City's review and attorney concurrence, the required modified program draft changes were submitted by TRA to the TCEQ on July 22, 2014.

On October 10, 2019, TCEQ responded to the TRA indicating that the TMCRWS pretreatment program modification review was complete and deficiencies were found with certain aspects of the Ordinances, Enforcement Response Plans (ERP), and permit documents of the Contracting Parties. Therefore, the TCEQ is requiring the TRA to update its regulations to comply with the TCEQ's updated pretreatment requirements. TRA is requiring its wastewater customers to amend their city codes to incorporate revisions as dictated by the TCEQ. As a result, the TRA has recommended appropriate changes to the City of Duncanville's Ordinance, Enforcement Response Plan and permits. In addition to the changes required by TCEQ, the TRA has taken the opportunity to make additional changes in both documents. These changes were made to reflect additional requirements of the program due to new regulations and to further strengthen the program elements.

In 2020, the Trinity River Authority (TRA) informed City Staff that revisions to the City's City Code, Chapter 20 "Water, Sewer and Sewage Disposal", were necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) requirements. As a result, Chapter 20, "Water, Sewer and Sewage Disposal", is being updated.

Revisions to the City's Chapter 20 Ordinance to effectuate the changes requested by the TCEQ and TRA are included in a separate Staff Report.

The purpose of this City Council action is to endorse the implementation of a continuing pretreatment program as required by 40 Code of Federal Regulations, Part 403 "General Pretreatment Regulations for Existing and New Sources of Pollution", for the Trinity River Authority's (TRA) Ten Mile Creek Regional Wastewater System. 40 CFR 403 requires that a Pretreatment Program be developed for the Regional Wastewater System. The Trinity River Authority of Texas, as the owner and operator of a POTW, must comply with rule 40 CFR 403. The City, as a contracting party of the Regional Wastewater System, has entered into an Amendatory Wastewater Contract with the Trinity River Authority of Texas whereby the City has enacted ordinances that are necessary to implement and enforce the National Pretreatment Standards. 40 CFR 403.9 (b) requires a statement or resolution reflecting the endorsement or approval of the local boards or councils responsible for supervising and/or funding the POTW. I

These provisions should have minimal financial impact on the City and impacted establishments.

POLICY EXPLANATION:

City Council endorsement of TRA's pretreatment program for Ten Mile Creek Regional Wastewater System is required by TCEQ.

FUNDING SOURCE:

N/A

Contract Log #:

NA

RECOMMENDATION:

Staff recommends endorsing the implementation of a continuing pretreatment program as required by 40 CFR 403 for the Trinity River Authority's (TRA) Ten Mile Creek Regional Wastewater System.

ATTACHMENTS:

[Attachment 1 - Resolution No. - 2021-012 - Continuing Pretreatment Program for the Ten Mile Creek](#)

RESOLUTION NO. 2021-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVES THE IMPLEMENTATION OF A CONTINUING PRETREATMENT PROGRAM AS REQUIRED BY 40 CFR 403 FOR THE TEN MILE CREEK REGIONAL WASTEWATER SYSTEM; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 26, 1978, the United States Environmental Protection Agency published a rule (Amended January 28, 1981) which established mechanisms and procedures for enforcing National Pretreatment Standards controlling the introduction of wastes from non-domestic sources into Publicly Owned Treatment Works (POTWs); and

WHEREAS, this rule, 40 CFR 403, requires that a Pretreatment Program be developed for the Regional Wastewater System, and

WHEREAS, the Trinity River Authority of Texas, as the owner and operator of a POTW, must comply with rule 40 CFR 403; and

WHEREAS, the City, as a contracting party of the Regional Wastewater System, has entered into an Amendatory Wastewater Contract with the Trinity River Authority of Texas whereby the City has enacted ordinances that are necessary to implement and enforce the National Pretreatment Standards; and

WHEREAS, 40 CFR 403.9 (b) requires a statement or resolution reflecting the endorsement or approval of the local boards or councils responsible for supervising and/or funding the POTW.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, THAT:

SECTION 1. That the City of Duncanville, Texas, hereby approves the implementation of a pretreatment program as set forth and required by 40 CFR 403 for the Regional Wastewater System with such program to continue as long as 40 CFR 403, as amended, until repealed or revised by City Council.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 19th day of January, 2021.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-008 for Engineering Consulting Services Design of Swan Ridge Dr. Reconstruction and Beaver Creek Dr. and Shady Tree Place Waterline Replacements with Burgess & Niple, Inc., in the proposed amount of \$102,170.00.

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **2. Create high quality neighborhoods and parks**
 - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:

Bryan G. Ramey II, P.E., Public Works Director
Jacqueline R. Culton, P.E., Assistant Public Works Director
Sheila Baker, Purchasing Manager

BACKGROUND/HISTORY:

After inspection of Swan Ridge Drive, from Cedar Hill Road to Birdwood Drive, the City has determined the road surface has deteriorated beyond repair and must be totally reconstructed in conjunction with replacement of the existing subsurface water and wastewater utilities. In addition, there is a slow water leak in the water lines underlying Beaver Creek Dr. and Shady Tree Place. They are over forty years old and in need of replacement.

This agreement will provide the City with engineering services for the preparation of plans and construction specifications for Pavement Reconstruction and Subsurface Utilities (water, wastewater, drainage) along Swan Ridge Dr from Cedar Hill Rd. to Birdwood Dr., and replacing an 8" water main along Beaver Creek Drive (Shady Tree Pl. to Green Tree Ln.) and Shady Tree Place in its entirety. Burgess & Niple will also provide geotechnical investigation, topographical survey, and bidding and construction phase services under the contract.

POLICY EXPLANATION:

Professional Engineering Services are exempt from bidding in accordance with the Texas Procurement Chapter 252.2254.002. The City relies on consulting engineering firms for specialty design work. Engineering is selected based on qualifications and price negotiation. In January 2018, Public Works solicited Statements of Qualifications (SOQs) to select highly qualified engineering firms to provide design work over the next five years, providing the City with long-term partnerships.

Five firms were selected through a two-phase evaluation process. SOQs were received from 19 firms and evaluations performed based on schedule/budget history, resources and capabilities, design

experience, and key personnel. Of the 19 firms, 11 were selected to continue to Phase 2. In Phase 2, the 11 firms presented their project approach using a sample water design project and were evaluated on design approach and schedule. As a result, the following five engineering firms were selected: Burgess & Niples, Dunaway Associates, RJN Group, Criado Associates, and IEA Inc.

Burgess & Niples, Inc., is a nationally recognized engineering and architecture firm founded over a hundred years ago with offices in over twenty-five locations. The Dallas office will be responsible for work performed under this contract. They have extensive experience in performing the type of work specified in the agreement.

FUNDING SOURCE:

The City of Duncanville has \$55,485.00 available in the FY21 Utility Fund and \$46,685.00 available in the Street Fund for the engineering design of the listed project.

Contract Log #:

1485

RECOMMENDATION:

Staff recommends approval of Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-008 for Engineering Consulting Services Design of Swan Ridge Dr. Reconstruction and Beaver Creek Dr. and Shady Tree Place Waterline Replacements with Burgess & Niple in the proposed amount of \$102,170.00.

ATTACHMENTS:

[Attachment 1 - Project Location Map Swan Ridge and Beaver Creek](#)

[Attachment 2 - Resolution No. - 2021-002 - Design Swan Ridge Dr. Reconstruction and Beaver Creek Dr. and Shady Tree Place Waterline Replacements](#)

[Attachment 3 - SAMS-DUNAWAY ASSOCIATES LP-2021](#)



PROPOSED UTILITY RECONSTRUCTION PROJECTS
BEAVER CREEK DR - SHADY TREE PLACE
(FROM GREEN TREE LANE TO AND INCLUDE SHADY TREE PLACE)
SWAN RIDGE DRIVE
(FROM CEDAR HILL ROAD TO BIRDWOOD DRIVE)



RESOLUTION NO. 2021-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF PROFESSIONAL ENGINEERING SERVICES AGREEMENT 21-008 FOR DESIGN SERVICES FOR SWAN RIDGE DR. RECONSTRUCTION AND BEAVER CREEK DR. AND SHADY TREE PLACE WATERLINE REPLACEMENTS, ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A" WITH BURGESS & NIPLE, INC., IN THE PROPOSED AMOUNT OF \$102,170.00; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AND/OR PURCHASE ORDERS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Duncanville desires to continue its commitment to make infrastructure improvements to the quality and capacity of the overall street and utility infrastructure; and

WHEREAS, the City of Duncanville desires to enter into an agreement for the design of Swan Ridge Dr. Reconstruction and associated water and wastewater utilities and Beaver Creek Dr. and Shady Tree Place Waterline Replacements; and

WHEREAS, the City of Duncanville has \$55,485.00 available in the FY21 Utility Fund and \$46,685.00 available in the 2021 Street Fund for the design of the listed project; and

WHEREAS, the City of Duncanville City Council desires to use these funds for water, wastewater, and roadway improvements to benefit the citizens of Duncanville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, THAT:

SECTION 1. The City Council hereby authorizes, approves, and accepts the terms and conditions of Professional Engineering Services Agreement PSA-21-008 for Engineering Consulting Services Design of Swan Ridge Dr. Reconstruction and Beaver Creek Dr. and Shady Tree Place Waterline Replacements, attached hereto and incorporated herein as Exhibit "A", with Burgess & Niple, Inc., in the proposed amount of \$102,170.00.

SECTION 2. That the City Council of the City of Duncanville hereby authorizes the Interim City Manager to execute the necessary documents to conform to this Resolution as appropriate.

SECTION 3. That this Resolution shall take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 19th day of January, 2021.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Kristin Downs, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

EXHIBIT A

PSA-21-008
ENGINEERING CONSULTING SERVICES
Professional Services Contract

This **PROFESSIONAL SERVICES AGREEMENT** ("agreement") is made and entered into by and between the **City of Duncanville** ("City"), a Texas home rule municipal corporation, acting by and through Paul Frederiksen, its duly authorized Interim City Manager, and **Burgess & Niple**, ("Contractor") authorized to do business in Texas for on-call traffic engineering.

Section 1. Scope of Services

Upon execution of this Contract by OWNER, CONTRACTOR agrees to provide to OWNER the necessary items, as set forth in the Scope of Services attached hereto as Exhibit "A & B" and incorporated herein by reference ("the Scope of Services").

Section 2. Term of Contract

The term of this agreement shall commence of the effective date and continue until completion of project unless terminated earlier.

Section 3. Contractor Obligations

- A. CONTRACTOR shall devote such time as reasonably necessary for the satisfactory performance of the work under this Contract, as described in the Scope of Services, attached and incorporated herein as Exhibit A. Should OWNER require additional services not included under this Contract, CONTRACTOR shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by OWNER; and without decreasing the effectiveness of the performance of services required under this Contract.
- B. To the extent reasonably necessary for CONTRACTOR to perform the services under this Contract, CONTRACTOR shall be authorized to engage the services of any agents, assistants, persons, or corporations that CONTRACTOR may deem proper to aid or assist in the performance of the services under this Contract with the prior written approval of OWNER. The cost of such personnel and assistance shall be a reimbursable expense to CONTRACTOR only if authorized in writing in advance by OWNER.
- C. CONTRACTOR shall furnish and pay for all labor, tools, materials, equipment, supplies, transportation and management necessary to perform all services set forth in the Scope of Services.

Section 4. Payment

OWNER agrees to pay CONTRACTOR an amount not to exceed **HUNDRED TWO- THOUSAND ONE HUNDRED SEVENTY DOLLARS (\$102,170.00)** for all services authorized in writing and properly performed by CONTRACTOR in accordance with the Payment Schedule set forth in Exhibit "A", attached hereto and incorporated herein by reference, subject to additions or deletions for changes or extras agreed upon in writing. All fees paid to CONTRACTOR, by OWNER, shall be based on invoices submitted by CONTRACTOR for work performed monthly by OWNER, less any previous payments. Payments shall be made within 30 days of receipt of invoice by OWNER.

OWNER reserves the right to delay, without penalty, any partial payment when, in the opinion of OWNER, CONTRACTOR has not made performed in a satisfactory manner based on the Scope of Services.

The total CONTRACTOR fee shall be as specified in Exhibit "A". OWNER may deduct from any amount due or to become due to CONTRACTOR any sum or sums owing by CONTRACTOR to

EXHIBIT A

OWNER. In the event of any breach by CONTRACTOR of any provision or obligation of this Contract, or in the event of the assertion by other parties of any claim or lien against OWNER, or the OWNER's premises, arising out of CONTRACTOR's performance of this Contract, OWNER shall have the right to retain out of any payments due or to become due to CONTRACTOR an amount sufficient to completely protect the OWNER from any and all loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by CONTRACTOR.

Section 5. Responsibilities

- A. CONTRACTOR shall be responsible for the quality for goods and services furnished by CONTRACTOR under this Contract. CONTRACTOR shall complete the work with the professional skill and care ordinarily provided by similarly situated professionals in the same or similar locality and under the same or similar circumstances and professional license. CONTRACTOR shall, without additional compensation, correct or revise any errors or deficiencies in the services.
- B. Neither OWNER's review, approval or acceptance of, nor payment for any of the services required under this Contract, shall be construed to operate as a waiver of any rights under this Contract or of any cause of action arising out of the performance of this Contract, and CONTRACTOR shall be and remain liable to OWNER in accordance with applicable law for all damages to OWNER caused by CONTRACTOR's negligent performance of any of the services furnished under this Contract.
- C. The rights and remedies of OWNER under this Contract are as provided by law.

Section 6. Time for Performance

- A. CONTRACTOR shall perform all services as provided for under this Contract in a proper, efficient and professional manner in accordance with OWNER's requirements. As time is of the essence of this Contract, such services shall be completed on date as specified in Exhibit "A", after receiving a Notification to Proceed from OWNER to CONTRACTOR.
- B. In the event CONTRACTOR's performance of this Contract is delayed or interfered with by acts of the OWNER or others, CONTRACTOR may request an extension of time for the performance of same as hereinafter provided but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.
- C. No allowance of any extension of time, for any cause whatever, shall be claimed or made to CONTRACTOR, unless CONTRACTOR shall have made written request upon OWNER for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless OWNER and CONTRACTOR have agreed in writing upon the allowance of additional time to be made.

Section 7. Documents

- A. OWNER shall own, have, keep and retain all rights, title and interest in and to all documents, including all ownership, common law, statutory, and other reserved rights, including copyrights (except copyrights held by the CONTRACTOR) in and to all project documents, whether in draft form or final form, which are produced at OWNER's request and in furtherance of this Contract. OWNER shall have the right to publish, disclose, distribute and otherwise use such deliverables, materials and reports for those purposes for which they were intended.

Section 8. Termination

- A. OWNER may suspend or terminate this Contract for cause or without cause at any time by giving written notice to CONTRACTOR. Upon receipt of such notice, CONTRACTOR shall immediately discontinue all services, and CONTRACTOR will immediately terminate placing orders or entering into contracts for assistance, supplies, facilities or material in connection with this contract and shall proceed to cancel promptly all existing contracts insofar as they are related to this contract. In the event suspension or termination is without cause, payment to CONTRACTOR, in accordance with the terms of this Contract,

EXHIBIT A

will be made on the basis of goods or services reasonably determined by OWNER to be satisfactorily performed to the date of suspension or termination. Such payment will be due upon delivery of all goods or services to OWNER.

- C. Should OWNER require a modification of this Contract with CONTRACTOR, and in the event OWNER and CONTRACTOR fail to agree upon a modification to this Contract, OWNER shall have the option of terminating this Contract and CONTRACTOR's services hereunder at no additional cost other than the payment to CONTRACTOR, in accordance with the terms of this Contract, for the goods or services reasonably determined by OWNER to be properly performed by CONTRACTOR prior to such termination date.

Section 9. Assignment

CONTRACTOR shall not assign or sublet this Contract, or any part thereof, without the prior written consent of OWNER.

Section 10. Applicable Laws

CONTRACTOR shall comply with all Federal, State, County and Municipal laws, ordinances, regulations, safety orders, resolutions and building codes relating or applicable to services to be performed under this Contract. The laws of the State of Texas shall govern this Contract; and venue for any action concerning this Contract shall be in the State District Court of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court

Section 11. Execution becomes Effective

This Contract will be effective upon execution of the Contract by and between CONTRACTOR and OWNER.

Section 12. Contract Amendments

This Contract contains the entire understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Contract which have not been incorporated herein. This Contract may only be modified, amended, supplemented or waived by a written instrument executed by the parties except as may be otherwise provided therein.

Section 13. Severability

In the event any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions, and the Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

Section 14. Independent CONTRACTOR

It is understood and agreed by and between the parties that CONTRACTOR in satisfying the conditions of this Contract, is acting independently, and that the OWNER assumes no responsibility or liabilities to any third party in connection with CONTRACTOR's actions. All services to be performed by CONTRACTOR pursuant to this Contract shall be in the capacity of an independent CONTRACTOR, and not as an agent or employee of OWNER. CONTRACTOR shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Contract. There is no intended third-party beneficiary to this Contract.

Section 15. Notice

Any notice required or permitted to be delivered hereunder may be sent by first class mail, email, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other party or address as either party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

EXHIBIT A

If to OWNER: City of Duncanville
Attn: Sheila Baker
PO Box 380280
Duncanville, TX 75138
(972) 780-5850
sbaker@duncanville.com

If to CONTRACTOR: Burgess & Niple
Attn: Lowell D. DeGroot, PE
12750 Merit Drive, Park Central 7, Ste 425
Dallas, TX 75251
Direct: 972-620-1255
dan.degroot@burgessniple.com

Section 16. Exhibits

The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

Section 17. Survival of Obligations

Any of the representations and obligations of the parties, as well as any rights and benefits of the parties pertaining to a period of time following the termination of this Contract shall survive termination.

Section 18. Prohibition of Boycott of Israel

By executing this contract, CONTRACTOR verifies that it does not Boycott Israel, and agrees that during the term of this Contract will not Boycott Israel as that term is defined in Texas Government Code Section 808.001, as amended.

Section 19. Business Prohibitions

By executing this contract, CONTRACTOR verifies that, pursuant to Texas Government Code, Chapter 2252, Section 2252.152 and Section 2252.153, it does not appear on the Comptroller of the State of Texas listing of companies which do business with Iran, Sudan or any Foreign Terrorist Organization, as identified under Section 806.051, Section 807.051 or Section 2253.253, listing of companies.

Section 20. Insurance

- A. CONTRACTOR shall provide and maintain Workman's Compensation and Employer's Liability Insurance for the protection of CONTRACTOR's employees, as required by law. CONTRACTOR shall also provide and maintain in full force and effect during the term of this Contract, insurance (including, but not limited to, insurance covering the operation of automobiles, trucks and other vehicles) protecting CONTRACTOR and OWNER against liability from damages because of injuries, including death, suffered by any person or persons other than employees of CONTRACTOR, and liability for damages to property, arising from or growing out of CONTRACTOR's operations in connection with the performance of this Contract.
- B. Such insurance covering personal and bodily injuries or death shall be in the sum of not less than One Million Dollars (\$1,000,000.00) for one (1) person, and not less than One Million Dollars (\$1,000,000.00) for any one (1) occurrence. Insurance covering damages to property shall be in the sum of not less than One Million Dollars (\$1,000,000.00) for any one (1) occurrence, and One Million Dollars (\$1,000,000.00) aggregate.
- C. CONTRACTOR shall also provide and maintain Professional Liability Insurance coverage to protect CONTRACTOR and OWNER from liability arising out of the performance of professional services, if any, under this Contract. Such coverage shall be in the sum of not less than One Million Dollars (\$1,000,000.00).

EXHIBIT A

- D. A signed Certificate of Insurance, satisfactory to OWNER, showing compliance with the requirements of this Section shall be furnished to OWNER before any services are performed under this Contract to:

City of Duncanville
Attn: Sheila Baker
PO Box 380280
Duncanville, TX 75138
(972) 780-5058
sbaker@duncanville.com

and shall further indicate that each and every policy for liability insurance coverage as required herein includes a "Contractual Liability Coverage" endorsement covering the Contract under Section 10, hereof. Such Certificate of Insurance shall provide for thirty (30) days written notice to OWNER prior to the cancellation or modification of any insurance referred to therein. On every date of renewal of the required insurance policies, the CONTRACTOR shall cause a certificate of insurance and policy endorsements to be issued evidencing the required insurance herein and delivered to the Owner. In addition, the CONTRACTOR shall within ten (10) business days after written request provide the Owner with certificates of insurance and policy endorsements for the insurance required herein. The delivery of the certificates of insurance and policy endorsements to the Owner is a condition precedent to the payment of any amounts due to Contractor by the Owner. The failure to provide valid certificates of insurance and policy endorsements shall be deemed a default and/or breach of this Agreement.

- E. All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service. All policies must be written on a primary basis, non-contributory with any other insurance coverage and/or self-insurance maintained by the Owner.

Section 21. Indemnification for Injury and Performance

CONTRACTOR hereby agrees to protect, defend, indemnify and hold harmless the OWNER, its officers, agents, servants and employees (hereinafter individually and collectively referred to as "Indemnitees"), from and against suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including, in part, attorney fees incidental to the defense of such suits, actions, claims, losses, damages or liability on account of injury, disease, sickness, including death, to any person or damage to property including, in part, the loss of use resulting therefrom, arising from any negligent act, error, omission or neglect of CONTRACTOR, its officers, employees, servants, agents or subcontractors, or anyone else under CONTRACTOR's direction and control, and arising out of, occurring in connection with, resulting from or caused by the performance or failure of performance of any work or services called for by this Contract, or from conditions created by the performance or non-performance of said work or services. In the event one or more of the Indemnitees is determined by a court of law to be jointly or derivatively negligent or liable for such damage or injury, CONTRACTOR shall be obligated to indemnify OWNER as provided herein on a proportionate basis in accordance with the final judgment, after all appeals are exhausted, determining such joint or derivative negligence or liability.

The CONTRACTOR's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by Contractor under this agreement. This provision shall survive the termination of this agreement.

Section 22. Indemnification for Unemployment Compensation

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EXHIBIT A

CONTRACTOR agrees that it is an independent CONTRACTOR and not an agent of the OWNER, and that CONTRACTOR is subject, as an employer, to all applicable Unemployment Compensation Statutes, so as to relieve OWNER of any responsibility or liability from treating CONTRACTOR's employees as employees of OWNER for the purpose of keeping records, making reports or payments of Unemployment Compensation taxes or contributions. CONTRACTOR further agrees to indemnify and hold OWNER harmless and reimburse it for any expenses or liability incurred under said Statutes in connection with employees of CONTRACTOR.

Section 23. Indemnification for Performance

CONTRACTOR shall defend and indemnify OWNER against and hold OWNER and the premises harmless from any and all claims, suits or liens based upon or alleged to be based upon the non-payment of labor, tools, materials, equipment, supplies, transportation and management costs incurred by CONTRACTOR in performing this Contract.

Section 24. Funding and Non-Appropriation Clause

CONTRACTOR recognizes that the continuation of any contract after the close of, or during, any given fiscal year of the City of Duncanville, which fiscal year ends on September 30 of each year, shall be subject to Council budget approval of the City of Duncanville providing for or covering such contract item as an expenditure therein. The OWNER does not represent that said budget item will actually be adopted as this determination is within the sole discretion of the City Council. Should funding not be approved by the City Council for any given budget year during the contract term, the contract will terminate and become null and void; however, any work performed to date shall be paid.

Section 25. Revisions of Scope of Work and Workplan

In response to changes in needs of the project, OWNER reserves the right to direct substantial revision to the scope of work initially agreed, including changes to the drawings, specifications or other project documents after due approval by OWNER, as OWNER may deem necessary. In such event, OWNER shall pay CONTRACTOR its regular compensation for services rendered in making such revisions, provided such compensation is customarily reasonable. When CONTRACTOR is directed to make substantial revisions under this section of the contract, CONTRACTOR shall provide to OWNER a written proposal for the entire costs involved and the completion time involved in providing the revisions. OWNER shall not knowingly require any revision that is illegal or that violates the professional ethics of CONTRACTOR. Prior to CONTRACTOR undertaking any substantial revision as directed by OWNER, OWNER must authorize in writing the nature and scope of the revisions and accept the method and amount of compensation and the time involved in all phases of the work.

