Duncanville City Council Meeting Agenda

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

AMENDED

Tuesday, February 15, 2022

6:00 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, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, February 15, 2022, 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 in person and video conference.

Due to limited seating in council chambers, persons or participants may attend by video conference in order to maintain safe social distance as provided in this notice.

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, February 15, 2022, email citysecretary@duncanville.com and title the email. "Public Comment – February 15th. You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

In order for your Comments to be read the following information is required:

- **Email title: Public Comment – February 15th;**
- **First and Last Name;**
- **Address; and**
- **State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.**

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_LZGmT_AYQxuPcHXv4GtYrw

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.

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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 upcoming improvements to Armstrong Park through the 2018 Parks Bond Election. 5 - 6

Improvements to Armstrong Park

EXECUTIVE SESSION

1. "City Council shall convene into closed executive session pursuant to Section 551.087 of the Texas Government Code to deliberate and conduct business negotiations for an offer of a financial or other incentives to a business prospect to locate, stay, expand or improve a development within the territorial limits of the City."

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 - First Presbyterian Church, Ginger Hertenstein Conley

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. Recognition of Mayor's City Champion.

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"

At this time, two-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. In accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time. Issues may be referred to City Staff for research and possible future action.

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, February 15, 2022, email citysecretary@duncanville.com and title the email. "Public Comment – February 15th. You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

In order for your Comments to be read the following information is required:

- **Email title: Public Comment – February 15th;**
- **First and Last Name;**
- **Address; and**
- **State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.**

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 Date, Year City Council Regular Meeting. 7 - 41

2021-10-19 - City Council - Minutes - UNAPPROVED
2021-12-07 - City Council - Minutes - UNAPPROVED
2021-12-21 - City Council - Minutes - UNAPPROVED
2022-01-18 - City Council - Minutes - UNAPPROVED
2022-01-24 - Special Meeting - City Council - Minutes - UNAPPROVED

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider an Ordinance amending Chapter 16A "Sign Guidelines", Article II 'Definitions', Section 16A-5 'Definitions' by amending definition for 'Canvassing', by amending the definition from 'Electioneering Sign' to 'Election Sign'; by amending the definition of 'Political Sign'; by amending Chapter 16A "Sign Guidelines", Article VIII 'Rules for Specific Sign Types', Section 16A-35 'Political Signs' by repealing Section 16A-35 in its entirety and replacing it with a new Section 16A-35 'Political and Election Signs'. 42 - 47

Political Signs

B. Consider amending Ordinance 2420 by deleting an Assistant Chief Position under Civil Service in the Police and Fire Departments; repealing all Ordinances in conflict herewith. 48 - 50

Classified Positions under Civil Service

C. Consider a Resolution to confirm the appointment of Mark LiVigni as Police Chief effective February 15, 2022. 51 - 57

Confirmation of Interim Police Chief

D. Consider a Resolution approving Amendment No. 1 to the Interlocal Agreement with the City of Dallas for Intersection Traffic Control Operations and Maintenance. 58 - 68

Intersection Traffic Control Operations and Maintenance

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

6. STAFF AND BOARD REPORTS

A. Receive the Library Quarterly Report. 69 - 77

Library Quarterly Report

B. Receive the Fiscal Year 2022 First Quarter Investment Report as of December 31, 2021. 78 - 87

First Quarter Investment Report

C. Receive Police Department 2021 Racial Profiling Report. 88 - 131

Racial Profiling Report 2021

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: **Friday, February 11, 2022 at 5:00 P.M.** and remained posted for at least two hours after said meeting was convened.

Kristin Downs, City Secretary

"Guns prohibited on these premises by state law unless licensed under Chapter 411, Tex. Gov. Code. Section 46.035 Texas Penal Code."

"Las armas de fuego están prohibidas en estas instalaciones por la ley estatal a menos que estén autorizadas bajo el Capítulo 411 del Código de Gobierno de Texas. Sección 46.035 del Código Penal de Texas."

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Discuss upcoming improvements to Armstrong Park through the 2018 Parks Bond Election.