Section 26. Right to Inspect Records

CONTRACTOR agrees that OWNER shall, until the expiration of one (1) years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of CONTRACTOR involving transactions relating to this contract. CONTRACTOR agrees that OWNER shall have access during normal working hours to all necessary CONTRACTOR facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this section. OWNER shall give CONTRACTOR reasonable advance notice of intended audits no less than 3 business days. CONTRACTOR further agrees to include in subcontract(s), if any, a provision that any subcontractor or subcontractor agrees that OWNER shall, until the expiration of one (1) years after final payment under any subcontract, have access to and the right to examine any directly pertinent books, documents, papers and records of such subcontractor or subcontractor involving transactions to the subcontract and further, that OWNER shall have access during normal working

hours to all subcontractors or subcontractor facilities, and shall be provided adequate and appropriate work space, in order to conduct audits in compliance with the provisions of this paragraph. OWNER shall give the subcontractors or subcontractor reasonable advance notice of intended audits no less than 3 business days.

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Section 27. Successors and Assigns

OWNER and CONTRACTOR each binds itself and its successors, executors, administrators and assigns to the other party of this contract and to the successor, executors, administrators and assigns of such other party in respect to all covenants of this contract. Neither OWNER nor CONTRACTOR shall assign or transfer its interest herein without the prior written consent of the other.

Section 28. Disclosure

By signing this contract, CONTRACTOR acknowledges to OWNER that it has made full disclosure in writing of any existing conflicts of interest or potential conflicts of interest, including personal financial interests, direct or indirect, in property abutting the proposed project and business relationships with abutting property owners. CONTRACTOR further agrees that it will make disclosure in writing of any conflicts of interest which develop subsequent to the signing of this contract and prior to final payment under the contract.

Section 29. Employment Verification

Employment eligibility verification: The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for employers to knowingly hire or recruit immigrants who do not possess lawful work authorization and requires employers to verify their employees' work eligibility on a U.S. Department of Justice Form I-9. **THE CONTRACTOR/VENDOR WARRANTS THAT CONTRACTOR/VENDOR IS IN COMPLIANCE WITH IRCA AND WILL MAINTAIN COMPLIANCE WITH IRCA DURING THE TERM OF THE CONTRACT WITH THE OWNER. CONTRACTOR/VENDOR WARRANTS THAT CONTRACTOR/VENDOR HAS INCLUDED OR WILL INCLUDE A SIMILAR PROVISION IN ALL WRITTEN CONTRACTS WITH ANY SUBCONTRACTORS ENGAGED TO PERFORM SERVICES UNDER THIS CONTRACT.**

Section 30. Default

OWNER reserves the right to terminate this contract immediately upon breach of any term or provision of this contract by CONTRACTOR; or if at any time during the term of this contract, CONTRACTOR shall fail to commence the work in accordance with the provisions of this contract or fail to diligently provide services in an efficient, timely and careful manner and in strict accordance with the provisions of this contract or fail to use an adequate number or quality of personnel or equipment to complete the work or fail to perform any of its obligations under this contract, then OWNER shall have the right, if CONTRACTOR shall not cure any such default after thirty (30) days' written notice thereof, to terminate this contract and complete the work in any manner it deems desirable, including engaging the services of other parties therefore. Any such act by OWNER shall not be deemed a waiver of any other right or remedy of OWNER.

Section 31. Headings

The headings of this Contract are for the convenience of reference only and shall not affect in any manner any of the terms and conditions hereof.

Section 32. Equal Employment Opportunity

CONTRACTOR shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, place of birth or disability. CONTRACTOR shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, age, color, religion, sex, ancestry, national origin, place of birth or disability. This action shall include but not be limited to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection of training, including apprenticeship.

Section 33. Entire Contract

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EXHIBIT A

This contract embodies the complete contract of the parties hereto, superseding all oral or written previous and contemporary contracts between the parties relating to matters herein; and except as otherwise provided herein, cannot be modified without written contract of the parties.

(Signature follows this page)

IN WITNESS WHEREOF, the parties hereto have executed this Contract on this the

_____ day of _____, 2021.

CITY OF DUNCANVILLE, TEXAS
Owner

BURGESS & NIPLE
Contractor

Signature

Steven D. Sanders

Signature

Printed Name

Steven D. Sanders

Printed Name

Title

January 4, 2021

Title

BURGESS & NIPLE

EXHIBIT A

EXHIBIT A & B

12750 Merit Drive | Park Central 7 | Suite 425 | Dallas TX 75251 | 972.620.1255

December 22, 2020

Mrs. Jacqueline Culton, PE
Assistant Director of Public Works
City of Duncanville, Texas
203 E. Wheatland Rd.
Duncanville, TX 75116

Re: Professional Engineering Services - Swan Ridge Dr. Reconstruction and Beaver Creek Dr. / Shady Tree Pl.
Waterline Replacements.

Dear Mrs. Culton:

Thank you for the opportunity to provide engineering services for the above referenced project. We discussed with a local geotechnical firm concerning the condition of the roadway subgrade and more specifically the area where the 48" storm drainage pipe crosses the roadway at a low point. They said it would be difficult to pin point the reason for the pavement problems in this area but suggested some of the problems are from trees pulling the moisture out from under the roadway. We discussed putting tree root barriers under the curbs but the risk of killing a tree is high. There isn't much we can do concerning trees other than removing them. He did suggest using lime stabilized subgrade instead of flexbase for subgrade.

The construction bid package will include plans and specifications for the reconstruction Swan Ridge Drive from Cedar Hill Road to Birdwood Drive and waterline replacements within Beaver Creek Drive from Greentree Lane to Shady Tree Place and within Shady Tree Place.

Topographic survey for both locations will be completed by Spooner & Associates utilizing City of Duncanville benchmarks.

Attachments provided with this letter are:

- Attachment "A" Scope of Services and Compensation Schedule
- Project Schedule
- Preliminary Opinion of Construction Cost

If you have any questions or need further clarification with the scope please let me know.

Sincerely,

BURGESS & NIPLE, INC.



Lowell D. DeGroot, PE
Senior Project Manager

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EXHIBIT A

EXHIBIT "A"

Scope of Services and Compensation Schedule

**Swan Ridge Dr. Pavement Reconstruction (Cedar Hill Rd. to Birdwood Dr.) &
Beaver Creek Dr. and Shady Tree Pl. Waterline Replacements (Shady Tree Pl. to Green Tree Ln.)**

Burgess & Niple, Inc. will provide engineering services for the preparation of plans and construction specifications for Swan Ridge Drive Pavement Reconstruction (Cedar Hill Rd. to Birdwood Dr.) and 8" water main replacements along Beaver Creek Drive (Shady Tree Pl. to Green Tree Ln.) and Shady Tree Place in its entirety. Water and sanitary sewer design for Swan Ridge Drive will be completed as part of the design but no sanitary sewer design is to be completed for Beaver Creek Drive of Shady Tree Place, only 8" water main design.

Part 1 - Basic Engineering Services

Task 1 - Preliminary Design Phase (30%) – Design services up to the 30% milestone providing 30% plan and construction cost estimate. No construction specification would be presented at this milestone. Coordination with affected utilities such as water, gas, telephone, cable TV and electric will be completed during this phase. The following sheets will be prepared:

- Cover sheet
- General notes / Typical section sheet
- Project layout sheets with horizontal & vertical control
- Erosion control sheets
- Swan Ridge Dr. construction phasing and traffic control sheet
- Swan Ridge Dr. paving sheets
- Swan Ridge Dr. Sanitary Sewer Plan & Profile Sheets
- Swan Ridge Dr. Water Plan Sheet (no profile sheets)
- Swan Ridge Dr. drainage area map and calculation (no plan and profile sheets for storm water)
- Swan Ridge Dr. water plan
- Beaver Creek Dr. water plan and profile of culvert crossing
- Shady Tree Pl. water plan
- Swan Ridge Dr. proposed pavement cross sections
- Swan Ridge Dr. driveway and alley sections
- Standard detail sheets

Task 2 - Intermediate Design Phase (65%) – Design services up to the 65% milestone providing 65% plans, construction specifications and construction cost estimate. Incorporate any comments from City of Duncanville review.

Task 3 - Final Design Phase (95%) – Design services up to the 95% milestone. Revise intermediate plans incorporating comments from the City, incorporate comments from the utility companies, finalize construction plans for proposed improvements, prepare and finalize special technical specifications/special conditions, final cost construction cost estimates.

Submittal outline:

- Submit four sets of pre-final plans, and one set of special technical specifications, draft bid schedule, and statement of probable construction cost to the City for review.

EXHIBIT A

- Submit three sets of final plans, three bound copies of the bid documents and one unbound original bid document set to the City.

Task 4 - Bidding Services – Assist the City staff in advertising bids. Other activities will include the following:

- Submit one full size set and one-half size set of final plans, two bound copies of the bid manual and the unbound original bid manual set to the City.
- Assist City by responding to questions and interpreting bid documents.
- Attend and assist the City staff at the bid opening.
- Contact references of low bidder and provide recommendation letter.
- Assist the City staff in a pre-construction conference.

Task 5 - Construction Phase Services – Provide reviews of contractor submittals and written responses to request for information or clarifications. Provide up to three site visits and assist the City staff in conducting the final inspection.

Part 2 – Special Services

Task 1 – Topographic Services Swan Ridge Drive – Topographic survey required for street reconstruction design. Survey to utilize City of Duncanville GPS control.

Task 2 – Topographic Services Beaver Creek Drive & Shady Tree Place – Limited topographic survey required for water main design. Survey to utilize City of Duncanville GPS control.

Task 3 – Easement Exhibits – Provide Three (3) easement exhibits to the City of Duncanville if required. B&N to bill only if this task is used for the project.

Task 4 – Geotechnical Investigation – A total of two borings drilled to a depth of about 15 feet below existing grade will be taken from Swan Ridge Drive. The borings will be drilled within the existing roadway at about 600 feet interval. We will obtain permits from the City of Duncanville to drill borings along the City ROW. We presume the City does not require traffic control for the field work performed on the local roadway.

The integrated services will include drilling soil borings by drill crews, laboratory testing, and the preparation of a final geotechnical engineering report. The laboratory testing will include moisture content, density, Atterberg limits, gradation, swell, unconfined compression tests, soluble sulfate and Lime/pH series. The report will include the following items:

- Observations from our site reconnaissance including current site conditions, surface drainage features, and surface topographic conditions.
- A review of the published soil and geologic conditions and their relevance to the project.
- A subsurface characterization and a description of the field exploration and laboratory tests performed. Groundwater concerns relative to the planned construction, if any, will be summarized.
- Final logs of the soil borings and records of the field exploration in accordance with the standard practice of geotechnical engineers, and the results of the laboratory tests will be noted on the final boring logs or included on a separate test report sheet.
- Provide recommendations for preparation of pavement subgrades and suggested

EXHIBIT A

concrete pavement section as per City of Duncanville guidelines, or other applicable standards based on the traffic data provided by the Client/City.

- f. Compaction requirements and suitable material guidelines for grading the site, as well as construction considerations relating to the pavements and site work.

EXCLUSIONS:

- A. Sanitary Sewer Capacity Analysis
- B. Right of Way Exhibits
- C. Subsurface Utility Engineering
- D. Detailed construction staking.
- E. Full time construction inspection.
- F. Trench excavation safety plan.
- G. Preparation of Contractor's monthly pay estimates.
- H. Review of Contractor's monthly pay estimates.
- I. Utility Locate Service.
- J. Quality control and testing services during construction.
- K. Public Meetings.

Compensation Schedule

Compensation to Burgess & Niple, Inc. for the services described herein shall be according to the following fee schedule:

FEE SCHEDULE

SWAN RIDGE DRIVE RECONSTRUCTION AND BEAVER CREEK DRIVE WATER REPLACEMENTS		
BASIC SERVICES		
Task No.	Description	Lump Sum Fee
	Basic Engineering Services	
1	Preliminary Design Phase (30%)	\$30,950.00
2	Intermediate Design Phase (65%)	\$24,290.00
3	Final Design Phase (95%)	\$9,350.00
4	Bidding Services	\$1,630.00
5	Construction Phase Services	\$3,900.00
Total Basic Engineering Services:		\$70,120.00
SPECIAL SERVICES		
1	Topographic Survey Swan Ridge Dr.	\$11,000.00
2	Topographic Survey Beaver Creek Dr. and Swan Tree Place	\$7,000.00
3	Easements (if required)(3 @ \$1,750.00 each)	\$5,250.00
4	Geotechnical Investigation - Swan Ridge Drive	\$8,800.00
Total Special Services:		\$32,050.00
TOTAL:		\$102,170.00



EXHIBIT A CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 01/05/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Northeast, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: Willis Towers Watson Certificate Center PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com														
INSURER(S) AFFORDING COVERAGE															
INSURED Burgess & Niple, Inc. 5085 Reed Road Columbus, OH 43220	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURER</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A: National Union Fire Insurance Company of P</td> <td>19445</td> </tr> <tr> <td>INSURER B: Continental Insurance Company</td> <td>35289</td> </tr> <tr> <td>INSURER C: New Hampshire Insurance Company</td> <td>23841</td> </tr> <tr> <td>INSURER D: Continental Casualty Company</td> <td>20443</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER	NAIC #	INSURER A: National Union Fire Insurance Company of P	19445	INSURER B: Continental Insurance Company	35289	INSURER C: New Hampshire Insurance Company	23841	INSURER D: Continental Casualty Company	20443	INSURER E:		INSURER F:	
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INSURER D: Continental Casualty Company	20443														
INSURER E:															
INSURER F:															

COVERAGES**CERTIFICATE NUMBER:** W19768892**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	Y	Y	GL 5268138	04/01/2020	04/01/2021	EACH OCCURRENCE \$ 1,000,000	
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000							
	MED EXP (Any one person) \$ 25,000							
	PERSONAL & ADV INJURY \$ 1,000,000							
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	Y	Y	CA 4489627	04/01/2020	04/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000	
	BODILY INJURY (Per person) \$							
	BODILY INJURY (Per accident) \$							
	PROPERTY DAMAGE (Per accident) \$							
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 0	Y	Y	CUE 6080621408	04/01/2020	04/01/2021	EACH OCCURRENCE \$ 15,000,000	
	AGGREGATE \$ 15,000,000							
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	Y	WC 15893628	04/01/2020	04/01/2021	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liability				AEH008215011	04/01/2020	04/01/2021	Each Claim: \$10,000,000 Aggregate: \$10,000,000 Deductible: \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Umbrella/Excess policy does not sit excess over Professional Liability coverage.

B&N Internal COI Control #20210105+5

Re: Professional Service Contract - PSA-21-008-Swan Ridge Dr. Project.

City of Duncanville is included as an Additional Insured as respects to General Liability, Auto Liability and

CERTIFICATE HOLDER**CANCELLATION**

City of Duncanville Attn: Sheila Baker PO Box 380288 Duncanville, TX 75138	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ACORD 25 (2016/03)

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SR ID: 20565545

BATCH: 1935713

AGENCY/CUSTOMER ID: _____
 LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

AGENCY Willis Towers Watson Northeast, Inc.		NAMED INSURED Burgess & Niple, Inc. 5085 Reed Road Columbus, OH 43220	
POLICY NUMBER See Page 1			
CARRIER See Page 1	NAIC CODE See Page 1	EFFECTIVE DATE: See Page 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Umbrella/Excess Liability when required by written contract.
 General Liability, Auto Liability and Umbrella/Excess Liability policies shall be Primary and Non-contributory with any other insurance in force for or which may be purchased by Additional Insured when required by written contract. Waiver of Subrogation applies in favor of City of Duncanville with respects to General Liability, Auto Liability, Umbrella/Excess Liability and Workers Compensation when required by written contract and permitted by law. Coverage for Contractual Liability is provided under General Liability policy.

EXHIBIT A

POLICY NUMBER: GL 526-81-38

COMMERCIAL GENERAL LIABILITY
CG 20 37 12 19**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
ANY PERSON OR ORGANIZATION WHOM YOU BECOME OBLIGATED TO INCLUDE AS AN ADDITIONAL INSURED AS A RESULT OF ANY CONTRACT OR AGREEMENT YOU HAVE ENTERED INTO.	PER THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable limits of insurance;
- whichever is less.

This endorsement shall not increase the applicable limits of insurance.

EXHIBIT A

POLICY NUMBER: GL 526-81-38

COMMERCIAL GENERAL LIABILITY
CG 20 10 12 19**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
ANY PERSON OR ORGANIZATION WHOM YOU BECOME OBLIGATED TO INCLUDE AS AN ADDITIONAL INSURED AS A RESULT OF ANY CONTRACT OR AGREEMENT YOU HAVE ENTERED INTO.	PER THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II 6 Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

Page 19 of 30

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

EXHIBIT A

- C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable limits of insurance;
whichever is less.

This endorsement shall not increase the applicable limits of insurance.

EXHIBIT A

ENDORSEMENT

This endorsement, effective 12:01 A.M. 04/01/2020 forms a part of

Policy No. GL 526-81-38 issued to BURGESS & NIPLE, INC.

By NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**LIMITED ADVICE OF CANCELLATION PROVIDED VIA E-MAIL
TO ENTITIES OTHER THAN THE FIRST NAMED INSURED**

This policy is amended as follows:

In the event that the **Insurer** cancels this policy for any reason other than non-payment of premium, and

1. the cancellation effective date is prior to this policy's expiration date;
2. the **First Named Insured** is under an existing contractual obligation to notify a certificate holder when this policy is canceled (hereinafter, the "Certificate Holder(s)") and has provided to the **Insurer**, either directly or through its broker of record, the email address of a contact at each such entity; and
3. the **Insurer** received this information after the **First Named Insured** receives notice of cancellation of this policy and prior to this policy's cancellation effective date, via an electronic spreadsheet that is acceptable to the **Insurer**.

the **Insurer** will provide advice of cancellation (the "Advice") via e-mail to each such Certificate Holders within 30 days after the **First Named Insured** provides such information to the **Insurer**; provided, however, that if a specific number of days is not stated above, then the Advice will be provided to such Certificate Holder(s) as soon as reasonably practicable after the **First Named Insured** provides such information to the **Insurer**.

Proof of the **Insurer** emailing the Advice, using the information provided by the **First Named Insured**, will serve as proof that the **Insurer** has fully satisfied its obligations under this endorsement.

This endorsement does not affect, in any way, coverage provided under this policy or the cancellation of this policy or the effective date thereof, nor shall this endorsement invest any rights in any entity not insured under this policy.

The following Definitions apply to this endorsement:

1. **First Named Insured** means the Named Insured shown on the Declarations Page of this policy.
2. **Insurer** means the insurance company shown in the header on the Declarations page of this policy.

All other terms, conditions and exclusions shall remain the same.



Authorized Representative

EXHIBIT A

POLICY NUMBER: GL 526-81-38

COMMERCIAL GENERAL LIABILITY
CG 24 04 12 19

**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY
AGAINST OTHERS TO US (WAIVER OF SUBROGATION)**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

SCHEDULE

Name Of Person(s) Or Organization(s): PURSUANT TO APPLICABLE WRITTEN CONTRACT OR AGREEMENT YOU ENTER INTO.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery against the person(s) or organization(s) shown in the Schedule above because of payments we make under this Coverage Part. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person(s) or organization(s) prior to loss. This endorsement applies only to the person(s) or organization(s) shown in the Schedule above.

EXHIBIT A

ENDORSEMENT

This endorsement, effective 12:01 A.M. 04/01/2020 forms a part of

Policy No. CA 448-96-27 issued to **BURGESS & NIIPLE, INC.**

by **NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - WHERE REQUIRED UNDER CONTRACT OR AGREEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

SCHEDULE

ADDITIONAL INSURED:

ANY PERSON OR ORGANIZATION FORM WHOM YOU ARE CONTRACTUALLY BOUND TO PROVIDE
ADDITIONAL INSURED STATUS BUT ONLY TO THE EXTENT OF SUCH PERSON OR ORGANIZATIONS
LIABILITY ARISING OUR OF THE USE OF A COVERED AUTO.

I. SECTION II - COVERED AUTOS LIABILITY COVERAGE, A. Coverage, 1. - Who Is Insured, is amended to add:

d. Any person or organization, shown in the schedule above, to whom you become obligated to include as an additional insured under this policy, as a result of any contract or agreement you enter into which requires you to furnish insurance to that person or organization of the type provided by this policy, but only with respect to liability arising out of use of a covered "auto". However, the insurance provided will not exceed the lesser of:

- (1) The coverage and/or limits of this policy, or
- (2) The coverage and/or limits required by said contract or agreement.

AUTHORIZED REPRESENTATIVE

EXHIBIT A

ENDORSEMENT #

This endorsement, effective 12:01 A.M. 04/01/2020 forms a part of

Policy No. CA 448-96-27 issued to BURGESS & NIPLE, INC.

By NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**LIMITED ADVICE OF CANCELLATION PROVIDED VIA E-MAIL
TO ENTITIES OTHER THAN THE FIRST NAMED INSURED**

This policy is amended as follows:

In the event that the **Insurer** cancels this policy for any reason other than non-payment of premium, and

1. the cancellation effective date is prior to this policy's expiration date;
2. the **First Named Insured** is under an existing contractual obligation to notify a certificate holder when this policy is canceled (hereinafter, the "Certificate Holder(s)") and has provided to the **Insurer**, either directly or through its broker of record, the email address of a contact at each such entity; and
3. the **Insurer** received this information after the **First Named Insured** receives notice of cancellation of this policy and prior to this policy's cancellation effective date, via an electronic spreadsheet that is acceptable to the **Insurer**,

the **Insurer** will provide advice of cancellation (the "Advice") via e-mail to each such Certificate Holders within 30 days after the **First Named Insured** provides such information to the **Insurer**; provided, however, that if a specific number of days is not stated above, then the Advice will be provided to such Certificate Holder(s) as soon as reasonably practicable after the **First Named Insured** provides such information to the **Insurer**.

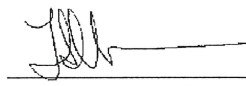
Proof of the **Insurer** emailing the Advice, using the information provided by the **First Named Insured**, will serve as proof that the **Insurer** has fully satisfied its obligations under this endorsement.

This endorsement does not affect, in any way, coverage provided under this policy or the cancellation of this policy or the effective date thereof, nor shall this endorsement invest any rights in any entity not insured under this policy.

The following Definitions apply to this endorsement:

1. **First Named Insured** means the Named Insured shown on the Declarations Page of this policy.
2. **Insurer** means the insurance company shown in the header on the Declarations page of this policy.

All other terms, conditions and exclusions shall remain the same.



Authorized Representative

EXHIBIT A

ENDORSEMENT

This endorsement, effective 12:01 A.M. 04/01/2020 forms a part of

policy No. CA 448-96-27 issued to BURGESS & NIPLE, INC.

by NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

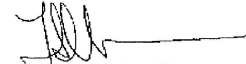
BUSINESS AUTO COVERAGE FORM

Section IV - Business Auto Conditions, A. - Loss Conditions, 5. - Transfer of Rights of Recovery Against Others to Us, is amended to add:

However, we will waive any right of recover we have against any person or organization with whom you have entered into a contract or agreement because of payments we make under this Coverage Form arising out of an "accident" or "loss" if:

- (1) The "accident" or "loss" is due to operations undertaken in accordance with the contract existing between you and such person or organization; and
- (2) The contract or agreement was entered into prior to any "accident" or "loss".

No waiver of the right of recovery will directly or indirectly apply to your employees or employees of the person or organization, and we reserve our rights or lien to be reimbursed from any recovery funds obtained by any injured employee.



AUTHORIZED REPRESENTATIVE



EXHIBIT A

CNA Paramount Excess and Umbrella Liability Policy

or organization which may be liable to the **Insured** because of injury or damage to which this insurance may also apply; and

- vi. will not voluntarily make a payment, except at its own cost, assume any obligation, or incur any expense, other than for first aid, without the Insurer's prior consent.

3. Cooperation

With respect to both **Coverage A - Excess Follow Form Liability** and **Coverage B - Umbrella Liability**, the **Named Insured** will cooperate with the Insurer in addressing all **claims** required to be reported to the Insurer in accordance with this paragraph **O. Notice of Claims/Crisis Management Event/Covered Accident**, and refuse, except solely at its own cost, to voluntarily, without the Insurer's approval, make any payment, admit liability, assume any obligation or incur any expense related thereto.

P. Notices

Any notices required to be given by an **Insured** shall be submitted in writing to the Insurer at the address set forth in the Declarations of this Policy.