FY 2019 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:
Bart Stevenson, Director of Parks and Recreation

BACKGROUND/HISTORY:
The citizens of Duncanville approved the Park Bond Election on November 18, 2018. Included in the park bonds is $2,250,000 for the replacement of the Kidsville playground and the construction of a new splash pad in Armstrong Park. Utilizing the services of Dunaway and Associates, design for the park improvements began immediately following the issuance of funding in 2019. Following design, City staff submitted the project to Texas Parks and Wildlife for consideration for Local Grant Funding. In 2020, Texas Parks and Wildlife informed the City they selected the Armstrong Park project for grant funding in the amount of $749,805. Federal funds support the grant funding through the Department of Interior. An agreement with the Department of Interior and Texas Parks and Wildlife was required prior to any procurement or construction activities by the City. After many delays between those organizations, that agreement is now complete, and the City has received the approval to move forward with the project.

The staff has been working with the selected vendors for the project and anticipate bringing forward construction contracts to the City Council in the near future for consideration of approval. Since much time has elapsed due to the prolonged grant process, staff has asked Dunaway and Associates to provide an overview of the project to Council and answer any questions prior to the next procurement step. It should also be noted that the City will be retaining portions of the existing Kidsville playground to utilize in memorializing the city-wide efforts for its construction in 1989.

POLICY EXPLANATION:
There are no policies involved with this item. It is for informative purposes prior to the procurement of park improvements.

FUNDING SOURCE:

ORG and Object Number
N/A

Available Budget	Purchase Amount	After Encumber
$0.00	$0.00	$0.00

ACTION ALTERNATIVES:
N/A

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, October 19, 2021

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, October 19, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremey Koontz
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Councilmember Mark D. Cooks – 6:20 p.m.

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To speak by video conference during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, October 19, 2021, email citysecretary@duncanville.com and title the email "Public Comment – May 18th. You will need to register with the link below and attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow attendance in person 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 or unable to attend in person.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_LZGmT_AYQxuPcHXv4GtYrw

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

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I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Item 4B - adopting the Texas Term Sheet and its Intrastate Allocation Schedule regarding the Global Opioid Settlement. The Texas Attorney General's Office sued Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson for manufacturing and distributing opioids. They have reached a settlement that provides payments to the City for opioid abatement. The City has been allocated $58,328.00. The funds that the City receives must be used to support a wide variety of strategies to fight the opioid crisis. This settlement does not affect the multidistrict litigation or claims made against Mallingkrodt or Purdue Pharma, as those are still ongoing. The amounts allocated to the City are not subject to negotiation. However, additional funds may be received through the Health Care Region Allocation. There will be grants for which the City can apply to obtain additional funds for opioid abatement. Item 4C - authorizing the purchase of Rubrik backup hardware and software from CDW Government through Promark GSA Contract Schedule GS-35F-303DA in the amount of $84,795.00. We currently utilize Rubrik for data backups, and the hardware device has reached the end of life and end of support. This purchase will move us to a subscription-based plan that includes evergreen hardware wherein the hardware used to power our data backup solution is replaced every three years free of charge. We currently budget annually for maintenance and support of our Rubrik device. The subscription plan will change this

from an annual budgeted item to every three years and be included in the IT replacement fund.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. ***Consider and deliberate whether or not to direct the Economic Development Corporation to initiate an online community survey of open green space and suggestions for the use and development of the Charles F. Ladd property or other undeveloped municipal real property.***
Item requested by Councilmember Koontz.
Economic Development Director Garcia spoke on the proposed survey language.

1. Regarding the City-owned Ladd Property at 609 W Danieldale Road, are you in favor, opposed, or indifferent to commercial or residential development?
2. Generally, are you in favor, opposed, or indifferent to commercial or residential development of undeveloped green spaces owned by the City of Duncanville?
3. On a scale of 1 to 10 (1 being not important at all, 10 being major priority), how important is it to you that the City of Duncanville preserves undeveloped green spaces?
4. Are you in favor, opposed, or indifferent to a Nature Preserve located in the City of Duncanville?
5. Have you, in the last 12 months, visited a park or nature preserve outside the City of Duncanville? Name of park/preserve? What City? Did you shop, eat, or make other purchases while visiting this City?
6. Please provide other thoughts you may have on the use of undeveloped green spaces owned by the City of Duncanville.

Mayor Gordon voiced his concerns on the survey and felt a professional service should write the survey questions and reference the 42 acres gifted to the City.

Several Councilmember voiced their concerns on the financial impact to the citizens to maintain the property and turn the property into a park.

Councilmember McBurnett suggested a more in-depth discussion on the property at the Council Retreat.

Councilmember Koontz voiced his support in turning the Ladd property into a nature preserve and exploring opportunities.

Councilmember McBurnett asked the City Attorney if citizens walking around the property would cause a liability to the City.

City Attorney Hager stated the property is City-owned property; unless you know of a known danger, you have to warn of a known danger and do not have a duty to make safe. But there is liability attached. If the property were a designated park, you have the protection of the Texas Parks and Wildlife Code which allows immunity for the use of the park.

City Council concluded to have a professional assessment for the best use of the property and to hear from the citizens.

City Attorney Hager suggested staff post signs to enter at own risk from a liability standpoint. The Ladd property is not a park; it is a property the City owns.

City Manager Ferrell-Benavides stated staff would work on the survey questions. The Economic Development Department would look into three concepts and then provide those options to Council. After Council review, staff would then bring those concepts to the Citizens.

I.2.B. ***Receive a presentation on the City of Duncanville's current "loud and raucous noise" ordinance (Ordinance 1794 § 1), relating to citizen quality of life, and obtain direction for the possibility of revamping or amending the ordinance in the future.***

Interim Police Chief LiVigni presented the item.

Best Southwest City "Noise" Ordinances

City of Duncanville – Loud and Raucous Noise (Article I., Sec. 12-3)

- Offensive to a reasonable person of normal sensibility
- Provides some examples but list is not all-inclusive
  - Specifically makes a prohibition from 10:00 p.m. – 7:00 a.m.

City of Cedar Hill – Loud Noises Prohibited (Article II., Sec. 14-21)

- Offensive to a reasonable person of normal sensibility
- Provides some examples but list is not all-inclusive
  - Specifically makes a prohibition from 11:00 p.m. – 6:00 a.m.

City of DeSoto – Noise Nuisances (Article 8.400)

- Offensive to ordinary sensibilities of the inhabitants of the city
- Provides more extensive list but is not all-inclusive
  - Provides specific time prohibitions tied to weekdays and each weekend day
- Provides for defenses to prosecution

City of Lancaster – Noise (Article 14.04)

- Offensive to a reasonable person of normal sensibility
- Provides some examples but list is not all-inclusive
  - Specifically makes a prohibition from 10:00 p.m. – 6:00 a.m.

Texas Penal Code 42.01 – Disorderly Conduct

42.01(c) For purposes of this section:

- an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and
- (2) a noise is presumed to be unreasonable if the noise exceeds a <u>decibel level of 85</u> (specifically objective)
  - after the person making the noise <u>receives notice</u> from a
    - <u>magistrate</u> or <u>peace officer</u> that the noise is a public nuisance

Decibel readers should be calibrated.

Objective Reasonableness Standard

- Martinez v. State of Texas 323 S.W.3d 493 Tex. Crim. App. 2010 – "A judge must be afforded some discretionary authority to take into account the specific facts involved in a particular case and tailor the "reasonable requirements…"
- Considerations to applying subjectivity to court's "Objective reasonableness standard."
  - Volume
  - Time of day
  - Type of noise
  - Duration

Councilmember Contreras questioned if an Ordinance referred to specific Decibel levels would an application on the phone with an Officer work. City Attorney Hager stated it probably would not. Councilmember Contreras questioned where the decibel readings would be done at the origin of sound or where the complaint has come from. Interim Chief LiVigni and City Attorney Hager stated the reading would be from the property line.

City Attorney Hager and Interim Chief LiVigni stated we need help from citizens, and residents need to come to court and testify.

I.2.C. ***Discussion on the usage of 103 E Wheatland Rd, Duncanville, TX 75116.***
It was moved until after Individual Consideration.

Executive Session was moved until after Staff and Board Reports.

Mayor Gordon recessed the Briefing Session at 6:58 p.m.