Q. Other Insurance

If the **Insured** is entitled to be indemnified or otherwise insured in whole or in part for any **damages** or **defense costs** by any valid and collectible **other insurance** for which the **Insured** otherwise would have been indemnified or otherwise insured in whole or in part by this Policy, the limits of insurance specified in the Declarations of this Policy shall apply in excess of, and shall not contribute to a **claim, incident** or such event covered by such **other insurance**.

With respect to **Coverage A - Excess Follow Form Liability** only, if:

- a. the **Named Insured** has agreed in writing in a contract or agreement with a person or entity that this insurance would be primary and would not seek contribution from any other insurance available;
- b. **Underlying Insurance** includes that person or entity as an additional insured; and
- c. **Underlying Insurance** provides coverage on a primary and noncontributory basis as respects that person or entity;

then this insurance is primary to and will not seek contribution from any insurance policy where that person or entity is a named insured.

R. Premium

All premium charges under this Policy will be computed according to the Insurer's rules and rating plans that apply at the inception of the current **policy period**. Premium charges may be paid to the Insurer or its authorized representative.

S. In Rem Actions

A quasi *in rem* action against any vessel owned or operated by or for a **Named Insured**, or chartered by or for a **Named Insured**, will be treated in the same manner as though the action were *in personam* against the **Named Insured**.

T. Separation of Insureds

Except with respect to the limits of insurance, and any rights or duties specifically assigned in this Policy to the **First Named Insured**, this insurance applies:

- 1. as if each **Named Insured** were the only **Named Insured**; and
- 2. separately to each **Insured** against whom a **claim** is made.

U. Transfer of Interest

Form No: CNA75504XX (03-2015)

Policy Page 26 of 30

Underwriting Company: The Continental Insurance Company, 151 N Franklin St, Chicago, IL 60606

Policy No: CUE 6080621408

Policy Effective Date: 04/01/2020

Policy Page: 35 of 56



EXHIBIT A

CNA Paramount Excess and Umbrella Liability Policy

Assignment of interest under this policy shall not bind the Insurer unless its consent is endorsed hereon.

V. Unintentional Omission

Based on Insurer's reliance on the **Named Insured's** representations as to existing hazards, if the **Named Insured** should unintentionally fail to disclose all such hazards at the effective date of this Policy, the Insurer will not deny coverage under this Policy because of such failure.

W. Waiver of Rights of Recovery

The Insurer waives any right of recovery it may have against any person or organization because of payments the Insurer makes under this Policy if the **Named Insured** has agreed in writing to waive such rights of recovery in a contract or agreement, and only if the contract or agreement:

1. is in effect or becomes effective during the **policy period**; and
2. was executed prior to loss.

VII. DEFINITIONS

For purposes of this Policy, words in bold face type, whether expressed in the singular or the plural, have the meaning set forth below.

Advertisement means a notice that is broadcast or published to the general public or specific market segments about the **Named Insured's** goods, products or services for the purpose of attracting customers or supporters. For the purposes of this definition:

- A. notices that are published include material placed on the Internet or on similar electronic means of communication; and
- B. regarding web-sites, only that part of a web-site that is about the **Named Insured's** goods, products or services for the purposes of attracting customers or supporters is considered an **advertisement**.

Aircraft means any machine or device that is capable of atmospheric flight.

Arbitration proceeding means a formal alternative dispute resolution proceeding or administrative hearing to which an **Insured** is required to submit by statute or court rule or to which an **Insured** has submitted with the Insurer's consent.

Asbestos means the mineral in any form whether or not the asbestos was at any time airborne as a fiber, particle or dust, contained in or formed a part of a product, structure or other real or personal property, carried on clothing, inhaled or ingested, or transmitted by any other means.

Authorized Insured means any **executive officer**, member of the **Named Insured's** risk management or in-house general counsel's office, or any **employee** authorized by the **Named Insured** to give or receive notice of a **claim**.

Auto means:

- A. a land motor vehicle, trailer or semitrailer designed for travel on public roads, including any attached machinery or equipment; or
- B. any other land vehicle that is subject to a compulsory or financial responsibility law or other motor vehicle insurance law where it is licensed or principally garaged.

However, **auto** does not include **mobile equipment**.

Bodily injury means bodily injury, sickness or disease sustained by a person, including death, humiliation, shock, mental anguish or mental injury sustained by that person at any time which results as a consequence of the bodily injury, sickness or disease.

Claim means a:

- A. **suit**; or

Form No: CNA75504XX (03-2015)

Policy Page: 22 of 32

Underwriting Company: The Continental Insurance Company, 151 N Franklin St, Chicago, IL 60606

Policy No: CUE 6080621408

Policy Effective Date: 04/01/2020

Policy Page: 36 of 56

EXHIBIT A

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

This endorsement changes the policy to which it is attached effective on inception date of the policy unless a different date is indicated below.

This endorsement, effective 12:01 AM 04/01/2020 forms a part of Policy No. WC 015-89-3628

Issued to BURGESS & NIPLE, INC.

By NEW HAMPSHIRE INSURANCE COMPANY

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

Schedule

ANY PERSON OR ORGANIZATION TO WHOM YOU BECOME
OBLIGATED TO WAIVE YOUR RIGHTS OF RECOVERY
AGAINST, UNDER ANY WRITTEN CONTRACT OR AGREEMENT
YOU ENTER INTO PRIOR TO THE OCCURRENCE OF LOSS.

This form is not applicable in Kansas for private construction contracts as defined in K.S.A. 16-1801 through K.S.A. 16-1807 or public construction contracts as defined in K.S.A. 16-1901 through 16-1908, except where permitted by statute or other applicable law, such as for use in wrap-up insurance programs.

Any person or organization for which the employer has agreed by written contract, executed prior to loss, may execute a waiver of subrogation. However, for purposes of work performed by the employer in Missouri, this waiver of subrogation does not apply to any construction group of classifications as designated by the waiver of right to recover from others (subrogation) rule in our manual.

This form is not applicable in California, Kentucky, New Hampshire, New Jersey, Texas, or Utah.

WC 00 03 13
(Ed. 04/84)

Countersigned by _____



Authorized Representative

Page 28 of 30

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement changes the policy to which it is attached effective on the inception date of the policy unless a different date is indicated below.

(The following "attaching clause" need be completed only when this endorsement is issued subsequent to preparation of the policy).

This endorsement, effective 12:01 AM 04/01/2020 forms a part of Policy No. WC 015-89-3628

Issued to BURGESS & NIPLE, INC.

By NEW HAMPSHIRE INSURANCE COMPANY

EXHIBIT A
LIMITED ADVICE OF CANCELLATION PROVIDED VIA E-MAIL
TO ENTITIES OTHER THAN THE NAMED INSURED
(WORKERS' COMPENSATION ONLY)

This policy is amended as follows:

In the event that the **Insurer** cancels this policy for any reason other than non-payment of premium, and

1. the cancellation effective date is prior to this policy's expiration date;
2. the **Named Insured** or, if applicable, any other employers named in Item 1 of the Information Page is under an existing contractual obligation to notify a certificate holder when this policy is canceled (hereinafter, the "Certificate Holder(s)") and the **Named Insured** has provided to the **Insurer**, either directly or through its broker of record, the email address of a contact at each such entity; and
3. the **Insurer** received this information after the **Named Insured** receives notice of cancellation of this policy and prior to this policy's cancellation effective date, via an electronic spreadsheet that is acceptable to the **Insurer**,

the **Insurer** will provide advice of cancellation (the "Advice") via e-mail to each such Certificate Holders within 30 days after the **Named Insured** provides such information to the **Insurer**; provided, however, that if a specific number of days is not stated above, then the Advice will be provided to such Certificate Holder(s) as soon as reasonably practicable after the **Named Insured** provides such information to the **Insurer**.

Proof of the **Insurer** emailing the Advice, using the information provided by the **First Named Insured**, will serve as proof that the **Insurer** has fully satisfied its obligations under this endorsement.

This endorsement does not affect, in any way, coverage provided under this policy or the cancellation of this policy or the effective date thereof, nor shall this endorsement invest any rights in any entity not insured under this policy.

The following definitions apply to this endorsement:

1. **Named Insured** means the insured first named employer in Item 1 of the Information Page of this policy.
2. **Insurer** means the insurance company shown in the header on the Information Page of this policy.

All other terms, conditions and exclusions shall remain the same.


AUTHORIZED REPRESENTATIVE



EXHIBIT A
Professional Liability and Pollution Incident Liability Insurance
Policyholder Notice

POLICYHOLDER NOTICE NOTIFICATION OF CANCELLATION TO CERTIFICATE HOLDERS

NOTIFICATION OF CANCELLATION TO CERTIFICATE HOLDERS

- In the event this Policy is cancelled prior to its expiration date, for any reason other than non payment of premium, the Insurer shall provide to the broker of record, a blank schedule to be completed by the **Insured** or such broker, with the names and email addresses of any and all certificate holders to whom the **Insured** requests the Insurer provide notification of such cancellation ("notification"). Such schedule must be completed and returned to the Insurer within 5 business days of the broker's receipt. Upon the Insurer's receipt of the completed schedule, the Insurer shall endeavor to provide notification to those entities set out in such schedule. If the schedule is not returned to the Insurer within 5 business days the Insurer will not provide notification. The Insurer will assume that the schedule provided to the Insurer by the **Insured** or the broker is a complete and accurate list of certificate holders. Only those persons or entities listed on the schedule will receive notification. The Insurer will keep no other record of any certificate holders in the Insurer's file.
- There will be no schedule provided and, consequently, no notification provided, if such cancellation is for non payment of premium.
- Any notification by the Insurer to any party that is not the first **Named Insured** on the Policy is intended as a courtesy only. The Insurer's failure to provide such notification will not extend the Policy cancellation date, or negate cancellation of the Policy or be cause for legal action against the Insurer.

All other terms and conditions of the policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the policy issued by the designated Insurers, takes effect on the Policy Effective date of said policy at the hour stated in said policy, unless another effective date (the Endorsement Effective Date) is shown below, and expires concurrently with said policy.

Form Page 39 of 30
 Effective Date: 04/01/2020
 Endorsement No: 12 ; Page 1 of 1
 Underwriting Company: Continental Casualty Company
 333 S. Wabash Ave., Chicago IL 60604

Policy No: AEH008215011 Policy
 Effective Date: 04/01/2020
 Policy Page: 25 of 47

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SAM Search Results
List of records matching your search for :
Search Term : Dunaway Associates, L.P.*
Record Status: Active

ENTITY	Dunaway Associates, L.P.	Status: Active
DUNS: 113249361	+4:	CAGE Code: 4UZG4 DoDAAC:
Expiration Date: 11/03/2021	Has Active Exclusion?: No	Debt Subject to Offset?: No
Address: 550 Bailey Ave Ste 400		
City: Fort Worth	State/Province: TEXAS	
ZIP Code: 76107-2100	Country: UNITED STATES	



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Consider an Ordinance revising Chapter 20 "Water, Sewer and Sewage Disposal", by repealing and replacing Article IV, "General Sewage Disposal Standards", to provide for updates to regulations governing wastewater discharges into the publicly owned treatment works within the City of Duncanville.

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **2. Create high quality neighborhoods and parks**
 - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:

Bryan G. Ramey, II, P.E., Director of Public Works

Jacqueline R. Culton, P.E., Assistant Director of Public Works

BACKGROUND/HISTORY:

The City's wastewater flows to the TRA Central Regional Wastewater System (CRWS), TRA Ten Mile Creek Regional Wastewater System (TMCRRWS) and the City of Dallas' wastewater system. The City of Duncanville contracts with the Trinity River Authority (TRA) for treatment of most of the wastewater generated within the Duncanville city limits.

In 2005, the EPA modified the federal pretreatment regulations found in Chapter 40 of the Code of Federal Regulations (CFR), Section 403. These regulations are referred to as "Streamlining". Once EPA updated the General Pretreatment Regulations, the TCEQ required, through the TMCRRWS current TPDES permit, that the TRA modify the current pretreatment program to include Streamlining provisions. TCEQ requires pretreatment of industrial discharges into the wastewater treatment facilities located in Texas.

On May 22, 2013, TRA's Ten Mile Creek Regional Wastewater System (TMCRRWS) received a new Texas Pollutant Discharge Elimination System (TPDES) Wastewater Discharge Permit from the Texas Commission on Environmental Quality (TCEQ). The permit required TRA to update its current TMCRRWS wastewater pretreatment program to comply with changes in the United States Environmental Protection Agency's (EPA) federal pretreatment regulations. This includes modifications to TRA's contracting parties' wastewater ordinances, enforcement response plans, permit applications, and other associated documents.

On September 27, 2013, TRA conducted a meeting with its TMCRRWS Contracting Parties to review the modification process and present the required streamlining provisions. After each City's review

and attorney concurrence, the required modified program draft changes were submitted by TRA to the TCEQ on July 22, 2014.

On October 10, 2019, TCEQ responded to the TRA indicating that the TMCRWS pretreatment program modification review was complete and deficiencies were found with certain aspects of the Ordinances, Enforcement Response Plans (ERP), and permit documents of the Contracting Parties. Therefore, the TCEQ is requiring the TRA to update its regulations to comply with the TCEQ's updated pretreatment requirements. TRA is requiring its wastewater customers to amend their city codes to incorporate revisions as dictated by the TCEQ. As a result, the TRA has recommended appropriate changes to the City of Duncanville's Ordinance, Enforcement Response Plan and permits. In addition to the changes required by TCEQ, the TRA has taken the opportunity to make additional changes in both documents. These changes were made to reflect additional requirements of the program due to new regulations and to further strengthen the program elements.

In 2020, the Trinity River Authority (TRA) informed City Staff that revisions to the City's City Code, Chapter 20 "Water, Sewer and Sewage Disposal", were necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) requirements. As a result, Chapter 20, "Water, Sewer and Sewage Disposal", is being updated.

Following are some of the major revisions of the ordinance:

- Adds Subsection 20-54 (c), Incorporation of Industrial Waste Regulations by Reference, to provide for users which discharge to the portion of Duncanville's wastewater system which flows to Dallas to adhere to the regulations of the City of Dallas Code of Ordinances, Chapter 49, "Water and Wastewater," Article IV "Water Quality," and for the City of Duncanville to adopt the subject Dallas City Code.

- Adds definition for "Best Management Practices" (BMP). BMP means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in federal regulation, subsection 20-55(a) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. The Director may develop BMPs and require Users to implement such BMPs if necessary to protect the POTW. Such BMPs would be supplemental and not used as a replacement for compliance with Local Limits listed in Sec. 20-55(d) and Prohibited Discharge Standards in Sec. 20-55(a).

- Adds definition for "Daily Maximum Limit" and defined it as the maximum allowable discharge limit of a pollutant during a calendar day.

- Defines "North American Industry Classification System" (NAICS) as a system used by the Federal Government for collecting and organizing industry-related statistics. The NAICS codes are updated every five years to stay current with industry developments.

- Defines "National Pollutant Discharge Elimination System" (NPDES) as permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on EPA's behalf with an approved pretreatment program (e.g. TPDES or Texas Pollutant Discharge Elimination System).

- Defines "Slug Load" or "Slug Discharge" to include any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a

reasonable potential to cause Interference or Pass Through, or in any way violate the POTW's regulations, Local Limits, or Permit conditions. The Director shall evaluate whether each permitted SIU (Significant Industrial User) needs a Slug Control Plan. The SIU must prepare a Slug Control Plan to control Slug Discharges no later than (1) one year of the SIU determination. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

- Defines "Texas Pollutant Discharge Elimination System" (TPDES) as a permit program of the Texas Commission on Environmental Quality with federal regulatory authority to act on an approved pretreatment program.

- Provides if the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative of the User.

- Specifies for wastewater discharge permit decisions, the Director may deny any application for a wastewater discharge permit: (1) For Users discharging to TRA CRWS, within thirty (30) days of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit or deny the wastewater discharge permit application. (2) For Users discharging to TRA TMCRRWS, within a reasonable time from receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit.

- Adds new Subsection 20-58(h), "Regulation of Waste Received from Other Jurisdictions", to require a municipality which contributes wastewater to the POTW to enter into an interlocal agreement with the City prior to contributing such wastewater.

- Adds new Subsection 20-58(i), "Extrajurisdictional users" and requires extrajurisdictional users requesting to discharge into the City's wastewater system to apply for a permit at least ninety (90) days prior to discharging to the POTW. A wastewater discharge permit issued to an extrajurisdictional user shall be in the form of a contract, and must include, at a minimum, the components found in 40 CFR 403.8(f)(1)(iii) and shall require the approval of the Duncanville City Council.

- Adds new Subsection 20-63(b), "Consent Order", which provides the Director may enter into Consent Orders, assurance of compliance, or similar documents establishing an agreement with any User responsible for noncompliance. The Consent Order shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 20-63(d) and (e) of this article and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Duncanville staff and City Attorney have reviewed the modifications as recommended by TRA to ensure all are acceptable and enforceable within Duncanville's jurisdiction.

These provisions should have minimal financial impact on the City and impacted establishments.

POLICY EXPLANATION:

City Council approval is required to amend the Code of Ordinances.

FUNDING SOURCE:

N/A

Contract Log #:

NA

RECOMMENDATION:

Staff recommends approval of an Ordinance amending Chapter 20 “Water, Sewer and Sewage Disposal”, by repealing and replacing Article IV, “General Sewage Disposal Standards”, to provide for updates to regulations for the discharge of wastewater into the publicly owned treatment works within the City of Duncanville.

ATTACHMENTS:

[Attachment 1 - Black-Red Ordinance Changes Chapter 20](#)

[Attachment 2 - Ordinance No. 2339R - Amend Chap. 20 Water, Sewer & Sewage Disposal](#)

**PROPOSED RED LINE REVISIONS TO CHAPTER 20, WATER, SEWAGE AND
SEWAGE DISPOSAL, ARTICLE IV, GENERAL SEWAGE DISPOSAL STANDARDS**

**“CHAPTER 20
WATER, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 1. IN GENERAL**

.....

**ARTICLE IV
GENERAL SEWAGE DISPOSAL STANDARDS**

Sec. 20-54 GENERAL PROVISIONS

(a) Purpose and ~~policy~~-Policy

This article sets forth uniform requirements for users of the Publicly Owned Treatment Works (~~POTW~~) for the City of Duncanville and enables the ~~city~~City to comply with all applicable ~~state~~State and ~~federal~~Federal laws, including the Clean Water Act (33 United States Code §§§ 1251-*et. seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

- (1)—To prevent the introduction of pollutants into the POTW that will interfere with its operation.
- (2)—To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW.
- (3)—To protect the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- (4)—To promote reuse and recycling of industrial wastewater and sludge from the POTW.
- (5)—To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.
- (6)—To enable the ~~city~~City to comply with ~~theits~~ National Pollutant Discharge Elimination System (NPDES)-~~to~~ permit conditions of the City of Dallas and the Trinity River Authority, sludge use and disposal requirements, and any other ~~federal~~Federal or ~~state~~State laws to which the POTW is subject.

This article shall apply to all users of the POTW. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides

for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) — Administration.

Except as otherwise provided herein, the ~~director~~Director of ~~public works~~ (~~director~~Public Works (Director)) shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the ~~director~~Director may be delegated by the ~~director~~Director to other personnel.

(c) Incorporation of Industrial Waste Regulations by Reference

All users which discharge to the City of Dallas shall adhere to the regulations and requirements of the City of Dallas Code of Ordinances, chapter 49, “Water and Wastewater,” article IV “Water Quality,” as amended.

The City of Duncanville hereby adopts by reference the City of Dallas Code of Ordinances, chapter 49, “Water and Wastewater,” article IV “Water Quality,” as amended, the same being incorporated herein by reference.

(d) — Abbreviations.

The following abbreviations, when used in this article, shall have the ~~following~~ designated meanings:

BOD-	_____	Biochemical Oxygen Demand
BMP	_____	<u>Best Management Practice</u>
BMR	_____	<u>Baseline Monitoring Report</u>
CFR-	_____	Code of Federal Regulations
CIU	_____	<u>Categorical Industrial User</u>
COD-	_____	Chemical Oxygen Demand
CRWS	_____	<u>Trinity River Authority of Texas Central Regional Wastewater System</u>
EPA-	_____	U.S. Environmental Protection Agency
gpd-	_____	gallons per day
IU	_____	<u>Industrial User</u>
mg/l-	_____	milligrams per liter
NAICS	_____	<u>North American Industrial Classification System</u>
NPDES-	_____	National Pollutant Discharge Elimination System
NSCIU	_____	<u>Non-Significant Categorical Industrial User</u>
POTW-	_____	Publicly Owned Treatment Works
RCRA-	_____	Resource Conservation and Recovery Act
SIC-	_____	Standard Industrial Classification
SIU-	_____	Significant Industrial User
~~TRA-SNC~~	_____	<u>Significant Noncompliance</u>
TCEQ	_____	<u>Texas Commission on Environmental Quality</u>

TMCRRS Trinity River Authority of Texas Ten Mile Creek Regional Wastewater System

TPDES Texas Pollutant Discharge Elimination System

TRA Trinity River Authority

TSS Total Suspended Solids

TTO Total Toxic Organics

U.S.C. United States Code

~~TPDES~~ ~~Texas Pollutant Discharge Elimination System~~

~~TCEQ~~ ~~Texas Commission on Environmental Quality~~

~~(e)~~ _____

~~(d)~~ **Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

- (1) ~~Act or *the* "the Act."~~ The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 ~~*et seq.*~~
- (2) ~~Approval *authority.* Authority.~~ The ~~regional administrator~~ Executive Director of ~~EPA,~~ the ~~director of a Texas Commission on Environmental Quality (TCEQ) where the state agency has been~~ delegated ~~to act on behalf of the EPA with NPDES permit authority and has~~ an approved pretreatment program ~~(e.g. director of T.C.E.Q.).~~
- (3) ~~Authorized *representative* Representative~~ of the ~~user.~~ User.
 - a. ~~—~~ If the user is a corporation:
 1. ~~—~~ The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; ~~or~~
 2. ~~—~~ The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate

procedures.

- b.— If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- c.— If the user is a ~~federal, state~~Federal, State, or local ~~government~~governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- d.— The individuals described in subsections a through c, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the ~~city~~City.

~~(4) Biochemical oxygen demand or BOD.~~(4) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsection 20-55(a) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

~~(5) Biochemical Oxygen Demand or BOD.~~ The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five ~~(5) days~~ at 20 degrees centigrade.

~~(5) Categorical pretreatment standard or categorical standard.~~(6) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

~~(7) Categorical Pretreatment Standard or Categorical Standard.~~ Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which ~~appears~~appear in 40 ~~CFR~~C.F.R. Chapter I, Subchapter N, Parts 405- ~~471~~.

~~(6) —~~(8) City. The City of Duncanville or the City Council of Duncanville.

~~(7) —~~(9) Composite ~~sample~~Sample. A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected at constant time ~~in intervals~~ providing ~~representative~~ sample irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to ~~stream~~-flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval

between the aliquots.

- (8)—(10) ~~Control~~ ~~authority~~ Authority. Shall mean the operator of any part of the POTW if different from the ~~city~~ City, e.g., the City of Dallas Water Utilities, or TRA— as holders of respective TPDES permits.

- (9)—(11) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- (12) Director of ~~public works~~ Public Works (Director). The person designated by the ~~city~~ City to supervise the operation of the wastewater collection system, and who is charged with certain duties and responsibilities by this article, ~~or a duly authorized representative.~~ The term also means a Duly Authorized Representative of the Director of Public Works..

- (10)—(13) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the ~~regional water management division director~~ Regional Water Management Division Director, or other duly authorized official of said agency.

- (11)—(14) Existing ~~source~~ Source. Any source of discharge, the construction or operation of which commenced prior to the publication by ~~the~~ EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with ~~section~~ Section 307 of the Act.

- (12)—(15) Extrajurisdictional user. A User the City has determined requires a permit to discharge, other than a local government, which is located outside the jurisdiction of the City, and which discharges or plans to discharge to the POTW.

- (16) Grab ~~sample~~ Sample. A sample which is taken from a ~~waste stream~~ wastestream without regard to the flow in the ~~waste stream~~ wastestream and over a period of time not to exceed fifteen (15) minutes.

- (13)—(17) Indirect ~~discharge~~ Discharge or ~~discharge~~ Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under ~~section~~ Section 307(b), (c), or (d) of the Act.