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 551.071 of Texas Government Code to seek legal advice from City Attorney regarding EMS Agreement by and between City of Dallas and City of Duncanville."***

II.2 ***"City Council shall convene into closed executive session pursuant to Section 551.074, Personnel Matters, of the Texas Government Code to discuss the appointment and process of a public officer or employee to wit: Police Chief."***

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 7:05 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Rev. Dr. Ginger Hertenstein, First Presbyterian Church.

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

III.1. **REPORTS**

III.1.B. ***Councilmembers' Reports***
Item was moved before the Mayor's Report.
Councilmember McBurnett spoke on the PIP Program and their hard work and commitment to the program.

Councilmember Cooks requested a moment of silence for General Colin Powell

Councilmember Contreras spoke on the PIP Program, and Betty Dunn's hard work and commitment.

III.1.A. ***Mayor's Report.***
Recognition of City Champion.
Mayor Gordon encouraged everyone to attend:
Coffee with the Mayor
October 27, 2021
Senior Center
8:30 a.m.

Mayor Gordon recognized Allen Conley as a City Champion.

Mayor Gordon recognized the 139th Birthday of the City of Duncanville.

Mayor Gordon recessed Regular Session at 7:25 p.m.

Mayor Gordon reconvened Regular Session at 7:36 p.m.

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides spoke on the following:

- The Police Department will hold a National Drug Take-Back event on Saturday, October 23, 2021, from 10:00 a.m. to 2:00 p.m., at the Duncanville Police Department located at 203 E. Wheatland Rd., Duncanville, Texas, 75116. Citizens are encouraged to bring in unused

or out-of-date medications for proper disposal. We will not take any needles or inhalers.

- The Recreation Center will be hosting the annual Boo Bash on Friday, October 29, 7:00 PM to 9:00 PM. The event is free and there will be lots of fun activities, costume contests, crafts, and candy for kids of all ages.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Proclamation Recognizing October 2021 as Domestic Violence Awareness Month.***
Mayor Gordon read the proclamation.

III.2.B. ***Proclamation recognizing October 2021 as National Community Planning Month.***
Councilmember Contreras 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 address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting.

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

Thomas Lackey – submitted a comment on the Ladd Property.

Alice Rodriguez – submitted a comment on the Ladd Property.

Hannah Olsen - submitted a comment on the Ladd Property.

Patricia Ebert - submitted a comment on the Ladd Property.

Mark Croysdale, 1215 Wellington Dr. – Spoke on the Ladd Property.

Judy Smithey, 1806 Cedar Hill Rd. - spoke on the selection of Chief of Police.

Grady Smithey, 1806 Cedar Hill Rd. – spoke on the selection of Chief of Police and a road project.

Gale Sliger, 1405 S. Main St. - spoke on the selection of Chief of Police.

Mark Graham, 410 Santa Fe Trail – spoke on the Ladd Property.

Erika Browning, 442 E. Cherry St – spoke on the selection of Chief of Police and the Ladd Property.

Stan Smith, 344 Fouts Ave – spoke on the selection of Chief of Police.

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 June 15, 2021, City Council Regular Meeting, June 22, 2021, City Council Special Meeting, June 29, 2021, City Council Budget Workshop, and the June 30, 2021, City Council Budget Workshop.***

III.4.B. ***Consider a Resolution adopting the Texas Term Sheet and its Intrastate Allocation Schedule regarding the Global Opioid Settlement.***

III.4.C. ***Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing a purchase of Rubrik backup hardware and software, from CDW Government through Promark GSA Contract Schedule GS-35F-303DA in the amount of $84,795.00.***

Councilmember 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. ***Conduct a Public Hearing (2021-20) for consideration and action regarding the request of Jose Garcia, Applicant and Owner, to include a Specific Use Permit "SUP" to allow for the use of Truck Repair on Woodhaven, Block 2, Lot 3, approximately 0.92 acres, more commonly known as 410 E Red Bird Lane.***

City Planner Thibodeaux presented the item.