- (14)—~~Industrial user~~. ~~Industrial user means an industry that discharges wastewater into the wastewater system.~~

- (15)—(18) Instantaneous ~~maximum allowable discharge limit~~ Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

~~(16)~~—19 Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and, therefore, is a ~~cause~~cause of a violation of the ~~control authority's~~Control Authority's NPDES ~~or TPDES~~ permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued ~~there under~~thereunder, or any more stringent state or local regulations: ~~section~~ Section 405 of the Act; ~~the~~ Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); ~~40 C.F.R. pt. 503, sludge regulations;~~ any ~~state~~State regulations contained in any ~~state~~State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act ~~and 30 TAC 312;~~ the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

~~(17)~~—20 Medical ~~waste~~Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~(18)~~—New source.

~~a.~~—(21) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(22) New Source.

a.—Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under ~~section~~Section 307(c) of the Act, which will be applicable to ~~such the~~ source if such standards are thereafter promulgated in accordance with that section, provided that:

- 1.— The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- 2.— The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,
- 3.— The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- b. ~~Construction on a site at which an existing source is located results in a modification rather than a new source.~~ if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections 2. or 3. above, but otherwise alters, replaces, or adds to existing process or production equipment.
- c. ~~Construction of a new source as defined under this paragraph has commenced if the owner or operator has:~~
 - 1. ~~Began~~ Begun, or caused to begin, as part of a continuous onsite construction program:
 - Any placement, assembly, or installation of facilities or equipment; or,
 - Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,
 - 2. ~~Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation~~ Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(19)

(23) Noncontact ~~cooling-water~~ Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(20)

(24) Normal ~~wastewater~~ Wastewater. Means wastewater of the ~~city~~ City for which the average concentration of suspended solids and five-day BOD is established at and does not exceed 250 mg/L.

(25) North American Industry Classification System (NAICS). Is a system used by the Federal Government for collecting and organizing industry-related statistics. The NAICS codes are updated every five years to stay current with industry developments.

(26) NPDES. National Pollutant Discharge Elimination System permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on EPA's behalf with an approved pretreatment program (e.g. TPDES or Texas Pollutant Discharge Elimination System).

21)

(27) Pass ~~through~~ Through. A discharge of pollutants through the ~~POTW~~ POTW's wastewater system into waters of the United States in quantities or concentrations which, alone or

in ~~the~~ conjunction with a discharge or discharges from other sources, is a cause, in whole or in part of a violation of any discharge requirement of the POTW, including an increase in the magnitude or duration of a violation.

(22)—~~28~~ Person. Any individual, partnership, ~~co-partnership~~ partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all ~~federal, state~~ Federal, State, and local ~~government~~ governmental entities.

(23)—~~ph29~~ pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(24)—~~30~~ Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(25)—~~31~~ Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing ~~such~~ the pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; ~~by~~ by process changes; ~~or~~ or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(26)—~~32~~ Pretreatment ~~requirements~~ Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(27)—~~33~~ Pretreatment ~~standards~~ Standards or ~~standards~~ Standards. Pretreatment standards shall mean pollutant concentration discharge limitation requirements or standards, categorical pretreatment standards, and local limits. National ~~Pretreatment Standard~~ pretreatment standard means any pretreatment regulations containing pollutant discharge limits that have been established or will be established for industrial users by the EPA.

~~(28)—Prohibited discharge standards or prohibited discharges.~~ (34) Process Wastewater. Water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater and/or as defined in a National Pretreatment Standard.

(35) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in subsection 20-55 (a).

(29)—(36) Publicly ~~owned~~ Owned Treatment Works or POTW. A “treatment works ~~or POTW~~,” as defined by ~~section~~ Section 212 of the Act (33 U.S.C. § 1292), which is owned by the ~~city~~ City and/or the ~~control authority~~ Control Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(30)—(37) Septic ~~tank waste~~ Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(31)—(38) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

(32)—(39) Significant ~~industrial user~~ Industrial User.

a. For Users discharging to TRA’s CRWS and TMCRWS:

1. A user subject to categorical pretreatment standards; or

~~b.~~

2. A user that:

1.

- Discharges an average of ~~twenty-five thousand~~ (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

~~2.~~

- Contributes a process ~~waste stream~~ wastestream which makes up five ~~(5)~~ percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

~~3.~~

- Is designated as such by the ~~director~~ Director or the ~~control authority~~ Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) on the basis that it has a reasonable potential for adversely affecting the ~~POTW~~ POTW’s operation or for violating any pretreatment standard or requirement; ~~or~~

~~c.~~

3. Upon a finding that a user meeting the criteria in subsection ~~(32)b., 39)(a.)~~ (2.), above, has no reasonable potential for adversely affecting the ~~POTW~~ POTW’s operation or for violating any pretreatment standard or requirement, the ~~city~~ City and/or ~~the control authority~~ Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that ~~such~~ the user should not be considered a significant industrial user.

~~(33) Slug load or slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 20-55.~~

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b. For Users discharging to TRA TMCRWs:

1. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User (NSCIU) upon finding the IU meets the following criteria:

- The Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard);
- The Industrial User is required by a categorical Pretreatment Standard to not discharge categorical wastewater unless the City has determined there is no potential for the Industrial User to discharge the prohibited categorical wastewater;
- The Industrial User is subject to numeric categorical Pretreatment Standard(s) and does not discharge categorical wastewater unless the City has determined there is no potential for the Industrial User to discharge categorical wastewater;

2. The following conditions must be met for an Industrial User classified as a NSCIU:

- The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- The Industrial User annually submits the certification statement required in subsection 20-57 (f)(3) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
- The Industrial User never discharges any untreated concentrated wastewater.

(40) Slug load or Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any way violate the POTW's regulations, Local Limits or Permit conditions.

(41) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(35)—(42) Storm ~~water~~Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(36)—(43) Suspended ~~solids~~Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(37)—(44) Total ~~toxic organics~~Toxic Organics. The sum of the masses or concentration of ~~specific~~the toxic organic compounds listed in 40 CFR 122 Appendix D, Table 2, ~~excluding pesticides~~, found in ~~an~~ industrial ~~users'~~user's discharge at a concentration greater than 0.01 ~~mg~~01 mg/L. ~~Only those parameters reasonably suspected to present, if any, shall be analyzed for local limit compliance if required by the Director.~~ For noncategorical and categorical SIUs, the TTO list is 40 CFR 122 Appendix D, Table 2, unless specifically designated in a particular SIU's, with categorical classification. ~~TTO monitoring requirements, TTO parameter selection is specific to the federal category.~~

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(45) TPDES. Texas Pollutant Discharge Elimination System permit program of the Texas Commission on Environmental Quality with federal regulatory authority to act on an approved pretreatment program.

(46) User or ~~industrial user~~Industrial User (IU). A source of indirect discharge.

(39)—(47) Wastewater. Liquid ~~or~~and water-carrying-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(40)—(48) Wastewater ~~treatment plant~~Treatment Plant or ~~treatment plant~~. That ~~Treatment Plant~~. The portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

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(49) Shall is mandatory; may is permissive or directory.

(42)—~~NPDES~~. National Pollutant Discharge Elimination System permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on behalf of the EPA with an approved pretreatment program (e.g. TPDES or Texas Pollutant Discharge Elimination System).

(Ord. No. 2114, § 1, 6-15-10)

Sec. 20-55.—~~General sewer use requirements.~~ **GENERAL SEWER USE REQUIREMENTS**

(a) ~~Prohibited discharge standards.~~ **Discharge Standards**

- (1) ~~General prohibitions~~ **Prohibitions**. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other ~~national, state~~ **National, State,** or local pretreatment standards or requirements.
- (2) ~~Specific prohibitions~~ **Prohibitions**. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - a. ~~Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams~~ **wastestreams** with a closed-cup flashpoint of less than 140~~;deg;°F (60;deg;°C)~~ using the test methods specified in 40 CFR 261.21;
 - b. ~~Wastewater having corrosive properties capable of causing damage or injury to structures, equipment and/or personnel of the POTW, as per the specific prohibition in the applicable local limits in subsection (d). In no case shall wastewater containing a pH of less than 5.5 or greater than 11.0 be discharged unless the POTW is specifically designed to accommodate such discharges.~~
 - c. ~~Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, blockage, or damage to the POTW;~~
 - d. ~~Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;~~
 - e. ~~Wastewater having a temperature greater than 150;deg;°F (65;deg;°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104;deg;°F (40;deg;°C);~~
 - f. ~~Petroleum oil, nonbiodegradable~~ **non-biodegradable** cutting oil, or products of mineral oil origin, in amounts that will cause interference ~~of pass-through; and/or pass through, and in amounts specified in subsection 20-55(d) of this article.~~
 - g. ~~Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;~~
 - h. ~~Trucked or hauled pollutants, except at discharge points designated by the director~~ **Director** and/or ~~control authority~~ **Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS)** in accordance with section 20-56~~;(d);~~

- i.—_Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- j.—_Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment ~~plant~~plant's effluent, thereby violating the applicable NPDES or TPDES permit;
- k.—_Wastewater containing any radioactive wastes or isotopes except in compliance with applicable ~~state~~State or ~~federal~~Federal regulations;
- l.—_Storm water, surface water, ground water, artesian well water, roof runoff, ~~and~~ subsurface drainage, and unpolluted wastewater, unless specifically authorized by the ~~director~~Director (for Users discharging to TRA TMCRWs) and/or ~~control authority~~; by the Director and the Control Authority (For Users discharging to TRA CRWS);
- m.—_Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n.—_Medical wastes, except as specifically authorized by the ~~director~~Director and/or ~~control authority~~the Control Authority in a wastewater discharge permit; (for Users discharging to TRA CRWS), or Medical wastes, except as specifically authorized by the Director, that do not cause or contribute to Pass Through and/or Interference (for Users discharging to TRA TMCRWs).
- o.—_Wastewater causing, alone or in conjunction with other sources, the treatment ~~plant~~plant's effluent to fail a toxicity test;
- p.—_Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- q.—_Except where the ~~director~~Director and/or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWs) have determined that different limits under an industrial waste permit are appropriate, oils, fats, and grease of animal or vegetable origin in concentrations greater than that specified in the applicable local limits in subsection (d) of this ~~section~~Section.
- r.—_A discharge of water, normal domestic wastewater, or industrial waste that which in quantity of flow exceeds, for a duration of longer than ~~15~~fifteen minutes, more than four times the average ~~24~~twenty four hour flow during normal operation;
- s.—_Insecticides and herbicides in concentrations that are not amenable to treatment;

t. — ~~Polychlorinated biphenyls~~ (for Users discharging to TRA CRWS);

u. — Garbage that is not properly shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than ~~a~~ one-half (1/2) inch cross-sectional dimension;

v. — Wastewater or industrial waste generated or produced outside the ~~city~~ City, unless approval in writing from the ~~director~~ Director and the ~~control authority~~ Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) has been given to the person discharging the waste; or

w. — Without the approval of the ~~director~~ Director and/or ~~control authority~~ the Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS), a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste, or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products.

~~(3)~~

(3) Processing and Storage. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) — ~~National categorical pretreatment standards.~~ Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405–~~74-471~~ are hereby incorporated.

(1) — Where a categorical pretreatment standard is expressed ~~only~~ in terms of either the mass or ~~the~~ concentration of a pollutant in wastewater, the ~~director~~ Director and/or ~~the control authority~~ Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c)–~~(1)~~.

(2) — When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the ~~director~~ Director and/or ~~Control Authority (for Users discharging to TRA-CRWS) or the control authority~~ Director (for Users discharging to TRA-TMCRWS) shall impose an alternate limit using the combined ~~waste stream~~ wastestream formula in 40 CFR 403.6(e).

(3) — A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by ~~the~~ EPA when developing the categorical pretreatment standard.

(4)—A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(c)—Reserved.

(d) ~~Local limits.~~ **Limits**

(1) The following pollutant limits are established to protect against pass through and interference, and apply at the point where the wastewater is discharged to the POTW. No person shall discharge, or cause or permit to be discharged, wastewater containing in excess of the maximum allowable discharge limits according to physical location as determined by the ~~director.~~ **Director:**

a. Toxic Pollutants specified in the following table:

Toxic Pollutant	TRA Central Instantaneous ~~Max~~ Maximum Allowable Discharge Limits (mg/L)	TRA Ten Mile Creek Instantaneous ~~Max~~ Maximum Allowable Discharge Limits (mg/L)	~~City of Dallas~~ Limits (mg/L)
Arsenic	0.2	0.30	~~0.50~~
Cadmium	0.1	0.10	~~1.0~~
Chromium	2.9	4.00	~~5.0~~
Copper	~~2.3~~ 2.3	2.40	~~4.0~~
Cyanide	0.5	1.71	
Lead	0.9	2.00	~~1.6~~
Mercury	0.0004	0.0002	~~0.01~~
Molybdenum	0.8	3.74	-
Nickel	4.6	4.94	~~9.0~~
Selenium	0.1	0.27	~~0.2~~
Silver	0.8	0.16	~~4.0~~
Zinc	8.0	10.00	~~5.0~~
Cyanide	0.5	1.71	1.6
Oil & Grease	200	200	100

Total Toxic Organics	2.13	2.13	
pH	5.5 to 11.0 Standard Units	5.5 to 11.0 Standard Units	5.5 to 10.5 Standard Units
Sulfides	-	-	10
***BOD (5 day)	*** **	*** **	10,000
***TSS	*** **	*** **	10,000

Total Toxic Organics	2.13	2.13	-
Benzene			1.0
Phenol			149.0
Toluene			3.0
Isopropyl Alcohol			26,250.0
Acetone			21,000.0
Methylene Chloride			21.0
Ethyl benzene			1.6
Methyl Alcohol			20,000.0
Methyl Ethyl Ketone			249.0
Xylene			2.0

-

~~***~~ No industry shall discharge wastewater containing BOD or TSS loading that causes the ~~city~~City pro-rata share of the total BOD or TSS loading to the POTW system to exceed the pro-rata share of the total flow to the system. (Example: If the city contributes 25 percent of the total wastewater flow to the system, the cumulative BOD or TSS loading to the system, as measured at the point of entry to the system, shall not exceed 25 percent of the total BOD or TSS loading to the system.) Any industry with a wastewater strength that will cause the cumulative wastewater loading at the point of entry to exceed the city's pro-rata share of the total wastewater loading based upon flow shall be required to install pretreatment facilities to reduce its wastewater strength to an acceptable level.

~~**~~

~~***~~ BOD(5) and TSS are surcharge limits only not to be used for compliance.

~~The above limits apply to the point where the wastewater is discharged to the POTW.~~

~~(2)~~ All concentrations ~~of~~for metallic ~~substances~~substances are for ~~"total"~~ metal unless indicated otherwise. The ~~director~~Director may impose mass limitations in addition to, or in place of, the ~~concentrations~~concentration-based limitations above.

~~(e)~~ Right of ~~revision.~~ Revision

The ~~city~~City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

~~(f)~~ Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The ~~director~~Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

~~(Ord. No. 2114, § 1, 6-15-10)~~

Sec. 20-56— PRETREATMENT OF WASTEWATER

~~(a)~~ Pretreatment of wastewater. Facilities

~~(a) — Pretreatment facilities.~~

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the

prohibitions set out in ~~section~~Section 20-55 within the time limitations specified by EPA, the ~~state~~State, the ~~control authority~~Control Authority, or the ~~director~~Director, (for Users discharging to TRA-CRWS) or the EPA, the State, or the Director (for Users discharging to TRA-TMCRWS) whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at ~~user~~the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the ~~director~~Director for review, and shall be acceptable to the ~~director~~Director before ~~such~~the facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the ~~city~~City under the provisions of this article.

(b) — Additional ~~pretreatment measures.~~ Pretreatment Measures

- (1) — Whenever deemed necessary, the ~~director~~Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage ~~waste streams~~wastestreams from industrial ~~waste streams~~wastestreams, and require such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) — The ~~director~~Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) — Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, and oil, or sand as required in section 20-125 of this chapter. Such, except that these interceptors shall not be required for residential users. All ~~interceptor~~interception units shall be of type and capacity approved by the ~~director~~Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be designed, installed, inspected, cleaned, and repaired, and maintained regularly, as needed, by the user at their expense ~~per section 20-127 of this chapter.~~
- (4) — Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, or other control device as deemed necessary by the ~~director.~~Director.
- (5) The Director may develop Best Management Practices (BMPs), and require Users to implement such BMPs if necessary to protect the POTW. Such BMPs would be supplemental and not used as a replacement for compliance with Local Limits listed in Sec. 20-55(d) and Prohibited Discharge Standards in Sec. 20-55(a).

(c) — Slug ~~control plans.~~ Control Plans ~~At least once every two years, the director~~

The Director shall evaluate whether each permitted ~~SIU~~significant industrial user needs a slug control plan.~~The director or other action to control Slug Discharges no later than (1) one year of the SIU determination.~~ The Director may require any user to develop, submit for approval, and implement such a plan. All the activities associated with Slug Control evaluation and results are to be kept in the Industrial User file. Alternatively, the ~~director~~Director may develop such a plan for any user. A slug control plan shall address, at a minimum, the following:

- (1)—Description of discharge practices, including nonroutine batch discharges;
- (2)—Description of stored chemicals;
- (3)—Procedures for immediately notifying the ~~director~~Director and/or ~~control authority~~Control Authority of any slug discharge, as required by this article; and
- (4)—Procedures to prevent adverse impact from any slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d)—Septage ~~waste.~~ Waste

- (1)—Septage waste may be introduced into the POTW only at locations designated by the ~~director~~Director and/or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS), and at such times as are established by the ~~director~~Director and/or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS). Such waste shall not violate ~~section~~Section 20-55 of this article or any other requirements established by the ~~city~~City. The ~~director~~Director and/or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may require septic tank waste haulers to obtain wastewater discharge permits.
- (2)—Septage waste haulers must provide a manifest form for every load. This form shall include, at a minimum, the name and address of the hauler, the waste hauler, permit number, truck identification, disposal site and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The hauler shall retain a completed manifest in its business office for three (3) years after disposal.

~~(Ord. No. 2114, § 1, 6-15-10; Ord. No. 2339, § 1, 10-16-18.)~~

Sec. 20-57.— WASTEWATER DISCHARGE PERMIT APPLICATION

(a) Wastewater discharge permit application- Analysis

(a) — Wastewater analysis-

When requested by the ~~director~~Director a user must submit information on the nature and characteristics of its wastewater:

- (1) within ten (10) days of the request- by the Director for Users discharging to TRA CRWS.
- (2) by the deadline stipulated by the Director for Users discharging to TRA TMCRRWS.

The ~~director~~Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) — Wastewater discharge permit requirement- Discharge Permit Requirement

- (1) — No SIU or NSCIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the ~~director~~Director, who may disallow any or all discharges until a wastewater discharge permit is issued, except that a SIU or a NSCIU that has filed a timely application pursuant to this section may continue to discharge for the time period specified therein. NSCIU criteria is only applicable to Users discharging to TRA TMCRRWS
- (2) — The ~~director~~Director may require other users to submit a completed permit application or survey form, including monitoring data, and to obtain wastewater discharge permits as necessary to carry out the purposes of this article. To determine the status of a user in relation to this article, users may be required to perform sampling as specified by the Director.
- (3) — Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in this article. Obtaining a wastewater discharge permit does not relieve a permittee of ~~its~~the obligation to comply with all ~~federal~~Federal and ~~state~~State pretreatment standards or requirements ~~or~~ with any other requirements of ~~federal~~stateFederal, State, and local law.

(c) — Wastewater discharge permitting: existing connections- Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within ~~60~~ninety (90) days after said date, apply to the ~~director~~Director for a wastewater discharge permit in accordance with this article, and shall not cause or allow discharges to the POTW to continue after ~~60~~ninety (90) days of the

effective date of this article except in accordance with a wastewater discharge permit issued by the ~~director~~Director.

(d) ~~Wastewater discharge-permitting: new connections~~ **Discharge Permitting: New Connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain ~~such~~that permit prior to the beginning or recommencing of ~~such~~the discharge.

- (1) ~~An~~ application for this wastewater discharge permit, in accordance with this article, must be filed at least ~~30-ninety~~ (90) days prior to the date upon which any discharge will begin or recommence.

(e) ~~Wastewater discharge-permit application contents~~ **Discharge Permit Application Contents**

All users required to obtain a wastewater discharge permit must submit a permit application. The ~~director~~Director may require all users to submit as part of an application the following information:

- (1) ~~All~~ information required by ~~section~~Section 20-59 (a) of this article;
- (2) ~~Description~~ of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) ~~Number~~ and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) ~~Each~~ product produced by type, amount, process or processes, and rate of production;
- (5) ~~Type~~ and amount of raw materials processed (average and maximum per day);
- (6) ~~Site~~ plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) ~~Time~~ and duration of discharges; and
- (8) ~~Any~~ other information as may be deemed necessary by the ~~director~~Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) ~~Application signatories~~ Signatories and certification. All Certification

- (1) An authorized representative of the user must sign all wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and, and enforcement responses. Wastewater discharge permit applications and user reports as identified in 40 CFR §403.12(b), (d), (e), and (h), must contain the following certification statement:

"

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (2) If the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative of the User.
- (3) A facility that discharges to TRA TMCRWs determined to be a NSCIU by the Director pursuant to Section 20-54 (d)(39)(b.) must annually submit the signed certification statement signed in accordance with the signatory requirements in Section 20-54 (d)(3). This certification must accompany an alternative report required by the Director.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- a. The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial as described in Section 20-54 (d)(39)(b.); [Note: See 40 CFR 403.3(v)(2)]
- b. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
- c. This compliance certification is based on the following information.

(g) ~~Wastewater discharge permit decisions.~~ Discharge Permit Decisions

The Director will evaluate the data furnished by the user and may require additional information. ~~Within~~ The Director may deny any application for a wastewater discharge permit.

(1) For Users discharging to TRA CRWS, within thirty (30) days of receipt of a complete wastewater discharge permit application, the director~~Director~~ will determine whether or not to issue a wastewater discharge permit. ~~The director may deny any application for a wastewater discharge permit.~~

(Ord. No. 2114, § 1, 6-15-10)

(2) For Users discharging to TRA TMCRRS, within a reasonable time from receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit.

Sec. 20-58. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

(a) Wastewater discharge permit issuance process. Discharge Permit Duration

~~(a) Wastewater discharge permit duration.~~

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the ~~director~~Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Wastewater discharge permit contents. Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the ~~director~~Director to prevent pass through or interference, protect the quality of the water body receiving the treatment ~~plant~~plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) ~~Wastewater discharge permits must contain:~~

- a. ~~A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;~~
- b. ~~A statement that the wastewater discharge permit is nontransferable without prior notification to the city~~City ~~in accordance with subsection (e), and provisions for~~

furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

- c.— Effluent limits, ~~including BMP's~~ based on applicable pretreatment standards;
- d.— Self-monitoring, sampling, reporting, notification, and record-keeping requirements, ~~including those for BMPs.~~ These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on ~~federal, state~~Federal, State, and local law; and
- e.— A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable ~~federal, state~~Federal, State, or local law.
- f.— Requirements to control Slug Discharges, if determined by the Director to be necessary.

(2)— Wastewater discharge permits may contain, but ~~need~~ not be limited to, the following conditions:

- a.— Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b.— Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c.— Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or ~~nonroutine~~non-routine discharges;
- d.— Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e.— The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- f.— Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- g.— A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable ~~federal~~Federal and ~~state~~State pretreatment standards, including those which ~~became~~become effective during the term of the wastewater discharge permit; ~~and~~

h. — Requirements to implement BMPs, if determined by the Director to be necessary; and

i. — Other conditions as deemed appropriate by the ~~director or the control authority~~Director to ensure compliance with this article, and ~~state~~State and ~~federal~~Federal laws, rules, and regulations.

(c) — Reserved.

(d) — Wastewater ~~discharge permit modification~~ Discharge Permit Modification

The ~~director~~Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) — To incorporate any new or revised ~~federal, state~~Federal, State, or local pretreatment standards or requirements;
- (2) — To address significant alterations or additions to the ~~user~~user's operation, processes, or wastewater volume or character since the time of ~~the~~ wastewater discharge permit issuance;
- (3) — A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) — Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters;
- (5) — Violation of any terms or conditions of the wastewater discharge permit;
- (6) — Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) — Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) — To correct typographical or other errors in the wastewater discharge permit; or
- (9) — To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) — Wastewater ~~discharge permit transfer~~ Discharge Permit Transfer

- (1) — Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives ~~at least 30 days~~a minimum of sixty (60) days advance notice to the ~~director~~Director and the ~~director~~Director approves the wastewater discharge permit transfer. ~~The notice to the director must include a written certification by the new owner or operator which:~~

~~(1)~~

~~(2)~~ The notice to the Director must include a written certification by the new owner or operator which:

~~a.~~ States that the new owner and/or operator ~~have~~has no immediate intent to change the facility's operations and processes ~~of the facility~~;

~~(2)—b.~~ Identifies the specific date on which the transfer is to occur; and

~~(3)—c.~~ Acknowledges full responsibility for complying with the existing wastewater discharge permit.