Request

- A Specific Use Permit “SUP” to allow for the use of Truck Repair on Woodhaven, Block 2, Lot 3, approximately 0.92 acres, more commonly known as 410 E. Red Bird Ln., Duncanville, Dallas County, Texas
- Jose Garcia, Owner, and Applicant

Project Scope

- Request to allow the use of Truck Repair
- The subject property is composed of an existing structure and parking area with a surrounding perimeter fence in the front along E. Red Bird Ln
- No site or structural modifications are proposed with this request
- Vehicle repair and service activity to take place inside an existing structure with the exterior parking area being used to stage vehicles in a queue for repair and/or service
- Potential outside storage will have to be screened per Section 4.07.C.6. (Outside Storage Screening) of the Zoning Ordinance. The existing fence can be modified to block views from the right-of-way

Planning & Zoning Recommendation

At the September 27, 2021, Planning & Zoning Commission Meeting, the Commission recommended approval subject to the following:

- Outside storage shall be in conformance with Section 4.07.C.6. (Outside Storage Screening) of the Zoning Ordinance.
- The SUP shall be required to be renewed five years after the adoption of the SUP Ordinance.

Note: staff recommends the renewal period be reduced to 2 years and, upon renewing, the SUP application fee be waived.

Mayor Gordon opened the Public Hearing at 8:10 p.m.

No one spoke.

Mayor Gordon read a text message he received on October 18, 2021, via text message from Frances Rizo in opposition to Industrial Businesses.

Councilmember Mark D. Cooks made a motion to close the Public Hearing, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Motion passed.

Mayor Gordon closed the Public Hearing at 8:13 p.m.

Council discussed possible tabling of the item and their reasons on why they would not be in favor of supporting the SUP.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremey Koontz seconded the motion. The vote was cast 0 for, 7 against (Mayor Barry L. Gordon, Mayor Pro Tem Patrick Harvey, Councilmember Joe Veracruz, Councilmember Don McBurnett, Councilmember Jeremey Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras). Item denied.

III.5.B. ***Consider a Resolution confirming the City Manager's appointment of Nigel Robinson as a member of the Duncanville Civil Service Commission for three (3) year term through October 31, 2024.***
City Manager Ferrell-Benavides presented the item.

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

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

I.2.C. ***Discussion on the usage of 103 E Wheatland Rd, Duncanville, TX 75116.***
City Manager Ferrell-Benavides presented the item.

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Police Department Quarterly Report.***
Interim Police Chief LiVigni presented the item.

III.6.B. ***Receive the Fire Department Quarterly Report.***
Fire Chief Rohde presented the item.

III.6.C. ***Receive the Monthly Financial Report as of August 31, 2021.***
Financial Services Managing Director Atmore presented the item.

Mayor Gordon recessed Regular Session at 9:53 p.m.

II. <u>EXECUTIVE SESSION</u>

The Executive Session was called into session at 10:01 p.m. and City Attorney Hager read the item into record.

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.071 of Texas Government Code to seek legal advice from City Attorney regarding EMS Agreement by and between City of Dallas and City of Duncanville."***

II.2 ***"City Council shall convene into closed executive session pursuant to Section 551.074, Personnel Matters, of the Texas Government Code to discuss the appointment and process of a public officer or employee to wit: Police Chief."***

The Council closed the Executive Session at 11:42 p.m

Mayor Gordon reconvened Regular Session at 11:44 p.m.

III.5.C. ***Take any necessary action as a result of the Executive Session.***
No action taken.

IV. ADJOURNMENT

The meeting was adjourned at 11:45 p.m.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 7, 2021

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, December 7, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Councilmember Jeremey Koontz – 6:04 p.m.
Councilmember Mark D. Cooks – 6:02 p.m. via ZOOM

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, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, December 7, 2021, 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 in person and video conference.

Due to limited seating in council chambers, persons or participants may attend by video conference in order to maintain safe social distance as provided in this notice.

To speak during Citizen Comments via ZOOM, you must register with the City Secretary before 4pm on Tuesday, December 7, 2021, 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 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.

To speak during the Public Hearing on Agenda Item 5A and 5B via ZOOM, you must register with the City Secretary before 4pm. When the Public Hearing is opened by the Mayor, you will need to use the "raise your hand" option that is provided by ZOOM. If you are calling in and would like to speak, press *9 on your phone's dial pad to "raise your hand". You may also submit your comments in advance in accordance with the guidelines for "Public Comments".