~~(3)~~ Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(f)— Wastewater ~~discharge permit revocation.~~ Discharge Permit Revocation

The ~~director~~Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

~~(1)~~ Failure to notify the ~~director~~Director of significant changes to the wastewater prior to the changed discharge;

~~(2)~~ Failure to provide prior notification to the ~~director~~Director of changed conditions pursuant to subsection 20-59(e);

~~(3)~~ Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

~~(4)~~ Falsifying self-monitoring reports;

~~(5)~~ Tampering with monitoring equipment;

~~(6)~~ Refusing to allow the ~~director~~Director timely access to the facility premises and records;

~~(7)~~ Failure to meet effluent limitations;

~~(8)~~ Failure to pay fines;

~~(9)~~ Failure to pay sewer charges;

~~(10)~~ Failure to meet compliance schedules;

- (11)—___ Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12)—___ Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13)—___ Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(g)—__ Wastewater ~~discharge permit reissuance.~~ Discharge Permit Reissuance

- (1) A ~~user~~User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with subsection 20-57_(e), a minimum of ~~30~~thirty (60) days prior to the expiration of the user's existing wastewater discharge permit.

~~(Ord. No. 2114, § 1, 6-15-10)~~

(h) Regulation of Waste Received from Other Jurisdictions

- (1) A municipality which contributes wastewater to the POTW, shall enter into an interlocal agreement with the City prior to contributing such wastewater.
- (2) Prior to the City entering into an interlocal agreement as provided in subsection (1), the City may request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the City may deem necessary.

(i) Extrajurisdictional users

- (1) An extrajurisdictional user shall apply for a permit in accordance with this ordinance at least ninety (90) days prior to discharging to the POTW.
- (2) This section does not apply to extrajurisdictional users in jurisdictions which have an agreement with the City pursuant to subsection 20-58(h).
- (3) A wastewater discharge permit issued to an extrajurisdictional user shall be in the form of a contract, and must include, at a minimum, the components found in 40 CFR 403.8(f)(1)(iii) and shall require the approval of the City's council. An extrajurisdictional user shall agree to all the terms of this ordinance and the terms of its wastewater discharging contract in accordance with the procedures set forth in subsection 20-58(b) of this ordinance prior to discharging into the POTW.

Sec. 20-59.—Reporting requirements.—REPORTING REQUIREMENTS

(a) —Baseline ~~monitoring reports.~~Monitoring Reports

- (1) Within either ~~one hundred eighty (180)~~ days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the ~~director~~Director a report which contains the information listed in ~~subsection paragraph~~ (2), below. At least ~~ninety (90)~~ days prior to commencement of their discharge, new sources, and sources that ~~will~~ become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the ~~director~~Director a report which contains the information listed in ~~subsection paragraph~~ (2), below. A new source shall

report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below:

- a. Identifying ~~information~~ Information. The name and address of the facility, including the name of the operator and owner.
- b. Environmental ~~permits~~ Permits. A list of any environmental control permits held by or for the facility.
- c. Description of ~~operations~~ Operations. A brief description of the nature, average rate of production, and standard industrial classifications and/or North American Industry Classifications (NAICS) of the operation(s) carried out by ~~such~~ the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d. Flow ~~measurement~~ Measurement. Information showing the measured or estimated average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined ~~waste stream~~ wastestream formula set out in 40 CFR 403.6(e).
- e. Measurement of pollutants.
 1. The categorical pretreatment standards applicable to each regulated process ~~and any new categorically regulated processes for Existing Sources~~.
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the ~~director~~ Director, of regulated pollutants in the discharge from each regulated process.
 3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (j). Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
 - 3.—5. If discharge flow conditions are representative of daily operations, the User shall take a minimum of one representative sample to compile that

data necessary to comply with the requirements of this section. The Director may require additional representative sampling to be conducted.

6. Representative samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 304.6(e) to evaluate compliance with Pretreatment Standards.

7. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

8. The baseline report shall indicate the time, date and place of sampling and method of analysis, and shall certify that such sampling and analysis is representative of normal work cycle and expected pollutant discharges to the POTW.

9. Sampling must be performed in accordance with procedures set out in subsection (k).

f. Certification. A statement, reviewed by ~~an~~the user's authorized representative of the user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment ~~is~~are required to meet the pretreatment standards and requirements.

g. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b).

h. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with subsection 20-57(f).

(b) Compliance ~~schedule progress reports.~~ Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by subsection

~~(a)(1)~~(2) g.:

(1) ~~The~~ The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and

operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (2)—No increment referred to above shall exceed nine (9) months;
- (3)—The user shall submit a progress report to the ~~director~~Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4)—In no event shall more than nine (9) months elapse between ~~such~~the progress reports to the ~~director~~Director.

(c)— Reports on ~~compliance~~ Compliance with ~~categorical pretreatment standard deadline~~ Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to ~~such~~those pretreatment standards and requirements shall submit to the ~~director~~Director a report containing the information described in ~~subsection (a)(2)(d.) through (f.)~~subsection (a)(2)(d.) through (f.). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the ~~long-term production rate of the user~~user's long-term production rate. In cases where the Categorical Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the applicable Categorical Pretreatment Standard necessary to determine the compliance status of the User. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period ~~of the user~~. All compliance reports must be signed and certified in accordance with subsection 20-57(f). All sampling will be done in conformance with subsection (k) of the article.

(d)— Periodic ~~compliance reports~~ Compliance Reports

- (1)—All significant industrial users shall, at a frequency determined by the ~~director~~Director but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Categorical Pretreatment Standard or the Director requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Categorical Pretreatment

Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with subsection 20-57(f).

(2) All Non-significant Categorical Industrial Users (NSCIU) shall submit a report annually in the month specified by the Director. The report shall be completed according to the City's current reporting requirements, including the submittal of the applicable certification statement found in subsection 20-57(f) of this article. NSCIU criteria is only applicable to Users discharging to TRA TMCRRS.

(3) All wastewater samples must be representative of the discharge of the user. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

~~(3)~~ (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the ~~director~~ Director, using the procedures prescribed in ~~subsections (j) Paragraph J and (k) K~~ of this section, the results of this monitoring shall be included in the report.

(e) Reports of ~~changed conditions~~ Changed Conditions

(1) Each user that discharges to TRA CRWS must notify the ~~director~~ Director of any planned significant changes to ~~its operation~~ the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

~~(1)~~ (2) Each user that discharges to TRA TMCRRS must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater a minimum of thirty (30) days prior to the change.

(3) The ~~director~~ Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 20-57(e).

~~(2)~~ (4) The ~~director~~ Director may issue a wastewater discharge permit under subsection 20-57(g), or modify an existing wastewater discharge permit under Section 20-58, subsection ~~20-58~~(d), in response to changed conditions or anticipated changed conditions.

~~(3)~~ (5) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20-~~percent~~% or greater, and the discharge of any previously unreported pollutants that are determined to be of concern.

(f) — Reports of ~~potential problems.~~ Potential Problems

- (1) — In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the ~~director~~ Director and the appropriate ~~control authority~~ Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) — Within five (5) days following such discharge, the user shall, unless waived by the ~~director~~ Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall ~~such this~~ notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (3) — A notice shall be permanently posted on the ~~user's~~ user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (4) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(g) — Reports from ~~unpermitted users.~~ Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the ~~director~~ Director as the ~~director~~ Director may require.

(h) — Notice of ~~violation/repeat sampling~~ Violation/Repeat Sampling and ~~reporting.~~ Reporting

If sampling performed by a user indicates a violation, the user must notify the ~~director~~ Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the ~~director~~ Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the ~~director~~ Director monitors at the user's facility at least once a month, or if the ~~director~~ Director samples between the initial sampling and when the user receives the results of this sampling or if the Director has performed the sampling and analysis in lieu of the user.

(i) — Notification of the ~~discharge~~ Discharge of ~~hazardous waste.~~ Hazardous Waste

- (1)—Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and ~~state~~State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR ~~Part~~ 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR ~~Part~~ 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the ~~waste stream~~wastestream discharged during that calendar month, and an estimation of the mass of constituents in the ~~waste stream~~wastestream expected to be discharged during the following twelve (12) months. All notifications must take place ~~not no~~ later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsection (a), (c) and (d).
 - (2)—Dischargers are exempt from the requirements of subsection (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3)—In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the ~~director~~Director, the POTW, the EPA Regional Waste Management Waste Division Director, and ~~state~~State hazardous waste authorities of the discharge of ~~such that~~ substance within ninety (90) days of the effective date of such regulations.
 - (4)—In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - (5)—This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued ~~hereunder~~thereunder, or any applicable ~~federal~~Federal or ~~state~~State law.
- (j)— Analytical ~~requirements~~ Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR ~~Part 136~~ 136, and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR ~~Part 136~~ does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question sampling and analyses ~~must~~ shall be performed ~~in accordance with~~ by using validated analytical methods or any applicable sampling and analytical procedures, including procedures suggested by the Director the EPA, TCEQ, or other parties approved by EPA.

(k) — Sample collection. Collection

- (1) — ~~Except as indicated in subsection~~ Section (2), ~~and (3) below, the user~~ User must collect wastewater samples using 24-hour flow-proportional composite ~~collections~~ sampling techniques. In the event flow-, unless time-proportional composite sampling or grab sampling is infeasible, authorized by the director may authorize the use of Director. Where time-proportional composite sampling or a minimum of four-grab sampling is authorized by the City, the samples where the user demonstrates that this will provide a must be representative sample of of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the effluent being discharged. analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits Instantaneous Limits.
- (2) — ~~Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.~~
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 20-59(a) and (c) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Section 20-59(d) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(l) — Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(m)— Record ~~keeping~~ Keeping

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established in this article.

Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of ~~such~~the analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the ~~city~~City, or where the user has been specifically notified of a longer retention period by the ~~director~~Director or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS.

(Ord. No. 2114, § 1, 6-15-10)

Sec. 20-60.—~~Compliance monitoring~~ COMPLIANCE MONITORING

(a)— Right of ~~entry~~ Entry

Inspection and ~~sampling~~Sampling. The ~~director~~Director or ~~control authority~~the Control Authority, TCEQ, ~~or~~ EPA, or their ~~authorized~~designated representative shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. ~~User~~ Users shall allow ~~the~~ inspecting or sampling person(s) ready access to all parts of the premises for the ~~purpose~~purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1)—Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the inspecting or sampling person(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2)—The ~~director~~Director or ~~control authority~~Control Authority shall have the right to set up on the user's property ~~of the user~~, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. ~~Sampling. All sampling and analysis performed by POTW~~the Director and/or Control Authority to

monitor compliance shall be at the expense of the user.

- (3) ~~The director~~Director or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may require the user to install monitoring equipment as necessary. The ~~facility~~facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, at a minimum, annually to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the ~~director~~Director or ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) and shall not be replaced. The costs of clearing ~~such~~the access shall be borne by the user.
- (5) Unreasonable delays in allowing the inspecting or sampling person~~(s)~~ access to the ~~user's~~ premises ~~of the user~~ shall be a violation of this article.
- (6) In accordance with 40 CFR 403, the ~~city~~City shall inspect and monitor each ~~permitted industrial user~~SIU a minimum of once per year. If the ~~city~~City elects to perform compliance monitoring for the ~~industry, SIU, then~~ the ~~city~~City will monitor the ~~SIU a minimum of semi-annually. industry~~
- (7) The City shall inspect each NSCIU a minimum of once per year. If the City elects to perform compliance monitoring for the NSCIU then the City will monitor the NSCIU a minimum of one time each permit cycle. NSCIU criteria is only applicable to Users discharging to TRA TMCRWS. semi-annually.

(b) ~~Search warrants.~~ Warrants

If the ~~director~~Director or ~~control authority representative~~Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program ~~of the City~~ designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the ~~director~~Director or ~~control authority representative~~Control Authority may seek issuance of a search warrant from an appropriate court.

(Ord. No. 2114, § 1, 6-15-10)

Sec. 20-61. ~~Confidential information.~~ CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from ~~the~~ inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the ~~director~~Director and/or ~~control authority~~Control Authority, that the release of ~~such that~~ information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable ~~state~~State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that ~~such the~~ information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall ~~not only~~ be ~~made~~ available ~~for inspection by~~ pursuant to the ~~public~~requirements of the Texas Public Information Act, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES ~~or~~ TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics, and other “effluent data” as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 2114, § 1, 6-15-10)

Sec. 20-62. ~~Publication of users in significant noncompliance.~~ PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

~~The director~~

(a) ~~For Users that discharge to TRA CRWS, the Director~~ shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous ~~twelve~~ (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (1) ~~Chronic violations of wastewater discharge limits, defined here as those in which 66~~sixty-six percent ~~(66%)~~ or more of wastewater measurements taken during a six- ~~(6)~~ month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) ~~Technical review~~Review criteria (TRC) violations, defined here as those in which ~~33~~thirty-three percent ~~(33%)~~ or more of wastewater measurements taken for each pollutant parameter during a six- ~~(6-)~~ month period ~~equal~~equal or ~~exceed~~exceed the product of the daily maximum limit or ~~the~~ average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
- (3) ~~Any other discharge violation that the director~~Director and/or ~~control authority~~Control Authority believes has caused, alone or in combination with other discharges,

interference or pass through, including endangering the health of POTW personnel or the general public;

- (4)—Any discharge of pollutants that ~~have~~has caused imminent endangerment to the public or to the environment, or ~~have~~has resulted in the ~~director~~Director and/or ~~control authority~~Control Authority exercise of its emergency authority to halt or prevent such a discharge;
- (5)—Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6)—Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7)—Failure to accurately report noncompliance; or
- (8)—Any other violation(s) which the ~~director~~Director determines will adversely affect the operation or implementation of the local pretreatment program.

~~(Ord. No. 2114, § 1, 6-15-10)~~

(b) For Users discharging to TRA TMCRWs, the Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4), or (8) of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defines in Section 20-55;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 20-55 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 20-55 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or~~Sec. 20-63. Administrative enforcement remedies:~~
 - (a) enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 20-63 ADMINISTRATIVE ENFORCEMENT REMEDIES

(a) Notification of ~~violation-~~Violation

When the ~~director~~Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the ~~director~~Director may serve upon that user a written ~~notice~~Notice of ~~violation-~~Violation.

- (1) Within ten (10) days of the receipt of this notice for Users discharging to TRA CRWS, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(2) Within the timeframe specified in the notice for those Users discharging to TRA TMCRRS, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the ~~director~~Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the ~~notice~~Notice of ~~violation~~Violation. Nothing in this section shall limit the authority of the ~~director~~Director to take any action, including emergency actions or any other enforcement action, without first issuing a ~~notice~~Notice of ~~violation~~Violation.

(b) ~~Reserved~~: Consent Order

The Director may enter into Consent Orders, assurance of compliance, or similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 20-63(d) and (e) of this article and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(c) ~~Show cause hearing~~: Cause Hearing

The ~~director~~Director may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the ~~director~~Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) ~~Administrative orders~~: Compliance Orders

When the ~~director~~Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the ~~director~~Director may issue ~~an administrative~~a compliance order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. ~~Administrative~~Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, management practices designed to minimize the amount of pollutants discharged to the sewer, and pretreatment or control of the quantities and rates of discharge of wastewater to bring the discharge within the limits of this article. ~~An A~~

compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement; nor does ~~an administrative~~ compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of ~~an administrative~~ compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) — Cease and ~~desist orders.~~ Desist Orders

When the ~~director~~ Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the ~~director~~ Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) — Immediately comply with all requirements; and
- (2) — Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) — Reserved.

(g) — Emergency ~~suspensions.~~ Suspensions

The ~~director~~ Director may immediately suspend a ~~user's~~ user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The ~~director~~ Director may also immediately suspend a ~~user's~~ user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) — Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure ~~of a user~~ to immediately comply voluntarily with the suspension order, the ~~director~~ Director may take such steps as deemed necessary, including immediate severance of the sewer connection ~~and/or water connection~~, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The ~~director~~ Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the ~~director~~ Director that the period of endangerment has passed, unless the termination proceedings in subsection (h) are initiated against the user.

- (2)—A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the ~~director~~Director prior to the date of any show cause or termination hearing under subsection (c) or (h).

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h)— Termination of ~~discharge~~ Discharge

In addition to the provisions in subsection 20-58(f), any user who violates the following conditions is subject to discharge termination:

- (1)—Violation of wastewater discharge permit conditions;
- (2)—Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3)—Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4)—Refusal of reasonable access to the user's premises ~~of the user~~ for the purpose of inspection, monitoring, or sampling; or
- (5)—Violation of the pretreatment standards in ~~section~~Section 20-55. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section subsection 20-63(c), why the proposed action should not be taken. Exercise of this option by the ~~director~~Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

~~(Ord. No. 2114, § 1, 6-15-10)~~

Sec. 20-64.—~~Judicial enforcement remedies.~~ JUDICIAL ENFORCEMENT REMEDIES

(a)— Injunctive ~~relief~~ Relief

When the ~~director~~Director finds that a user has violated or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the ~~director~~Director may petition the ~~district court~~District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The ~~director~~Director may also seek such other action as is appropriate for legal and/or equitable

relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) — Civil ~~penalties~~ Penalties

- (1) — A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the ~~city~~City for a maximum civil penalty of ~~\$One Thousand Dollars (\$1,000.00)~~ per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) — The ~~director~~Director may recover reasonable ~~attorneys, attorneys'~~ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the ~~city~~City.
- (3) — In determining the amount of civil liability, the ~~court~~Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through ~~the user's~~ violation ~~of the user~~, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) — Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) — Criminal ~~prosecution; criminal responsibility~~ Prosecution; Criminal Responsibility

- (1) — A user who ~~intentionally, knowingly, recklessly, or negligently~~ violates any provision of this article, a wastewater discharge permit, further regulations and procedures established by the ~~director and/or control authority~~Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) or an administrative order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than ~~\$Two Thousand Dollars (\$2,000.00)~~ per violation, per day, ~~or imprisonment as decided by an appropriate court, or both.~~
- (2) — A user who ~~intentionally, knowingly, recklessly, or negligently~~ introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to the same penalties described in subsection (c)(1). This penalty shall be in addition to any other cause of action for personal injury ~~for~~or property damage available under ~~state~~State law.
- (3) — A user who makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued

hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than ~~\$Two Thousand Dollars (\$2,000.00)~~ per violation.

- (4) ~~Criminal responsibility. A culpable mental state is not required to prove an offense under this article.~~ **CRIMINAL RESPONSIBILITY.** A person is criminally responsible for a violation of this article if:

a. ~~The~~ that person ~~commits~~ intentionally, knowingly, recklessly, or negligently:

a. Commits or assists in the commission of a violation, or causes or permits another person to commit a violation; or

b. ~~The person owns~~ Owns or manages the property or facilities determined to be the cause of the illegal discharge under subsection 20-55(a)(1), (b)(1), and (d); subsection 20-56(d), or subsection 20-57(b).

(d) ~~Remedies~~ ~~nonexclusive.~~ **Nonexclusive**

The remedies provided for in this article are not exclusive. The ~~director~~ Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan of the ~~city~~ City. However, the ~~director~~ Director may take ~~another~~ other action against any user when the circumstances warrant. Further, the ~~director~~ Director is empowered to take more than one enforcement action against any noncompliant user.

(e) ~~Applicability of more stringent regulations.~~ **More Stringent Regulations**

(1) If national pretreatment standards, categorical or otherwise, more stringent than the discharge limits prescribed in this article are promulgated by the EPA for certain industries, the more stringent national pretreatment standards will apply to the affected industrial user. A violation of the more stringent national pretreatment standards will also be considered a violation of this article.

(2) Applicability of more stringent discharge limits. An industrial user within the city who discharges industrial waste ultimately received and treated by another governmental entity pursuant to a wholesale wastewater contract or a reciprocal agreement with the city is subject to the following additional rules:

a. If the governmental entity has more stringent discharge limits than those prescribed by this article, or by a discharge permit issued hereunder, because the EPA requires the more stringent discharge limits as ~~a~~ part of the governmental ~~entity's~~ entity's wastewater pretreatment program, the more stringent discharge limits shall prevail.

b. The ~~director~~ Director is authorized to issue a discharge permit to an industrial user affected by subsection a., above, to ~~insure~~ ensure notice of and compliance

with the more stringent discharge limits. If the industrial user already has a discharge permit, the ~~director~~Director may amend the permit to apply and enforce the more stringent discharge limits. An industrial user shall submit to the ~~director~~Director an expected compliance date and an installation schedule if the more stringent discharge limits necessitate technological or mechanical adjustments to discharge facilities or plant processes.

c.— If the ~~director~~Director chooses not to issue or amend a permit under subsection b., above, the ~~director~~Director shall notify the affected industrial user in writing of the more stringent discharge limits and their effective date. Regardless of whether or not a permit is issued or amended, an industrial user shall be given a reasonable opportunity to comply with the more stringent discharge limits.

d.— The more stringent discharge limits cease to apply upon termination of the wholesale wastewater contract or reciprocal agreement of the ~~city~~City with the governmental entity, or upon modification or elimination of the limits by the ~~governmental~~government entity or the EPA. The ~~director~~Director shall take the appropriate action to notify the affected industrial user of an occurrence under this paragraph.

(3)—Variances in compliance dates. The ~~director~~Director may grant a variance in compliance dates to an industry when, in the ~~director's~~Director's opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the ~~director~~Director grant a variance in compliance dates to an industry affected by national categorical pretreatment standards beyond the compliance dates established by the EPA.

(4)—Authority to regulate. The ~~director~~Director may establish regulations, not in conflict with this article or other laws, to control the disposal and discharge of industrial waste into the wastewater system and to ~~insure~~ensure compliance ~~of with~~ the ~~city's~~City's pretreatment enforcement program with all applicable pretreatment regulations promulgated by the EPA. The regulations established shall, where applicable, be made ~~a~~ part of any discharge permit issued to an industrial user by the ~~director~~Director.

(Ord. No. 2114, § 1, 6-15-10)

Sec. 20-65.—~~Affirmative defenses to discharge violations.~~ AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

(a)—~~Force majeure provision.~~ Majeure Provision

(1)—An event that would otherwise be a violation that is caused solely by an act of God, war, ~~strike~~, riot, or other catastrophe is not a violation.

- (2)—In an enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot, or other catastrophe shall have the burden of proof.
- (3)—In the event that an act of God, war, riot, or other catastrophe has been established, the user shall control production of all discharges to the extent possible until such time as reduction, lose, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

(b)—Reserved.

(c)—Bypass.

- (1)—For the purposespurpose of this section:
 - a.—"Bypass" means the intentional diversion of waste-streamswastestreams from any portion of the treatment facility of the user.
 - b.—"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2)—A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisionsprovision of subsections (3), (4), and (5) of this section.
- (3)—Bypass Notifications
 - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the directorDirector, at least ten (10) days before the date of the bypass, if possible.
 - (4)—b. A user shall submit oral notice to the directorDirector of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The directorDirector may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

~~(5)~~

(4) Bypass

- a. Bypass is prohibited, and the ~~director~~Director may take an enforcement action against a user for a bypass, unless:
- a. ~~1.~~ Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. ~~2.~~ There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or ~~preventative~~preventive maintenance; and
 - c. ~~3.~~ The user submitted notices as required under ~~subsection~~subsection (3) and (4) of this section.
 - b. The ~~director~~Director may approve an anticipated bypass, after considering its adverse effects, if the ~~director~~Director determines that it will meet the three conditions listed in subsection (4)(a.) of this section.

(Ord. No. 2114, § 1, 6-15-10)

Sec. 20-66. ~~Charges, fees, surcharge and termination.~~ MISCELLANEOUS PROVISIONS

(a) ~~Termination of water and/or sewer service.~~

The ~~city~~City reserves the right to terminate water and sewer service for any of the following:

- (1) ~~Failure to pay pretreatment charges and fees;~~
- (2) ~~Failure to pay surcharge fees;~~
- (3) ~~Failure to pay any other fees, fines and penalties chargeable by the city; City;~~
- (4) ~~Failure to notify the director~~Director of significant changes to wastewater prior to the changed discharge;
- (5) ~~Failure to provide prior notification to the director~~Director of changed conditions pursuant to ~~subsection~~Section 20-59 subsection(e);

- (6)—Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (7)—Falsifying self-monitoring reports;
- (8)—Tampering with monitoring equipment;
- (9)—Refusing to allow the ~~director~~Director timely access to the facility premises and records;
- (10)—___ Failure to meet effluent limitations;
- (11)—___ Failure to meet compliance schedules;
- (12)—___ Failure to complete a wastewater survey or the wastewater discharge permit application;
- (13)—___ Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (14)—___ Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

(b)—__Pretreatment ~~charge~~Charges and ~~fees~~Fees

The ~~city~~City may adopt reasonable fees for reimbursement of costs of setting up and operating the ~~city's~~City's pretreatment program, which may include:

- (1)—Fees for wastewater discharge permit applications including the cost of processing ~~such~~the applications;
- (2)—Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing ~~the~~a user's discharge, and reviewing monitoring reports submitted by users;
- (3)—Fees for reviewing and responding to accidental discharge procedures and construction;
- (4)—Fees for filing appeals;
- (5) Recovery of administrative and legal costs associated with enforcement activity taken by the Director to address industrial user noncompliance.
- ~~(5)~~6) ___ Other fees as the ~~city~~City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the ~~city~~City;

(c) ~~City~~ Surcharge

The ~~city~~City may surcharge industrial users for the ~~treating~~treatment of abnormal strength wastes. Water or wastes having (1) a five-day biochemical oxygen demand greater than ~~two hundred fifty~~ (250) milligrams per liter (mg/L) by weight, or (2) containing more than ~~two hundred fifty~~ (250) milligrams per liter (mg/L) by weight of total suspended solids, shall be subject to the review and approval of the ~~director~~Director and the ~~control authority~~Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS). Where the ~~director~~Director has approved the admission of (1) ~~and~~/or (2) above into the POTW, that discharge may be subject to a surcharge as determined by the ~~director and control authority~~Director and Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS). In no case shall a discharge be accepted that will prevent the POTW from meeting its NPDES or TPDES limits.

The surcharge will be assessed according to the following formula each month using the most current pollutant concentration data and the current month wastewater flow:

$$\text{Surcharge} = \frac{Q}{1,000,000} \times [a(\text{BOD} - x) + b(\text{TSS} - y)][8.34]$$

where:

Q	=	flow in gallons
8.34	=	weight in pounds of one gallon of water
x	=	normal limits of BOD in domestic wastewater expressed in milligrams per liter
y	=	normal limits of TSS in domestic wastewater expressed in milligrams per liter
a	=	unit of cost of treatment per pound of BOD
b	=	unit of cost of treatment per pound of TSS

-

$$\frac{1,000,000}{1,000,000}$$

Where:

Q = flow in gallons

8.34 = weight in pounds of one gallon of water

x = normal limits of BOD in domestic wastewater expressed in milligrams per liter

y = normal limits of TSS in domestic wastewater expressed in milligrams per liter

a = unit cost of treatment per pound of BOD

b = unit cost of treatment per pound of TSS

A surcharge is an additional charge by the POTW for the increased cost of handling discharge of unusual strength and character and shall not serve as a variance to the requirements of this article. Exercise of this provision shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 2114, § 1, 6-15-10)

Sees

Sec. 20-67 — - 20-77, ~~Reserved~~, RESERVED”

SECTION 2. That all ordinances of the City of Duncanville, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Duncanville, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Duncanville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense.

SECTION 5. These rules shall be in full force and effective ten (10) days after the date of final approval from the State.

DULY PASSED by the City Council of the City of Duncanville, Texas on the _____ day of _____, 2021.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 2339R

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS AMENDING CHAPTER 20 OF THE DUNCANVILLE CODE OF ORDINANCES BY REPEALING ARTICLE IV, 'GENERAL SEWAGE DISPOSAL STANDARDS' IN ITS ENTIRETY AND REPLACING WITH A NEW ARTICLE IV, "GENERAL SEWAGE DISPOSAL STANDARDS;" PROVIDING FOR WASTE WATER CLEAN UP; PROVIDING FOR GENERAL PROVISIONS; PROVIDING FOR GENERAL SEWER USE REQUIREMENTS; PROVIDING FOR PRETREATMENT OF WASTEWATER; PROVIDING FOR DISCHARGE PERMIT APPLICATION; PROVIDING FOR WASTERWATER DISCHARGE PERMIT ISSUANCE PROCESS; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR COMPLIANCE MONITORING; PROVIDING FOR PUBLICATION OF USERS IN SIGNIFICANT NONCONFORMANCE; PROVIDING FOR CHARGES, FEES, SURCHARGE AND TERMINATIONS; PROVIDING FOR THE PREVENTION OF POLLUTANTS; PROVIDING FOR THE PROMOTION OF RECYCLING OF WASTEWATER AND SLUDGE; PROVIDING FOR FEES FOR THE EQUITABLE DISTRIBUTION OF THE COST OF OPERATION, MAINTENANCE, AND IMPROVEMENTS; PROVIDES FOR MONITORING, COMPLIANCE, AND ENFORCEMENT ACTIVITIES; PROVIDING FOR THE ESTABLISHMENT OF ADMINISTRATIVE REVIEW PROCEDURES; PROVIDING FOR THE REQUIREMENT OF USER REPORTING; PROVIDING FOR THE SETTING OF FEES FOR THE EQUITABLE DISTRIBUTION OF COSTS RESULTING FROM THE PROGRAM ESTABLISHED HEREIN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Duncanville signed a contract with Trinity River Authority to operate certain wastewater treatment facilities for and on behalf of the City of Duncanville; and

WHEREAS, the City of Duncanville had entered into such agreement authorizing the promotion of wastewater cleanup; and

WHEREAS, the City of Duncanville entered into an agreement to treat all or a part of the city's water supply; and

WHEREAS, the City desires to protect the environmental quality of the state's water supply; and

WHEREAS, TCEQ requires industrial pretreatment and discharges into the wastewater treatment facilities; and

WHEREAS, the Duncanville City Council finds that the ordinance should be amended as provided for herein; and

WHEREAS, the City believes that it is in the best interest and welfare of the citizens

of Duncanville, Texas to pass this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That Chapter 20, "Water, Sewer and Sewage Disposal," shall be and the same is hereby amended by repealing Article IV, "General Sewage Disposal Standards," in its entirety and replacing with a new Article IV, "General Sewage Disposal Standards," which shall read as follows:

**"CHAPTER 20
WATER, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 1. IN GENERAL**

.....

**ARTICLE IV
GENERAL SEWAGE DISPOSAL STANDARDS**

Sec. 20-54 GENERAL PROVISIONS

(a) Purpose and Policy

This article sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Duncanville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §§ 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with its operation.
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW.
- (3) To protect the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- (4) To promote reuse and recycling of industrial wastewater and sludge from the POTW.
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW.

- (6) To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions of the City of Dallas and the Trinity River Authority, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This article shall apply to all users of the POTW. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) Administration

Except as otherwise provided herein, the Director of Public Works (Director) shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other personnel.

(c) Incorporation of Industrial Waste Regulations by Reference

All users which discharge to the City of Dallas shall adhere to the regulations and requirements of the City of Dallas Code of Ordinances, chapter 49, "Water and Wastewater," article IV "Water Quality," as amended.

The City of Duncanville hereby adopts by reference the City of Dallas Code of Ordinances, chapter 49, "Water and Wastewater," article IV "Water Quality," as amended, the same being incorporated herein by reference.

(d) Abbreviations

The following abbreviations, when used in this article, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CRWS	Trinity River Authority of Texas Central Regional Wastewater System
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
IU	Industrial User
mg/l	milligrams per liter
NAICS	North American Industrial Classification System

NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
TCEQ	Texas Commission on Environmental Quality
TMCRWS	Trinity River Authority of Texas Ten Mile Creek Regional Wastewater System
TPDES	Texas Pollutant Discharge Elimination System
TRA	Trinity River Authority
TSS	Total Suspended Solids
TTO	Total Toxic Organics
U.S.C.	United States Code

(e) Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq*
- (2) Approval Authority. The Executive Director of the Texas Commission on Environmental Quality (TCEQ) where the state has been delegated NPDES permit authority and has an approved pretreatment program.
- (3) Authorized Representative of the User.
 - a. If the user is a corporation:
 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - c. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in subsections a through c, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- (4) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsection 20-55(a) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (5) Biochemical Oxygen Demand or BOD. The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade.
 - (6) Categorical Industrial User (CIU). An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
 - (7) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405 - 471.
 - (8) City. The City of Duncanville or the City Council of Duncanville.
 - (9) Composite Sample. A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected at constant time intervals providing a sample irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to flow, or collected by

increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

- (10) Control Authority. Shall mean the operator of any part of the POTW if different from the City, e.g., the City of Dallas Water Utilities or TRA as holders of respective TPDES permits.
- (11) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (12) Director of Public Works (Director). The person designated by the City to supervise the operation of the wastewater collection system, and who is charged with certain duties and responsibilities by this article. The term also means a Duly Authorized Representative of the Director of Public Works.
- (13) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (14) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (15) Extrajurisdictional user. A User the City has determined requires a permit to discharge, other than a local government, which is located outside the jurisdiction of the City, and which discharges or plans to discharge to the POTW.
- (16) Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (17) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (18) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

- (19) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and therefore is a cause of a violation of the Control Authority's NPDES or TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); 40 C.F.R. pt. 503, sludge regulations; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act and 30 TAC 312; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (20) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (21) Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (22) New Source.
 - a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to the source if such standards are thereafter promulgated in accordance with that section, provided that:
 - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a

new building, structure, facility, or installation meeting the criteria of subsections 2.or 3. above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program:

- Any placement, assembly, or installation of facilities or equipment; or,
- Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(23) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(24) Normal Wastewater. Means wastewater of the City for which the average concentration of suspended solids and five-day BOD is established at and does not exceed 250 mg/l.

(25) North American Industry Classification System (NAICS). Is a system used by the Federal Government for collecting and organizing industry-related statistics. The NAICS codes are updated every five years to stay current with industry developments.

(26) NPDES. National Pollutant Discharge Elimination System permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on EPA's behalf with an approved pretreatment program (e.g. TPDES or Texas Pollutant Discharge Elimination System).

(27) Pass Through. A discharge of pollutants through the POTW's wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause, in

whole or in part a violation of any discharge requirement of the POTW, including an increase in the magnitude or duration of a violation.

- (28) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (29) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (30) Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (31) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing the pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (32) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (33) Pretreatment Standards or Standards. Pretreatment standards shall mean pollutant concentration discharge limitation requirements or standards, categorical pretreatment standards, and local limits. National pretreatment standard means any pretreatment regulations containing pollutant discharge limits that have been established or will be established for industrial users by the EPA.
- (34) Process Wastewater. Water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater and/or as defined in a National Pretreatment Standard.
- (35) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in subsection 20-55 (a).
- (36) Publicly Owned Treatment Works or POTW. A "treatment works", as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City and/or the

Control Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

(37) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(38) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

(39) Significant Industrial User.

a. For Users discharging to TRA's CRWS and TMCRWS:

1. A user subject to categorical pretreatment standards; or

2. A user that:

- Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
- Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- Is designated as such by the Director or the Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or

3. Upon a finding that a user meeting the criteria in subsection (39)(a.)(2.), above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that the user should not be considered a significant industrial user.

b. For Users discharging to TRA TMCROWS:

1. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User (NSCIU) upon finding the IU meets the following criteria:
 - The Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard);
 - The Industrial User is required by a categorical Pretreatment Standard to not discharge categorical wastewater unless the City has determined there is no potential for the Industrial User to discharge the prohibited categorical wastewater;
 - The Industrial User is subject to numeric categorical Pretreatment Standard(s) and does not discharge categorical wastewater unless the City has determined there is no potential for the Industrial User to discharge categorical wastewater;
2. The following conditions must be met for an Industrial User classified as a NSCIU:
 - The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - The Industrial User annually submits the certification statement required in subsection 20-57 (f)(3) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - The Industrial User never discharges any untreated concentrated wastewater.

(40) Slug load or Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any way violate the POTW's regulations, Local Limits or Permit conditions.

- (41) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (42) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (43) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (44) Total Toxic Organics. The sum of the masses or concentration of the toxic organic compounds listed in 40 CFR122 Appendix D, Table 2, excluding pesticides, found in an industrial user's discharge at a concentration greater than 0.01mg/L. Only those parameters reasonably suspected to present, if any, shall be analyzed for local limit compliance if required by the Director. For categorical SIU's, with categorical TTO monitoring requirements, TTO parameter selection is specific to the federal category.
- (45) TPDES. Texas Pollutant Discharge Elimination System permit program of the Texas Commission on Environmental Quality with federal regulatory authority to act on an approved pretreatment program.
- (46) User or Industrial User (IU). A source of indirect discharge.
- (47) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (48) Wastewater Treatment Plant or Treatment Plant. The portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- (49) Shall is mandatory; may is permissive or directory.

Sec 20-55 GENERAL SEWER USE REQUIREMENTS

(a) Prohibited Discharge Standards

- (1) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

- (2) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - b. Wastewater having corrosive properties capable of causing damage or injury to structures, equipment and/or personnel of the POTW, as per the specific prohibition in the applicable local limits in subsection (d).
 - c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, blockage, or damage to the POTW;
 - d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - e. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference and/or pass through, and in amounts specified in subsection 20-55(d) of this article.
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - h. Trucked or hauled pollutants, except at discharge points designated by the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) in accordance with section 20-56(d);
 - i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent,

thereby violating the applicable NPDES or TPDES permit;

- k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- l. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, and unpolluted wastewater, unless specifically authorized by the Director (for Users discharging to TRA TMCRRS) and by the Director and the Control Authority (For Users discharging to TRA CRWS);
- m. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- n. Medical wastes, except as specifically authorized by the Director and/or the Control Authority in a wastewater discharge permit (for Users discharging to TRA CRWS), or Medical wastes, except as specifically authorized by the Director, that do not cause or contribute to Pass Through and/or Interference (for Users discharging to TRA TMCRRS).
- o. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- q. Except where the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRRS) have determined that different limits under an industrial waste permit are appropriate, oils, fats, and grease of animal or vegetable origin in concentrations greater than that specified in the applicable local limits in subsection (d) of this Section.
- r. A discharge of water, normal domestic wastewater, or industrial waste that which in quantity of flow exceeds, for a duration of longer than fifteen minutes, more than four times the average twenty four hour flow during normal operation;
- s. Insecticides and herbicides in concentrations that are not amenable to treatment;
- t. Polychlorinated biphenyls (for Users discharging to TRA CRWS);
- u. Garbage that is not properly shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in

wastewater mains, with no particle having greater than one-half (1/2) inch cross-sectional dimension;

- v. Wastewater or industrial waste generated or produced outside the City, unless approval in writing from the Director and the Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) has been given to the person discharging the waste; or
 - w. Without the approval of the Director and/or the Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS), a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste, or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including but not limited to bulk or packaged chemical products.
- (3) Processing and Storage. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c)(1).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(c) Reserved**(d) Local Limits**

- (1) The following pollutant limits are established to protect against pass through and interference and apply at the point where the wastewater is discharged to the POTW. No person shall discharge, or cause or permit to be discharged, wastewater containing in excess of the maximum allowable discharge limits according to physical location as determined by the Director:

- a. Toxic Pollutants specified in the following table:

Toxic Pollutant	TRA Central Instantaneous Maximum Allowable Discharge Limits (mg/l)	TRA Ten Mile Creek Instantaneous Maximum Allowable Discharge Limits (mg/l)
Arsenic	0.2	0.30
Cadmium	0.1	0.10
Chromium	2.9	4.00
Copper	2.3	2.40
Cyanide	0.5	1.71
Lead	0.9	2.00
Mercury	0.0004	0.0002
Molybdenum	0.8	3.74
Nickel	4.6	4.94
Selenium	0.1	0.27
Silver	0.8	0.16
Zinc	8.0	10.00
Oil and Grease	200	200
Total Toxic Organics	2.13	2.13
pH	5.5 to 11.0 Standard Units	5.5 to 11.0 Standard Units
Sulfides	-	-
BOD	*	***
TSS	*	***

** No industry shall discharge wastewater containing BOD or TSS loading that causes the City pro-rata share of the total BOD or TSS loading to the POTW system to exceed the pro-rata share of the total flow to the system. (Example: If the city contributes 25 percent of the total wastewater flow to the system, the cumulative BOD or TSS loading to the system, as measured at the point of entry to the system, shall not exceed 25 percent of the total BOD or TSS loading to the system.) Any industry with a wastewater strength that will cause the cumulative wastewater loading at the point of entry to exceed the city's pro-rata share of the total wastewater loading based upon flow shall be required to install pretreatment facilities to reduce its wastewater strength to an acceptable level.

*** BOD(5) and TSS are surcharge limits only not to be used for compliance.

- (2) All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(e) Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(f) Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 20-56 PRETREATMENT OF WASTEWATER

(a) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 20-55 within the time limitations specified by EPA, the State, the Control Authority, or the Director, (for Users discharging to TRA-CRWS) or the EPA, the State, or the Director (for Users discharging to TRA-TMCRWS) whichever is more stringent. Any facilities necessary for compliance shall be

provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before the facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this article.

(b) Additional Pretreatment Measures

- (1) Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and require such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.
- (2) The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that these interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter or other control device as deemed necessary by the Director.
- (5) The Director may develop Best Management Practices (BMPs), and require Users to implement such BMPs if necessary to protect the POTW. Such BMPs would be supplemental and not used as a replacement for compliance with Local Limits listed in Sec. 20-55(d) and Prohibited Discharge Standards in Sec. 20-55(a).

(c) Slug Control Plans

The Director shall evaluate whether each permitted significant industrial user needs a slug control plan or other action to control Slug Discharges no later than (1) one year of the SIU determination. The Director may require any user to develop, submit for approval, and implement such a plan. All the activities associated with Slug Control evaluation and results are to be kept in the Industrial User file. Alternatively, the

Director may develop such a plan for any user. A slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Director and/or Control Authority of any slug discharge, as required by this article; and
- (4) Procedures to prevent adverse impact from any slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) Septage Waste

- (1) Septage waste may be introduced into the POTW only at locations designated by the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS), and at such times as are established by the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS). Such waste shall not violate Section 20-55 of this article or any other requirements established by the City. The Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may require septic tank waste haulers to obtain wastewater discharge permits.
- (2) Septage waste haulers must provide a manifest form for every load. This form shall include, at a minimum, the name and address of the hauler, the waste hauler, permit number, truck identification, disposal site and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The hauler shall retain a completed manifest in its business office for three (3) years after disposal.

Sec. 20-57 WASTEWATER DISCHARGE PERMIT APPLICATION

(a) Wastewater Analysis

When requested by the Director a user must submit information on the nature and characteristics of its wastewater:

- (1) within ten (10) days of the request by the Director for Users discharging to TRA CRWS.
- (2) by the deadline stipulated by the Director for Users discharging to TRA TMCRRWS.

The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Wastewater Discharge Permit Requirement

- (1) No SIU or NSCIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, who may disallow any or all discharges until a wastewater discharge permit is issued, except that a SIU or a NSCIU that has filed a timely application pursuant to this section may continue to discharge for the time period specified therein. NSCIU criteria is only applicable to Users discharging to TRA TMCRRWS
- (2) The Director may require other users to submit a completed permit application or survey form, including monitoring data, and to obtain wastewater discharge permits as necessary to carry out the purposes of this article. To determine the status of a user in relation to this article, users may be required to perform sampling as specified by the Director.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in this article. Obtaining a wastewater discharge permit does not relieve a permittee of the obligation to comply with all Federal and State pretreatment standards or requirements with any other requirements of Federal, State, and local law.

(c) Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Director for a wastewater discharge permit in accordance with this article, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this article except in accordance with a wastewater discharge permit issued by the Director.

(d) Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain that permit prior to the beginning or recommencing of the discharge.

- (1) An application for this wastewater discharge permit, in accordance with this article, must be filed at least -ninety (90) days prior to the date upon which any discharge will begin or recommence.

(e) Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information:

- (1) All information required by Section 20-59 (a) of this article;
- (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges; and
- (8) Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(f) Signatories and Certification

- (1) An authorized representative of the user must sign all wastewater discharge permit applications, user reports, and enforcement responses. Wastewater discharge permit applications and user reports as identified in 40 CFR §403.12(b), (d), (e), and (h), must contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (2) If the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative of the User.
- (3) A facility that discharges to TRA TMCRWS determined to be a NSCIU by the Director pursuant to Section 20-54 (d)(39)(b.) must annually submit the signed certification statement signed in accordance with the signatory requirements in Section 20-54 (d)(3). This certification must accompany an alternative report required by the Director.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- a. The facility described as _____[facility name] met the definition of a Non-Significant Categorical Industrial as described in Section 20-54 (d)(39)(b.); [Note: See 40 CFR 403.3(v)(2)]
- b. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
- c. This compliance certification is based on the following information.

_____”

(g) Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the user and may require additional information. The Director may deny any application for a wastewater discharge permit.

- (1) For Users discharging to TRA CRWS, within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit.
- (2) For Users discharging to TRA TMCRWS, within a reasonable time from receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit.

Sec. 20-58 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

(a) Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(b) Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (1) Wastewater discharge permits must contain:
 - a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with subsection (e), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including BMP's based on applicable pretreatment standards;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements including those for BMPs. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance

schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

- f. Requirements to control Slug Discharges, if determined by the Director to be necessary.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
 - h. Requirements to implement BMPs, if determined by the Director to be necessary; and
 - i. Other conditions as deemed appropriate by the Director to ensure compliance with this article, and State and Federal laws, rules, and regulations.

(c) Reserved.

(d) Wastewater Discharge Permit Modification

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) Wastewater Discharge Permit Transfer

- (1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives a minimum of sixty (60) days advance notice to the Director and the Director approves the wastewater discharge permit transfer.
- (2) The notice to the Director must include a written certification by the new owner or operator which:
 - a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur; and
 - c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

- (3) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(f) Wastewater Discharge Permit Revocation

The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Director of changed conditions pursuant to subsection 20-59 (e);
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Director timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(g) Wastewater Discharge Permit Reissuance

- (1) A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with subsection 20-57 (e), a minimum of thirty (60) days prior to the expiration of the user's existing wastewater discharge permit.

(h) Regulation of Waste Received from Other Jurisdictions

- (1) A municipality which contributes wastewater to the POTW, shall enter into an interlocal agreement with the City prior to contributing such wastewater.
- (2) Prior to the City entering into an interlocal agreement as provided in subsection (1), the City may request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the City may deem necessary.

(i) Extrajurisdictional users

- (1) An extrajurisdictional user shall apply for a permit in accordance with this ordinance at least ninety (90) days prior to discharging to the POTW.
- (2) This section does not apply to extrajurisdictional users in jurisdictions which have an agreement with the City pursuant to subsection 20-58(h).
- (3) A wastewater discharge permit issued to an extrajurisdictional user shall be in the form of a contract, and must include, at a minimum, the components found in 40 CFR 403.8(f)(1)(iii) and shall require the approval of the City's council. An extrajurisdictional user shall agree to all the terms of this ordinance and the terms of its wastewater discharging contract in accordance with the procedures set forth in subsection 20-58(b) of this ordinance prior to discharging into the POTW.

Sec. 20-59 REPORTING REQUIREMENTS**(a) Baseline Monitoring Reports**

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a

category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that will become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.
 - a. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications and/or North American Industry Classifications (NAICS) of the operation(s) carried out by the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - d. Flow Measurement. Information showing the measured or estimated average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - e. Measurement of pollutants.
 1. The categorical pretreatment standards applicable to each regulated process (and any new categorically regulated processes for Existing Sources).
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (j).

Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.

5. If discharge flow conditions are representative of daily operations, the User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section. The Director may require additional representative sampling to be conducted.
 6. Representative samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 304.6(e) to evaluate compliance with Pretreatment Standards.
 7. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 8. The baseline report shall indicate the time, date and place of sampling and method of analysis, and shall certify that such sampling and analysis is representative of normal work cycle and expected pollutant discharges to the POTW.
 9. Sampling must be performed in accordance with procedures set out in subsection (k).
- f. Certification. A statement, reviewed by the user's authorized representative of the user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment are required to meet the pretreatment standards and requirements.
- g. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b).