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_KzZk3yVET3igoqrrmSL5-g

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

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Item 4C - supporting and adopting the City of Duncanville Investment Policy.

A few minor adjustments were made to keep it up to date with current Investment Act standards and evolving terminology.

Some of the changes include:

- Section 5 regarding investment responsibility and delegation of authority. Revised Investment Officer positions.
- Deletion of a paragraph in Section 7 regarding diversification
- Substitution of the words "City" for "Investment Officer" in Section 6 to comply with PFIA.
- Added Municipal Bonds as an authorized investment in Section 6.1.5.
- Page 9 – Sections on Investment Strategy deleted and moved to Attachment A

- Page 12 – Title changes from Director of Finance to Managing Director of Financial Services.
- Attachment A - Historical market "spreads" between the bid and offer prices of a particular security type of less than ten basis points will define an efficient secondary market. (4 occurrences in Attachment A)

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. ***Discuss a pilot program to allow youth bicycles on the trail at Red Bird Park.***
Parks and Recreation Director Stevenson presented the item.

Council concluded to continue with a trial period.

I.2.B. ***Discuss Annual City Council Calendar.***
City Secretary Downs presented the item.

Council concluded the following:

- January 4th Regular Council Meeting – canceled
- January 6th Special Council Meeting – legal update and City Manager evaluation
- January 10th Joint Meeting with the Park Board
- January 24th Special Meeting
- January 31st Special Meeting – Rules of Procedures
- City Secretary to reach out to Consultant Mike Conduff for Special Meeting in February
- February 28th Joint Meeting with the P&Z and DCEDC Boards

I.2.C. ***Introduction and Receive the Neighborhood Services Quarterly Report.***
Neighborhood Services Manager Tennant presented the item.

Mayor Gordon stated Executive Session will be moved until after Staff and Board Reports.

Mayor Gordon recessed the Briefing Session at 6:55 p.m.

II. <u>EXECUTIVE SESSION</u>

II.1 ***"City Council shall convene into closed executive session to consult with the City Attorney pursuant to the to Section 551.071 of the Texas Government Code concerning a claim and/or threaten litigation involving real property located at 608 HWY 67, Duncanville, TX 75137"***
Executive Session was moved until after Staff and Board Reports.

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

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 Pastor Brown, Greater Bethlehem Baptist Church.

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

III.1. REPORTS

III.1.A. ***Mayor's Report.***
Mayor Gordon offered his condolences to Mesquite Police Officer Richard Lee Houston.

Mayor Gordon invited all citizens to attend the Senior Center Choir performance on December 15th and to attend the Annual Christmas Parade.

III.1.B. ***Councilmembers' Reports***
Councilmember Cooks encouraged all District 4 citizens to decorate their homes and send pictures to mcooks@duncanville.com for his Holiday Light Contest.

Councilmember McBurnett encouraged all citizens to attend:
KDB Clean-Up Event
Harrington Park
December 11, 2021
8:00 a.m. – 11:00 a.m.

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides spoke on the upcoming Annual Christmas Parade and the "Santa Cop" Program.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Presentation from TCAP, Founding Member Trophy.***
Margaret Somereve presented the award.

III.2.B. ***Presentation of City Champion.***
Mayor Gordon presented Dr. Mike Miner as the City Champion.

III.2.C. ***Recognition of Officer Sisk.***
Rita Cooks presented an award to Officer Doug Sisk for Representative Sherman.

III.2.D. ***Recognition of Keep Duncanville Beautiful Winter 2021 Curb Appeal Residential Properties.***
Keep Duncanville Beautiful Liaison Hamilton presented the item.

- District 1 - Rudolfo, Jr. and Adriana Baltazar - 1215 Fawn Ridge Dr.
- District 2 - Gregorio and Brennan Guerrero - 307 W Cherry St
- District 3 - Victor Gutierrez - 822 Granada Dr.
- District 4 - Allan & Amelia Bunte - 606 Timber Trail
- District 5 - David and Angelica Cardoza - 511 Woodhaven Blvd.

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 address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting.

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

Judith Craven – submitted a comment on the Ladd Property.

Ruth Smith – submitted a comment on the Ladd Property.

Betty Taylor – submitted a comment on the Ladd Property.

Brandi Villarreal – submitted a comment on the Ladd Property.

No name – submitted a comment on concerns of a rental property in Greenbrier Estate.

Patricia Ebert – submitted a comment on Agenda Item 4A.

Judy Smithey, 1806 Cedar Hill Road – spoke on the trash collection system.

Grady Smithey, 1806 Cedar Hill Road – spoke on the trash collection system.

Mark Graham, 410 Santa Fe Trail – spoke on the Ladd Property.

Marci Buck, 1310 Green Hills Road – spoke on the Ladd Property.

Michael Wesley, 331 Cedar Creek – spoke on the Ladd Property.

Deniz Unal, 1014 Briar Hill Circle – submitted a card in support of the Ladd Property.

Corrina Unal, 1014 Briar Hill Circle – submitted a card in support of the Ladd Property.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider Resolution approving a Grant of Hotel Occupancy Tax in the amount of $18,000.00 to the Duncanville Chamber of Commerce to directly enhance and promote tourism and the Hotel Industry; conditional upon approval in the FY 21-22 Budget.***
Item tabled until the December 21, 2021 City Council Meeting.

III.4.B. ***Consider a Resolution approving a Grant of Hotel Occupancy Tax in the amount of $32,000.00 to the Duncanville Community Theatre to directly enhance and promote tourism and the hotel industry.***

III.4.C. ***Consider a Resolution supporting and adopting the City of Duncanville Investment Policy.***

III.4.D. ***Consider a Resolution authorizing a renewal to D&A Building Services, Inc. for a one-year janitorial services at the Duncanville Fieldhouse in the amount not to exceed $93,500.00.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing (2021-28) for consideration and action regarding the request of Tal Ifrah of Goldnest LP, Applicant, representing Yaniv Gavish, Owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Greenbriar Estates 5th Section, Block D, Lot 12, more commonly known as 1039 Wind Ridge Drive, City of Duncanville, Dallas County, Texas.***
Economic Development Director Garcia presented the item.

Request

- Tal Ifrah of Goldnest LP, Applicant, representing Yaniv Gavish, Owner, requesting a SUP for Short-Term Rental on the Greenbriar Estates 5th Section, more commonly known as 1039 Wind Ridge Dr, City of Duncanville, Dallas County, Texas.

Project Scope

- Request to allow for the use of Short-Term Rental.
- The site contains an existing single-family residence, approximately 3,900 square feet in floor area.
- Exterior features include a pool in the rear yard, landscaping, and a circular drive.

Comprehensive Plan

- Future Land Use Plan Map designates the property as Low-Density Residential.
- Comp Plan states, "low-density residential areas generally range between three and five dwelling units per acre."
- The plan notes these areas represent housing and living units for people with a range of incomes and needs.
- The plan also notes these areas should be protected from, but accessible to, the major roadway network.

Notification

Fifteen (15) notices were sent out for this public hearing. Today, five (5) responses have been received against the item, along with several other

responses from property owners outside of the 200' notification buffer. Staff did receive one email supporting the request from outside the buffer.

Zoning & Land Use Considerations for SUPs

Section 6.05 of the Zoning Ordinance states, in considering an application for SUP, the P&Z Commission and City Council shall consider that the proposed use is:

- Consistent and compatible with the adjacent land use and zoning.
- Consistent with the architecture and characteristics of the adjacent properties.
- May promote innovative use of modern development concepts without having an adverse impact on adjacent properties.
- Consistent with the goals and objectives of the City of Duncanville.
- An enhancement or improvement beyond the minimum standards set forth by the Zoning Ordinance.
- Will not be detrimental to the general health, safety, and welfare of the community.
- Would stabilize and improve property values within the City of Duncanville.
- Would protect and enhance the city's attractiveness to residents, businesses, tourists, and visitors.
- Would strengthen and help diversify the economy of the City of Duncanville.

Planning & Zoning Commission Recommendation

At the November 8, 2021, Planning & Zoning Commission Meeting, the Commission recommended denial of the request by a vote of 7-0.

Mayor Gordon opened the Public Hearing at 7:56 p.m.

In favor:
No one spoke.

Opposed:

DeMonica Gooden, 1518 Natalie Lane – spoke against.