- h. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with subsection 20-57 (f).

(b) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by subsection (a) (2) g.:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between the progress reports to the Director.

(c) Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to those pretreatment standards and requirements shall submit to the Director a report containing the information described in subsection (a) (2)(d.) through (f.). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long- term production rate. In cases where the Categorical Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the applicable Categorical Pretreatment Standard necessary to determine the compliance status of the User. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 20-57(f) . All sampling will be done in conformance with subsection (k) of the article.

(d) Periodic Compliance Reports

- (1) All significant industrial users shall, at a frequency determined by the Director but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Categorical Pretreatment Standard or the Director requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Categorical Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with subsection 20-57 (f).
- (2) All Non-significant Categorical Industrial Users (NSCIU) shall submit a report annually in the month specified by the Director. The report shall be completed according to the City's current reporting requirements, including the submittal of the applicable certification statement found in subsection 20-57(f) of this article. NSCIU criteria is only applicable to Users discharging to TRA TMCRRWS.
- (3) All wastewater samples must be representative of the discharge of the user. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Paragraph J and K of this section, the results of this monitoring shall be included in the report.

(e) Reports of Changed Conditions

- (1) Each user that discharges to TRA CRWS must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
- (2) Each user that discharges to TRA TMCRRWS must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater a minimum of thirty (30) days prior to the change.

- (3) The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection 20-57(e).
- (4) The Director may issue a wastewater discharge permit under subsection 20-57(g), or modify an existing wastewater discharge permit under Section 20-58, subsection (d), in response to changed conditions or anticipated changed conditions.
- (5) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants that are determined to be of concern.

(f) Reports of Potential Problems

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director and the appropriate Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall this notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (4) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(g) Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.

(h) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the initial sampling and when the user receives the results of this sampling or if the Director has performed the sampling and analysis in lieu of the user.

(i) Notification of the Discharge of Hazardous Waste

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsection (a), (c) and (d).
- (2) Dischargers are exempt from the requirements of subsection (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of that substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or State law.

(j) Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question sampling and analyses shall be performed by using validated analytical methods or any applicable sampling and analytical procedures, including procedures suggested by the Director the EPA, TCEQ, or other parties approved by EPA.

(k) Sample Collection

- (1) Except as indicated in Section (2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 20-59(a) and (c) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by Section 20-59(d) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(l) Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(m) Record Keeping

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established in this article. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of the analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS).

Sec. 20-60 COMPLIANCE MONITORING

(a) Right of Entry

Inspection and Sampling. The Director or the Control Authority, TCEQ, or EPA or their designated representative shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow

inspecting or sampling person ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the inspecting or sampling person(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The Director or Control Authority shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. All sampling and analysis performed by the Director and/or Control Authority to monitor compliance shall be at the expense of the user.
- (3) The Director or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, at a minimum, annually to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) and shall not be replaced. The costs of clearing the access shall be borne by the user.
- (5) Unreasonable delays in allowing the inspecting or sampling person access to the user's premises shall be a violation of this article.
- (6) In accordance with 40 CFR 403, the City shall inspect and monitor each SIU a minimum of once per year. If the City elects to perform compliance monitoring for the SIU, then the City will monitor the SIU a minimum of semi-annually.
- (7) The City shall inspect each NSCIU a minimum of once per year. If the City elects to perform compliance monitoring for the NSCIU then the City will monitor the NSCIU a minimum of one time each permit cycle. NSCIU criteria is only applicable to Users discharging to TRA TMCRWS.

(b) Search Warrants

If the Director or Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director or Control Authority may seek issuance of a search warrant from an appropriate court.

Sec. 20-61 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director and/or Control Authority, that the release of that information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that the information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall only be available pursuant to the requirements of the Texas Public Information Act, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES or TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics, and other "effluent data" as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

Sec. 20-62 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

- (a) For Users that discharge to TRA CRWS, the Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 - (2) Technical Review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6-) month period equal or exceed the product

of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);

- (3) Any other discharge violation that the Director and/or Control Authority believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director and/or Control Authority exercise of its emergency authority to halt or prevent such a discharge;
 - (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation(s) which the Director determines will adversely affect the operation or implementation of the local pretreatment program.
- (b) For Users discharging to TRA TMCRWS, the Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4), or (8) of this Section) and shall mean:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defines in Section 20-55;
 - (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous

Limits, as defined by Section 20-55 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 20-55 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 20-63 ADMINISTRATIVE ENFORCEMENT REMEDIES

(a) Notification of Violation

When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation.

- (1) Within ten (10) days of the receipt of this notice for Users discharging to TRA CRWS, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- (2) Within the timeframe specified in the notice for those Users discharging to TRA TMCRRWS, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) Consent Order

The Director may enter into Consent Orders, assurance of compliance, or similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 20-63(d) and (e) of this article and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(c) Show Cause Hearing

The Director may order a user which has violated, or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) Compliance Orders

When the Director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a compliance order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, management practices designed

to minimize the amount of pollutants discharged to the sewer, and pretreatment or control of the quantities and rates of discharge of wastewater to bring the discharge within the limits of this article. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement; nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(e) Cease and Desist Orders

When the Director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Reserved

(g) Emergency Suspensions

The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the

termination proceedings in subsection (h) are initiated against the user.

- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under subsection (c) or (h).

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) Termination of Discharge

In addition to the provisions in subsection 20-58(f), any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Section 20-55. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section subsection 20-63(c), why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 20-64 JUDICIAL ENFORCEMENT REMEDIES

(a) Injunctive Relief

When the Director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the District Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for

injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) Civil Penalties

- (1) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a maximum civil penalty of One Thousand Dollars (\$1,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) Criminal Prosecution; Criminal Responsibility

- (1) A user who intentionally, knowingly, recklessly, or negligently violates any provision of this article, a wastewater discharge permit, further regulations and procedures established by the Director and/or Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS) or an administrative order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than Two Thousand Dollars (\$2,000) per violation, per day, or imprisonment as decided by an appropriate court, or both.
- (2) A user who intentionally, knowingly, recklessly, or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to the same penalties described in subsection (c)(1). This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (3) A user who makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be

maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) per violation.

- (4) **CRIMINAL RESPONSIBILITY.** A person is criminally responsible for a violation of this article if that person intentionally, knowingly, recklessly, or negligently:
 - a. Commits or assists in the commission of a violation, or causes or permits another person to commit a violation; or
 - b. Owns or manages the property or facilities determined to be the cause of the illegal discharge under subsection 20-55(a),(b), and (d); subsection 20-56(d), or subsection 20-57(b).

(d) Remedies Nonexclusive

The remedies provided for in this article are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan of the City. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

(e) Applicability of More Stringent Regulations

- (1) If national pretreatment standards, categorical or otherwise, more stringent than the discharge limits prescribed in this article are promulgated by the EPA for certain industries, the more stringent national pretreatment standards will apply to the affected industrial user. A violation of the more stringent national pretreatment standards will also be considered a violation of this article.
- (2) Applicability of more stringent discharge limits. An industrial user within the city who discharges industrial waste ultimately received and treated by another governmental entity pursuant to a wholesale wastewater contract or a reciprocal agreement with the city is subject to the following additional rules:
 - a. If the governmental entity has more stringent discharge limits than those prescribed by this article, or by a discharge permit issued hereunder, because the EPA requires the more stringent discharge limits as part of the governmental entity's wastewater pretreatment program, the more stringent discharge limits shall prevail.
 - b. The Director is authorized to issue a discharge permit to an industrial user affected by subsection a., above, to ensure notice of and compliance with

the more stringent discharge limits. If the industrial user already has a discharge permit, the Director may amend the permit to apply and enforce the more stringent discharge limits. An industrial user shall submit to the Director an expected compliance date and an installation schedule if the more stringent discharge limits necessitate technological or mechanical adjustments to discharge facilities or plant processes.

- c. If the Director chooses not to issue or amend a permit under subsection b., above, the Director shall notify the affected industrial user in writing of the more stringent discharge limits and their effective date. Regardless of whether or not a permit is issued or amended, an industrial user shall be given a reasonable opportunity to comply with the more stringent discharge limits.
 - d. The more stringent discharge limits cease to apply upon termination of the wholesale wastewater contract or reciprocal agreement of the City with the governmental entity, or upon modification or elimination of the limits by the government entity or the EPA. The Director shall take the appropriate action to notify the affected industrial user of an occurrence under this paragraph.
- (3) Variances in compliance dates. The Director may grant a variance in compliance dates to an industry when, in the Director's opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the Director grant a variance in compliance dates to an industry affected by national categorical pretreatment standards beyond the compliance dates established by the EPA.
 - (4) Authority to regulate. The Director may establish regulations, not in conflict with this article or other laws, to control the disposal and discharge of industrial waste into the wastewater system and to ensure compliance with the City's pretreatment enforcement program with all applicable pretreatment regulations promulgated by the EPA. The regulations established shall, where applicable, be made part of any discharge permit issued to an industrial user by the Director.

Sec. 20-65 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

(a) Force Majeure Provision

- (1) An event that would otherwise be a violation that is caused solely by an act of God, war, strike, riot, or other catastrophe is not a violation.
- (2) In an enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot, or other catastrophe shall have the burden of proof.

- (3) In the event that an act of God, war, riot, or other catastrophe has been established, the user shall control production of all discharges to the extent possible until such time as reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

(b) Reserved

(c) Bypass

- (1) For the purpose of this section:
 - a. "Bypass" means the intentional diversion of wastestreams from any portion of the treatment facility of the user.
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3), (4), and (5) of this section.
- (3) Bypass Notifications
 - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
 - b. A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Bypass

- a. Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under subsection (3) of this section.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in subsection (4)(a.) of this section.

Sec. 20-66 MISCELLANEOUS PROVISIONS

(a) Termination of water and/or sewer service.

The City reserves the right to terminate water and sewer service for any of the following:

- (1) Failure to pay pretreatment charges and fees
- (2) Failure to pay surcharge fees;
- (3) Failure to pay any other fees, fines and penalties chargeable by the City;
- (4) Failure to notify the Director of significant changes to wastewater prior to the changed discharge;
- (5) Failure to provide prior notification to the Director of changed conditions pursuant to Section 20-59 subsection(e);
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- (7) Falsifying self-monitoring reports;
- (8) Tampering with monitoring equipment;
- (9) Refusing to allow the Director timely access to the facility premises and records;
- (10) Failure to meet effluent limitations;
- (11) Failure to meet compliance schedules;
- (12) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (13) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (14) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

(b) Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing the applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Recovery of administrative and legal costs associated with enforcement activity taken by the Director to address industrial user noncompliance;
- (6) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the City;

(c) Surcharge

The City may surcharge industrial users for the treatment of abnormal strength wastes. Water or wastes having (1) a five day biochemical oxygen demand greater than two hundred fifty (250) milligrams per liter (mg/L) by weight, or (2) containing more than two hundred fifty (250) milligrams per liter (mg/L) by weight of total suspended solids, shall be subject to the review and approval of the Director and the Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS). Where the Director has approved the admission of (1) and/or (2) above into the POTW, that discharge may be subject to a surcharge as determined by the Director and Control Authority (for Users discharging to TRA-CRWS) or the Director (for Users discharging to TRA-TMCRWS). In no case shall a discharge be accepted that will prevent the POTW from meeting its NPDES or TPDES limits.

The surcharge will be assessed according to the following formula each month using the most current pollutant concentration data and the current month wastewater flow:

$$\text{Surcharge} = \frac{\text{Q}}{1,000,000} \times [a(\text{BOD} - x) + b(\text{TSS} - y)][8.34]$$

Where:

Q = flow in gallons

8.34 = weight in pounds of one gallon of water

x = normal limits of BOD in domestic wastewater expressed in milligrams per liter

y = normal limits of TSS in domestic wastewater expressed in milligrams per liter

a = unit cost of treatment per pound of BOD

b = unit cost of treatment per pound of TSS

A surcharge is an additional charge by the POTW for the increased cost of handling discharge of unusual strength and character and shall not serve as a variance to the requirements of this article. Exercise of this provision shall not be a bar to, or a prerequisite for, taking any other action against the user.

Sec. 20-67 - 20-77 RESERVED"

SECTION 2. That all ordinances of the City of Duncanville, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Duncanville, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision

hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Duncanville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense.

SECTION 5. These rules shall be in full force and effective ten (10) days after the date of final approval from the State.

DULY PASSED by the City Council of the City of Duncanville, Texas on the 19th day of January, 2021.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Election of Mayor Pro Tem for 2020-2021.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- 1. Most engaged citizens in America

STAFF RESPONSIBLE:

Kristin Downs, City Secretary

BACKGROUND/HISTORY:

The City Charter, Section 2.05 states "The Council shall elect from among the councilmen a Mayor pro tempore who shall act as Mayor during the absence or disability of the Mayor." Per the Council Rules of Procedure adopted June 3, 2014, the Mayor Pro Tem shall be elected by a majority vote of the Councilmembers present at the first regular meeting of the City Council following the swearing in of newly elected Councilmembers from the May general election (Paragraph A.9). The Mayor Pro Tem shall be elected for a one-year term and shall serve until replaced by Mayor Pro Tem election. The Councilmember currently serving as Mayor Pro Tem shall not be eligible to serve consecutive terms (Paragraph A.10)

POLICY EXPLANATION:

Per the City Council Rules of Procedure adopted June 3, 2014, criteria to be considered in the election of Mayor Pro Tem:

- Willingness to commit the time necessary to serve in case of the absence of the Mayor. Duties will include presiding over City Council meetings, scheduled and called meetings, representing the City at ribbon cuttings, memorial events, speaking engagements during the day and evening hours, and assisting staff when requested for special projects. From time to time, the Mayor may call on the Mayor Pro Tem to assist in representing the City when scheduling conflicts occur.
- The Mayor Pro Tem should have demonstrable leadership abilities and a good working relationship with his/her fellow Councilmembers and City staff.
- Councilmember must have served a minimum of one (1) year on subject City Council before being eligible to serve as Mayor Pro Tem.
- Councilmember should resist outside lobbying efforts by citizens on behalf of a particular Councilmember or for a particular council district.
- In the final analysis, more than one Councilmember may meet the criteria to serve as Mayor Pro Tem. A Councilmember's vote should be cast for the one member he/she feels can best serve the City as Mayor Pro Tem for the coming year. Since only one person will be elected Mayor Pro Tem, the remaining Councilmembers should not consider the vote for another

member as a lack of confidence in their ability or disrespect to the citizens of the district they represent.

FUNDING SOURCE:

NA

Contract Log #:

N/A

RECOMMENDATION:

Staff recommends City Council consider and elect a new Mayor pro tem for 2020-2021.



STAFF REPORT

MEETING: City Council - 19 Jan 2021

TITLE:

Receive the Monthly Financial Report as of November 30, 2020.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- 1. Most engaged citizens in America
 - Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.

STAFF RESPONSIBLE:

Richard Summerlin, Finance Director

BACKGROUND/HISTORY:

The Financial Report is presented to provide actual revenues and expenditures in comparison to the budget. The report provides financial data on key funds including the General, Utility, Sanitation, Economic Development, Fieldhouse, and Comprehensive Self-Insurance.

POLICY EXPLANATION:

November 2020 is the second month in fiscal year 2021 and we would expect revenues and expenditures to be at about 16.7% of their budgets. The beginning fund balances in this report are preliminary and are subject to change pending fiscal year 2020 accrual entries, fiscal year end closing and the external audit. Below are financial highlights as of the November 2020 Financial Report.

General Fund:

- General Fund ending fund balance is \$9.8 million, which is approximately 112 days of operations based on the adopted budget.
- Overall General Fund revenues and transfers in are at 5.4% of the budget. Revenues are typically low at this time of year.
 - Property taxes are due by the end of January and most franchise fee revenues are received on a quarterly basis.
 - There is a two-month delay on the receipt of sales tax revenues.
- Overall General Fund operating expenditures and transfers out are at 10.6% of the budget.

Other Funds:

- The Utility Fund ending fund balance is \$2.6 million (after the reserved fund balance deduction of \$5.0 million for AMI), which is approximately 48 days of operations based on the revised budget.
 - Water and sewer revenues run one month in the arrears, so this report reflects one month (October) of revenues.
- The Sanitation Fund has an ending fund balance of \$890 thousand, which is approximately 79 days of operations.

- A financial update on one-time projects is included as the last page of the financial report.

FUNDING SOURCE:

N/A

Contract Log #:

N/A

RECOMMENDATION:

There is no City Council action required.

ATTACHMENTS:

[Attachment 1 - Monthly Financial Report November 2020](#)

Attachment 1



**CITY OF DUNCANVILLE
MONTHLY FINANCIAL REPORT**

Fiscal Year 2020-2021
YEAR-TO-DATE OPERATIONS

AS OF NOVEMBER 30, 2020

OCTOBER 1, 2020 TO NOVEMBER 30, 2020

Prepared by
FINANCE DEPARTMENT
12/16/2020

**Beginning balances in this report are preliminary and subject to change based on accruals and final audit entries.*

Attachment 1

CITY OF DUNCANVILLE

FUND BALANCES AT NOVEMBER 30, 2020

FUND	BEGINNING BALANCE (OCT 1) ¹	REVENUES	EXPENDITURES	RESERVED FOR ONE TIME PROJECTS ²	ENDING BALANCE YTD
GENERAL FUND ³	\$11,678,710	\$1,761,840	(\$3,653,144)	\$0	\$9,787,406
UTILITY FUND	\$8,014,444	\$1,841,556	(\$2,248,468)	(\$5,000,000)	\$2,607,533
SANITATION FUND	\$848,154	\$350,654	(\$308,379)	\$0	\$890,429
ECONOMIC DEVELOPMENT	\$3,709,167	\$3,255	(\$61,699)	\$0	\$3,650,723
FIELDHOUSE	(\$1,638,132)	\$180,574	(\$97,074)	\$0	(\$1,554,633)
COMPREHENSIVE SELF INS	\$889,834	\$78,029	(\$321,011)	\$0	\$646,852

DAYS OF OPERATIONS AT NOVEMBER 30, 2020

FUND	YTD FUND BALANCE	BUDGETED OPERATING RESERVE # DAYS	BUDGETED OPERATING RESERVE (\$)	YTD ACTUAL # DAYS OF OPERATIONS
GENERAL FUND	\$9,787,406	75	\$6,551,562	112
UTILITY FUND	\$2,607,533	60	\$3,274,700	48
SANITATION FUND	\$890,429	60	\$675,173	79

Note 1- Beginning balances in this report are preliminary and subject to change based on accruals and final FY20 audit entries.

Note 2 - Utility Fund reserved balance has been earmarked for future AMI project.

Note 3- One Time Project funds are accounted for in a separate fund and not included in General fund balance available for operations calculation.

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND REVENUES AT NOVEMBER 30, 2020

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
51 - TAXES	\$1,001,262	\$27,094,091	\$27,094,091	\$26,092,829	3.7%
501101 - CURRENT TAXES	\$943,649	\$17,717,398	\$17,717,398	\$16,773,749	5.3%
501102 - DELINQUENT TAXES	\$35,959	\$140,000	\$140,000	\$104,041	25.7%
501103 - PENALTIES AND INTEREST	\$12,444	\$140,000	\$140,000	\$127,556	8.9%
501201 - STATE SALES TAX CITY PORTION	\$6,140	\$4,876,462	\$4,876,462	\$4,870,322	0.1%
501202 - SALES TAX PROPERTY TAX RELIEF	\$3,070	\$2,438,231	\$2,438,231	\$2,435,161	0.1%
501204 - ALCOHOLIC BEVERAGE TAX	(\$0)	\$69,000	\$69,000	\$69,000	0.0%
501301 - FRANCHISE FEE ELECTRIC	(\$0)	\$1,100,000	\$1,100,000	\$1,100,000	0.0%
501302 - FRANCHISE FEE GAS	(\$0)	\$313,000	\$313,000	\$313,000	0.0%
501303 - FRANCHISE FEE TELEPHONE	(\$0)	\$175,000	\$175,000	\$175,000	0.0%
501304 - FRANCHISE FEE CABLE TV	(\$0)	\$125,000	\$125,000	\$125,000	0.0%
52 - PERMITS & FEES	\$182,267	\$1,237,500	\$1,237,500	\$1,055,233	14.7%
502101 - BUILDING PERMITS	\$71,766	\$250,000	\$250,000	\$178,234	28.7%
502102 - ELECTRICAL PERMITS	\$4,647	\$13,000	\$13,000	\$8,353	35.7%
502103 - SOLICITOR LICENSES	(\$0)	\$1,500	\$1,500	\$1,500	0.0%
502105 - EMERGENCY MEDICAL SERVICE	\$50,889	\$750,000	\$750,000	\$699,111	6.8%
502106 - SIGN PERMITS	\$2,500	\$12,000	\$12,000	\$9,500	20.8%
502107 - WRECKER AND STORAGE FEES	(\$0)	\$3,000	\$3,000	\$3,000	0.0%
502108 - HEALTH FOOD INSPECTION FEES	\$19,027	\$46,000	\$46,000	\$26,973	41.4%
502109 - PLUMBING AND AC PERMITS	\$19,730	\$40,000	\$40,000	\$20,270	49.3%
502111 - ZONING & SPEC USE PERMIT	\$2,500	\$8,500	\$8,500	\$6,000	29.4%
502112 - EMS SVCS COST SETTLEMENT	(\$0)	(\$0)	(\$0)	(\$0)	
502113 - SMALL CELL/ NETWORK NODE FEES	(\$0)	\$500	\$500	\$500	0.0%
502114 - RENTAL PROPERTY REGISTRATION	\$6,735	\$50,000	\$50,000	\$43,265	13.5%
502120 - ALARM PERMITS	\$3,872	\$60,000	\$60,000	\$56,128	6.5%
502122 - POOL OR SPA INSPECTION FEE	\$600	\$3,000	\$3,000	\$2,400	20.0%
53 - FINES	\$44,757	\$557,000	\$557,000	\$512,243	8.0%
503101 - MUNICIPAL COURT FINES	\$34,794	\$400,000	\$400,000	\$365,206	8.7%
503102 - COURT RELATED FEES	\$6,020	\$130,000	\$130,000	\$123,980	4.6%
503103 - SCHOOL CROSSING FEES	\$1,179	\$3,000	\$3,000	\$1,821	39.3%
503201 - LIBRARY FINES	\$932	\$9,000	\$9,000	\$8,068	10.4%
503301 - FALSE ALARM FINES	\$1,832	\$15,000	\$15,000	\$13,168	12.2%
54 - INTERGOVERNMENTAL	(\$0)	\$175,490	\$175,490	\$175,490	0.0%
504102 - DISD SCHOOL CROSSING GUARDS	(\$0)	\$35,000	\$35,000	\$35,000	0.0%
504103 - DALLAS COUNTY CROSSING GUARD	(\$0)	\$36,000	\$36,000	\$36,000	0.0%
504109 - REIMB FOR REG EMERG MANAGER	(\$0)	\$104,490	\$104,490	\$104,490	0.0%
55 - INTEREST	\$18,623	\$290,000	\$290,000	\$271,377	6.4%
505101 - INTEREST ON GOVT POOL INVEST	\$360	\$55,000	\$55,000	\$54,640	0.7%
505103 - CERT OF DEPOSIT INTEREST	\$12,868	\$100,000	\$100,000	\$87,132	12.9%
505106 - MONEY MARKET INTEREST	\$5,394	\$135,000	\$135,000	\$129,606	4.0%
57 - RECREATIONAL FEES	\$36,059	\$266,000	\$266,000	\$229,941	13.6%
507102 - RECREATION FEES	\$34,491	\$240,000	\$240,000	\$205,509	14.4%
507104 - SENIOR CENTER ANNUAL USER FEE	(\$0)	\$4,000	\$4,000	\$4,000	0.0%
507107 - RECREATION CENTER CLASSES	\$716	\$8,000	\$8,000	\$7,284	9.0%
507108 - RECREATION CENTER SPECIAL EVEN	\$851	\$8,000	\$8,000	\$7,149	10.6%
507109 - SENIOR CLASS/TRIPS	(\$0)	-\$6,000	\$6,000	\$6,000	0.0%

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND REVENUES AT NOVEMBER 30, 2020

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
59 - OTHER REVENUES	\$40,306	\$367,880	\$367,880	\$327,574	11.0%
509101 - SALE OF FIXED ASSETS	(\$0)	(\$0)	(\$0)	(\$0)	
509102 - GAIN/ LOSS ON SALE FIXED ASSET	(\$0)	\$0	(\$0)	(\$0)	
509105 - SALE OF MATERIALS	\$36	\$1,000	\$1,000	\$964	3.6%
509201 - INSURANCE RECOVERY	(\$0)	(\$0)	(\$0)	(\$0)	
509501 - COLLECTION OF BAD DEBTS	(\$0)	\$2,000	\$2,000	\$2,000	0.0%
509502 - MISCELLANEOUS W/O	\$37	\$100	\$100	\$63	37.4%
509601 - MISCELLANEOUS	\$5,467	\$65,000	\$65,000	\$59,533	8.4%
509602 - CASH OVER AND SHORT	(\$200)	\$0	(\$0)	\$200	
509603 - COPIES	\$1,461	\$18,000	\$18,000	\$16,539	8.1%
509604 - POLICE ACCIDENT REPORTS	\$574	\$4,500	\$4,500	\$3,926	12.8%
509606 - AUCTION PROCEEDS	(\$0)	\$5,000	\$5,000	\$5,000	0.0%
509607 - ANIMAL PERMITS	(\$0)	\$50	\$50	\$50	0.0%
509609 - RETURN CHECK FEES	\$35	\$230	\$230	\$195	15.2%
509611 - SCRAP METAL SALES	(\$0)	(\$0)	(\$0)	(\$0)	
509612 - CITY SERVICES REIMBURSEMENT	\$8,540	\$58,000	\$58,000	\$49,460	14.7%
509613 - WORKERS COMP REIMBURSEMENT	(\$0)	\$20,000	\$20,000	\$20,000	0.0%
509614 - RENTAL OF TOWER	\$24,355	\$194,000	\$194,000	\$169,645	12.6%
509617 - LEASE INCOME	(\$0)	(\$0)	(\$0)	(\$0)	
509618 - GAS WELL OIL REVENUE	(\$0)	\$0	(\$0)	(\$0)	
81 - OTHER FINANCE SOURCE	\$438,567	\$2,631,399	\$2,631,399	\$2,192,833	16.7%
801102 - TRANSF IN UTILITY FUND WATER	\$293,618	\$1,761,710	\$1,761,710	\$1,468,092	16.7%
801104 - TRANSF IN UTIL FUND SANITATION	\$32,050	\$192,297	\$192,297	\$160,248	16.7%
801108 - TRANSF IN EDC SALES TAX	\$15,374	\$92,242	\$92,242	\$76,868	16.7%
801110 - TRANSF IN HOTEL TAX FUND	\$9,440	\$56,637	\$56,637	\$47,198	16.7%
801150 - TRANSF IN PILOT FRANCHISE TAX	\$88,086	\$528,513	\$528,513	\$440,428	16.7%
Grand Total	\$1,761,840	\$32,619,360	\$32,619,360	\$30,857,520	5.4%

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND EXPENDITURES AT NOVEMBER 30, 2020

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
0000 - OTHER	\$84,205	\$1,511,250	\$1,511,250	\$1,427,046	5.6%
001 - GENERAL FUND NON-ORG	\$84,205	\$1,511,250	\$1,511,250	\$1,427,046	5.6%
0101 - GENERAL GOVERNMENT	\$452,643	\$3,118,795	\$3,118,795	\$2,666,152	14.5%
01011000 - MAYOR AND COUNCIL	\$21,823	\$140,897	\$140,897	\$119,074	15.5%
01011100 - CITY ADMINISTRATION	\$87,716	\$705,922	\$705,922	\$618,206	12.4%
01011300 - HUMAN RESOURCES	\$41,741	\$348,242	\$348,242	\$306,501	12.0%
01011400 - INFO TECHNOLOGY	\$160,867	\$820,205	\$820,205	\$659,337	19.6%
01011500 - PUBLIC INFORMATION OFFICE	\$20,643	\$168,533	\$168,533	\$147,890	12.2%
01011600 - PUBLIC LIBRARY	\$119,854	\$934,996	\$934,996	\$815,142	12.8%
0102 - FINANCE	\$196,098	\$1,519,742	\$1,519,742	\$1,323,644	12.9%
01022000 - FINANCE ADMINISTRATION	\$116,978	\$792,642	\$792,642	\$675,664	14.8%
01022300 - MUNICIPAL COURT	\$51,871	\$482,262	\$482,262	\$430,391	10.8%
01022500 - PURCHASING	\$15,483	\$113,731	\$113,731	\$98,248	13.6%
01022700 - CITY MARSHAL	\$11,766	\$131,107	\$131,107	\$119,341	9.0%
0104 - PARK AND RECREATION	\$367,436	\$3,884,640	\$3,884,640	\$3,517,204	9.5%
01044000 - PARK & REC ADMINISTRATION	\$36,153	\$254,663	\$254,663	\$218,510	14.2%
01044100 - REC PROGRAM ADMIN	\$58,813	\$396,028	\$396,028	\$337,214	14.9%
01044101 - REC PROGRAM CLASSES	\$28	\$5,682	\$5,682	\$5,654	0.5%
01044200 - SPECIAL EVENTS ADMIN	\$14,310	\$208,183	\$208,183	\$193,872	6.9%
01044300 - ATHLETIC PROGRAMMING	\$45,568	\$425,373	\$425,373	\$379,804	10.7%
01044500 - HORTICULTURE	\$23,527	\$176,298	\$176,298	\$152,771	13.3%
01044600 - PARK GROUNDS MAINTENANCE	\$96,228	\$1,327,185	\$1,327,185	\$1,230,957	7.3%
01044800 - BUILDING MAINTENANCE	\$79,632	\$881,280	\$881,280	\$801,648	9.0%
01044900 - SENIOR CENTER	\$13,176	\$204,749	\$204,749	\$191,573	6.4%
01044901 - SENIOR CENTER CLASSES	\$0	\$4,600	\$4,600	\$4,600	0.0%
01044911 - SENIOR CENTER TRIPS	\$0	\$600	\$600	\$600	0.0%
0105 - POLICE	\$1,157,046	\$9,694,511	\$9,694,511	\$8,537,465	11.9%
01055000 - POLICE ADMINISTRATION	\$75,694	\$552,907	\$552,907	\$477,213	13.7%
01055100 - PATROL	\$647,200	\$4,832,383	\$4,832,383	\$4,185,183	13.4%
01055200 - CRIMINAL INVESTIGATION	\$204,077	\$1,492,834	\$1,492,834	\$1,288,757	13.7%
01055300 - ANIMAL CONTROL	\$73,892	\$477,758	\$477,758	\$403,866	15.5%
01055400 - SCHOOL GUARDS	\$12,288	\$85,211	\$85,211	\$72,923	14.4%
01055500 - CRIME PREVENTION	\$19,922	\$151,748	\$151,748	\$131,826	13.1%
01055700 - RECORDS	\$40,348	\$1,319,716	\$1,319,716	\$1,279,368	3.1%
01055800 - DETENTION SERVICES	\$18,946	\$270,000	\$270,000	\$251,054	7.0%
01055900 - POLICE SPECIAL SERVICES	\$64,679	\$511,954	\$511,954	\$447,275	12.6%
0106 - PUBLIC WORKS	\$497,187	\$6,874,523	\$6,939,916	\$6,442,729	7.2%
01066000 - ENGINEERING	\$57,594	\$387,903	\$387,903	\$330,309	14.8%
01066100 - BUILDING INSPECTION	\$60,325	\$507,481	\$549,773	\$489,448	11.0%
01066200 - STREET MAINTENANCE	\$168,511	\$3,543,590	\$3,543,590	\$3,375,079	4.8%
01066300 - TRAFFIC OPERATIONS	\$59,957	\$926,743	\$926,743	\$866,786	6.5%
01066400 - PLANNING	\$18,712	\$159,358	\$159,358	\$140,646	11.7%
01066500 - CODE SERVICES	\$38,251	\$266,308	\$289,409	\$251,158	13.2%
01066700 - EQUIPMENT SERVICES	\$93,837	\$1,083,139	\$1,083,139	\$989,302	8.7%

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND EXPENDITURES AT NOVEMBER 30, 2020

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
0107 - FIRE	\$888,146	\$7,072,886	\$7,072,886	\$6,184,741	12.6%
01077000 - FIRE ADMINISTRATION	\$73,279	\$649,945	\$649,945	\$576,666	11.3%
01077100 - FIRE PREVENTION	\$32,181	\$254,258	\$254,258	\$222,078	12.7%
01077200 - FIRE SUPPRESSION	\$560,306	\$4,330,457	\$4,330,457	\$3,770,150	12.9%
01077300 - ADVANCED LIFE SUPPORT	\$221,378	\$1,697,817	\$1,697,817	\$1,476,438	13.0%
01077500 - EMERGENCY MANAGEMENT ADMIN	\$1,001	\$140,409	\$140,409	\$139,408	0.7%
0108 - NON DEPARTMENTAL	\$10,383	\$589,792	\$594,792	\$584,408	1.7%
01088000 - GENERAL NON DEPARTMENTAL	\$10,383	\$589,792	\$594,792	\$584,408	1.7%
Total Operating Expenses & Transfers Out	\$3,653,144	\$34,266,139	\$34,336,532	\$30,683,388	10.6%

Attachment 1

CITY OF DUNCANVILLE

UTILITY FUND AT NOVEMBER 30, 2020

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
41 - WATER	\$870,776	\$8,216,000	\$8,216,000	\$7,345,224	10.6%
510101 - WATER SALES	\$567,511	\$5,400,000	\$5,400,000	\$4,832,489	10.5%
510102 - WATER TAPS	\$6,259	\$10,000	\$10,000	\$3,741	62.6%
510104 - MULTI-FAMILY WATER SALES	\$77,222	\$770,000	\$770,000	\$692,778	10.0%
510105 - COMMERCIAL WATER SALES	\$124,905	\$1,360,000	\$1,360,000	\$1,235,095	9.2%
510106 - WATER SALES OTHER	\$125	\$1,000	\$1,000	\$875	12.5%
510107 - WATER SALES IRRIGATION	\$74,899	\$510,000	\$510,000	\$435,101	14.7%
510108 - SCHOOL WATER SALES	\$19,855	\$165,000	\$165,000	\$145,145	12.0%
42 - SEWER	\$914,865	\$9,551,600	\$9,551,600	\$8,636,735	9.6%
511101 - SEWER SERVICE	\$613,493	\$6,500,000	\$6,500,000	\$5,886,507	9.4%
511102 - SEWER TAPS	(\$0)	\$3,600	\$3,600	\$3,600	0.0%
511105 - MULTI-FAMILY SEWER SERVICE	\$146,560	\$1,455,000	\$1,455,000	\$1,308,440	10.1%
511106 - COMMERCIAL SEWER SERVICE	\$141,649	\$1,470,000	\$1,470,000	\$1,328,351	9.6%
511108 - SCHOOL WASTEWATER SALES	\$13,162	\$123,000	\$123,000	\$109,838	10.7%
45 - PENALTIES	\$25,146	\$165,000	\$165,000	\$139,854	15.2%
513101 - PENALTIES	\$25,146	\$165,000	\$165,000	\$139,854	15.2%
54 - INTERGOVERNMENTAL	(\$0)	\$600	\$600	\$600	0.0%
504111 - REIMB FOR SUMMIT TANK FROM CH	(\$0)	\$600	\$600	\$600	0.0%
55 - INTEREST	\$7,357	\$120,000	\$120,000	\$112,643	6.1%
505101 - INTEREST ON GOVT POOL INVEST	\$95	\$120,000	\$120,000	\$119,905	0.1%
505103 - CERT OF DEPOSIT INTEREST	\$4,276	(\$0)	(\$0)	(\$4,276)	
505106 - MONEY MARKET INTEREST	\$2,986	(\$0)	(\$0)	(\$2,986)	
59 - OTHER REVENUES	\$23,412	\$169,500	\$169,500	\$146,088	13.8%
509101 - SALE OF FIXED ASSETS	(\$0)	(\$0)	(\$0)	(\$0)	
509301 - REFUNDS FROM TRA	(\$0)	(\$0)	(\$0)	(\$0)	
509401 - SERVICE CHARGES	\$21,755	\$130,000	\$130,000	\$108,245	16.7%
509601 - MISCELLANEOUS	\$200	\$5,000	\$5,000	\$4,800	4.0%
509602 - CASH OVER AND SHORT	\$302	(\$0)	(\$0)	(\$302)	
509609 - RETURN CHECK FEES	\$1,155	\$5,000	\$5,000	\$3,845	23.1%
509611 - SCRAP METAL SALES	(\$0)	\$3,500	\$3,500	\$3,500	0.0%
509612 - CITY SERVICES REIMBURSEMENT	(\$0)	\$26,000	\$26,000	\$26,000	0.0%
Grand Total	\$1,841,556	\$18,222,700	\$18,222,700	\$16,381,144	10.1%

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
002 - UTILITY FUND NON-ORG	\$1,215,037	\$7,290,223	\$7,290,223	\$6,075,186	16.7%
02311000 - UTILITIES ADMINISTRATION	\$48,585	\$384,747	\$384,747	\$336,162	12.6%
02312000 - WATER SERVICES	(\$53,253)	\$4,643,674	\$4,643,924	\$4,697,177	-1.1%
02313000 - WASTEWATER SERVICES	\$907,202	\$5,796,452	\$5,796,202	\$4,889,000	15.7%
02411000 - UTILITIES ACCOUNTING	\$130,897	\$1,091,798	\$1,174,173	\$1,043,276	11.1%
Grand Total	\$2,248,468	\$19,206,894	\$19,289,268	\$17,040,801	11.7%

Attachment 1

CITY OF DUNCANVILLE

SANITATION FUND AT NOVEMBER 30, 2020

	YTD	ORIGINAL	REVISED	YTD LEFT IN	% OF
REVENUES	ACTUAL	BUDGET	BUDGET	BUDGET	ANNUAL
					BUDGET
					YTD
43 - GARBAGE	\$350,501	\$4,168,000	\$4,168,000	\$3,817,499	8.4%
512101 - RESIDENTIAL GARBAGE	\$322,814	\$3,420,000	\$3,420,000	\$3,097,186	9.4%
512104 - LANDFILL COMMERCIAL	(\$0)	\$430,000	\$430,000	\$430,000	0.0%
512105 - COMMERCIAL COLLECT FRANCHISE	\$18,872	\$220,000	\$220,000	\$201,128	8.6%
512106 - COMMERCIAL GARBAGE	\$8,814	\$98,000	\$98,000	\$89,186	9.0%
55 - INTEREST	\$153	\$6,000	\$6,000	\$5,847	2.6%
505101 - INTEREST ON GOVT POOL INVEST	\$153	\$6,000	\$6,000	\$5,847	2.6%
505103 - CERT OF DEPOSIT INTEREST	(\$0)	(\$0)	(\$0)	(\$0)	
Grand Total	\$350,654	\$4,174,000	\$4,174,000	\$3,823,346	8.4%

	YTD	ORIGINAL	REVISED	YTD LEFT IN	% OF
EXPENDITURES	ACTUAL	BUDGET	BUDGET	BUDGET	ANNUAL
					BUDGET
					YTD
019 - SANITATION NON-ORG	\$57,050	\$342,297	\$342,297	\$285,248	16.7%
19011000 - SANITATION ADMIN	\$219,379	\$3,796,084	\$3,796,084	\$3,576,705	5.8%
19012000 - LITTER CONTROL CREW	\$31,951	\$249,188	\$249,188	\$217,237	12.8%
Grand Total	\$308,379	\$4,387,569	\$4,387,569	\$4,079,189	7.0%

Attachment 1

CITY OF DUNCANVILLE

ECONOMIC DEVELOPMENT AT NOVEMBER 30, 2020

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
51 - TAXES	\$3,070	\$2,438,231	\$2,438,231	\$2,435,161	0.1%
501203 - ECONOMIC DEVELOPMENT SALES TAX	\$3,070	\$2,438,231	\$2,438,231	\$2,435,161	0.1%
55 - INTEREST	\$185	\$20,000	\$20,000	\$19,815	0.9%
505101 - INTEREST ON GOVT POOL INVEST	\$185	\$20,000	\$20,000	\$19,815	0.9%
505103 - CERT OF DEPOSIT INTEREST	(\$0)	(\$0)	(\$0)	(\$0)	
Grand Total	\$3,255	\$2,458,231	\$2,458,231	\$2,454,976	0.1%

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
012 - ECONOMIC DEVELOP NON-ORG	\$15,374	\$630,042	\$630,042	\$614,668	2.4%
12011000 - ECONOMIC DEVELOPMENT ADMIN	\$31,092	\$335,478	\$335,478	\$304,386	9.3%
12011100 - KEEP DUNCANVILLE BEAUTIFUL	\$837	\$12,000	\$12,000	\$11,163	7.0%
12011600 - DEBT SERVICE EDC	\$0	\$488,346	\$488,346	\$488,346	0.0%
12011700 - SUSTAINABLE BEAUTIFICATION	\$0	\$15,000	\$15,000	\$15,000	0.0%
12011800 - BEAUTIFICATION	\$13,846	\$126,777	\$126,777	\$112,931	10.9%
12051000 - DESIGN INCENTIVES	\$0	\$190,000	\$190,000	\$190,000	0.0%
12051100 - FAÇADE INCENTIVES	\$0	\$60,000	\$60,000	\$60,000	0.0%
12051200 - GRANTS/REBATE INCENTIVES	\$0	\$0	\$0	\$0	
12052000 - EDC SPECIAL PROJECTS	\$550	\$0	\$202,344	\$201,794	0.3%
Grand Total	\$61,699	\$1,857,644	\$2,059,988	\$1,998,289	3.0%

Attachment 1

CITY OF DUNCANVILLE

FIELDHOUSE FUND AT NOVEMBER 30, 2020

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
48 - SPORTS FACILITY	\$67,900	\$616,000	\$616,000	\$548,100	11.0%
520101 - SPONSORSHIP REVENUE	\$10,900	\$50,000	\$50,000	\$39,100	21.8%
520120 - FOOD SALES	\$19,476	\$157,000	\$157,000	\$137,524	12.4%
520130 - BEVERAGE SALES	\$14,585	\$80,000	\$80,000	\$65,415	18.2%
520140 - MERCHANDISE REVENUE	\$39	\$5,000	\$5,000	\$4,961	0.8%
520170 - OTHER SPORTS ACTIVITY REV	\$15,975	\$68,000	\$68,000	\$52,025	23.5%
520180 - CAMP/AFTERSCHOOL PROG REV	(\$0)	\$226,000	\$226,000	\$226,000	0.0%
520190 - CLASS REVENUE	\$6,925	\$30,000	\$30,000	\$23,075	23.1%
59 - OTHER REVENUES	\$112,674	\$469,390	\$469,390	\$356,716	24.0%
509601 - MISCELLANEOUS	\$55,597	\$80,390	\$80,390	\$24,793	69.2%
509602 - CASH OVER AND SHORT	\$161	(\$0)	(\$0)	(\$161)	
509606 - AUCTION PROCEEDS	(\$0)	(\$0)	(\$0)	(\$0)	
509615 - RENTAL	\$4,449	\$34,000	\$34,000	\$29,551	13.1%
509620 - RENTALS- BASKETBALL	\$49,236	\$325,000	\$325,000	\$275,764	15.1%
509621 - RENTALS- VOLLEYBALL	\$3,230	\$30,000	\$30,000	\$26,770	10.8%
81 - OTHER FINANCE SOURCE	(\$0)	\$537,800	\$537,800	\$537,800	0.0%
801129 - TRANSF IN DCEDC	(\$0)	\$537,800	\$537,800	\$537,800	0.0%
Grand Total	\$180,574	\$1,623,190	\$1,623,190	\$1,442,617	11.1%

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
456 - FIELDHOUSE NON-ORG	\$0	\$538,300	\$538,300	\$538,300	0.0%
45601000 - FH ADMIN/OPS	\$89,125	\$924,580	\$924,580	\$835,455	9.6%
45602000 - FH CAFÉ/ FOOD COURT	\$7,410	\$131,740	\$131,740	\$124,330	5.6%
45602500 - FH GENERAL STORE	\$0	\$3,750	\$3,750	\$3,750	0.0%
45651100 - FIELDHOUSE CAMPS	\$0	\$83,500	\$83,500	\$83,500	0.0%
45651200 - FIELDHOUSE CLASSES	\$0	\$0	\$0	\$0	
45651300 - FIELDHOUSE OTHER ACTIVITIES	\$539	\$9,550	\$9,550	\$9,011	5.6%
Grand Total	\$97,074	\$1,691,420	\$1,691,420	\$1,594,346	5.7%

Attachment 1

CITY OF DUNCANVILLE

COMPREHENSIVE SELF-INSURANCE FUND AT NOVEMBER 30, 2020

	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
REVENUES					
46 - PREMIUMS AND OTHER	\$77,938	\$468,205	\$468,205	\$390,267	16.6%
514107 - GENERAL FUND CONTRIBUTIONS	\$63,319	\$380,489	\$380,489	\$317,170	16.6%
514108 - UTILITY FUND CONTRIBUTIONS	\$8,644	\$51,861	\$51,861	\$43,217	16.7%
514109 - HOTEL TAX FUND CONTRIBUTIONS	\$593	\$3,557	\$3,557	\$2,964	16.7%
514110 - EDC FUND CONTRIBUTIONS	\$1,938	\$11,628	\$11,628	\$9,690	16.7%
514111 - SANITATION FUND CONTRIBUTIONS	\$1,469	\$8,812	\$8,812	\$7,343	16.7%
514112 - DRAINAGE FUND CONTRIBUTIONS	\$791	\$4,743	\$4,743	\$3,953	16.7%
514113 - FIELDHOUSE FUND CONTRIBUTIONS	\$1,186	\$7,115	\$7,115	\$5,929	16.7%
55 - INTEREST	\$90	\$6,000	\$6,000	\$5,910	1.5%
505101 - INTEREST ON GOVT POOL INVEST	\$90	\$6,000	\$6,000	\$5,910	1.5%
Grand Total	\$78,029	\$474,205	\$474,205	\$396,176	16.5%

	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
EXPENDITURES					
008 - COMPREHENSIVE INSURANCE NONORG					
700446 - INSURANCE PREMIUMS TML	\$321,011	\$365,141	\$365,141	\$44,130	87.9%
700455 - WORKERS COMPENSATION CLAIMS	\$0	\$280,000	\$280,000	\$280,000	0.0%
700456 - LIABILITY CLAIMS	\$0	\$61,200	\$61,200	\$61,200	0.0%
Grand Total	\$321,011	\$706,341	\$706,341	\$385,330	45.4%

Attachment 1

CITY OF DUNCANVILLE

ONE-TIME PROJECTS AT NOVEMBER 30, 2020

	DESCRIPTION	DEPT	PROJECT TO DATE ACTUAL	TOTAL PROJECT BUDGET	TOTAL REMAINING BUDGET	PROJECT FINANCIAL STATUS
1	FY18 ZONING ORDINANCE UPDATE	PW	129,099	150,000	20,901	
2	FY19 ROOF REPLACEMENT	PARKS	678,875	1,637,250	958,375	
3	FY19 PUBLIC WORKS ERP SYSTEM	PW	182,564	226,000	43,436	
4	FY19 US 67 GATEWAY SIGNAGE	PW	24,000	500,000	476,000	
5	MAIN ST CORRIDOR STUDY	PW	-	150,000	150,000	
6	FY 20 SECURITY UPGRADES (CAMERAS)	GEN GOV	-	115,000	115,000	ON HOLD
7	FY 20 PYBURN PARK FITNESS EQUIPMENT	PARKS	43,574	50,000	6,426	
8	FY 20 BI LASERFICHE	PW	-	10,000	10,000	
9	FY 20 FUEL TANKS	PW	11,797	141,508	129,711	
10	FY 20 LED LIGHTING AMPHITHEATRE	PARKS	-	20,000	20,000	ON HOLD
11	FY20 & FY21 RESERVED FOR P-25 COMPLIANT RADIOS	POL/FIRE	-	1,188,003	1,188,003	
	TOTAL ONE TIME PROJECT BUDGET		\$1,069,909	\$4,187,761	\$3,117,852	

Unallocated Budget - Savings/(Overages) from Completed Projects \$85,613

Note: Completed projects are highlighted in yellow.