Mary Nance, 1503 Green Tree – spoke against.

Edwin Leffall, 1506 Green Tree Lane – spoke against.

Mari Buck, 1310 Green Hills – spoke against.

Deniz Unal, 1014 Briar Hill Circle – submitted a card in opposition.

Brent and Roberta Houser, 1514 Natalie Lane – submitted a card in opposition.

Vickie Higgins, 1306 Fawn Ridge – submitted a card in opposition.

Stephen Steinbruegge, 1610 S. Greenstone Lane – submitted a card in opposition.

Tania Steinbruegge, 1610 S. Greenstone Lane – submitted a card in opposition.

Corrina Unal, 1014 Briar Hill Circle Deniz Unal, 1014 Briar Hill Circle – submitted a card in opposition.

Mayor Gordon read the comments submitted via email; Stuart Bohannon and Juanita Bernal.

Mayor Pro Tem Patrick Harvey made a motion to close the Public Hearing, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 8:09 p.m.

Council voiced their concerns.

City Attorney Hager stated that since the item was denied by the Planning & Zoning Commission, the Council needed at 6/7 vote to pass the Ordinance.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremey Koontz seconded the motion. The vote was cast 0 for, 7 against (Mayor Barry L. Gordon, Mayor Pro Tem Patrick Harvey, Councilmember Joe Veracruz, Councilmember Don McBurnett, Councilmember Jeremey Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras). Item failed.

III.5.B. ***Conduct a Public Hearing to consider adoption of an Ordinance approving the redistricting of the single member City Council Districts and establishing new single-member district boundary lines for City Council Elections based on 2020 Census Data; and providing for an effective date.***

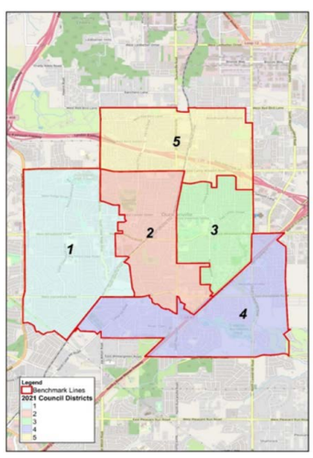
Economic Development Director Garcia presented the item.

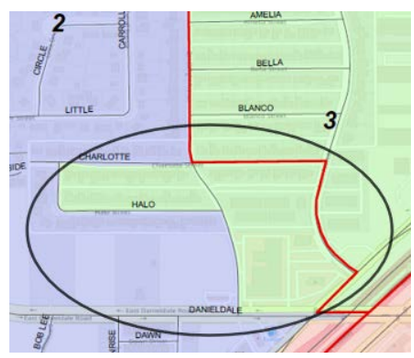
On November 30, 2021, City Council held a special called council meeting where the following occurred:

- Initial Assessment
- Adopt plan criteria, guidelines
- Develop illustrative plan(s)
- Proposed Plan D
- Adoption Date: January 12th

(30 days before Election Filing Deadline)

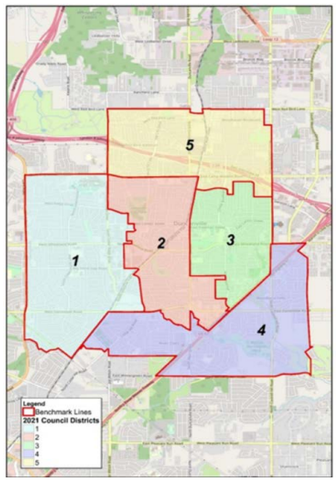
Plan A – District 2 and 3 – Impact

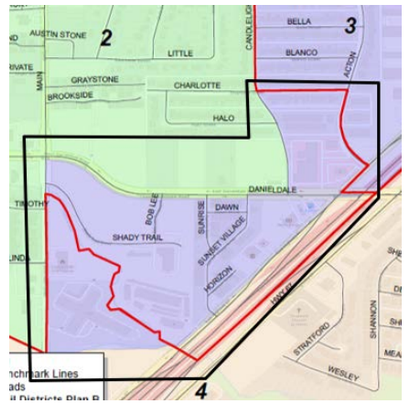




District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	6,252	1,711	27.37%	2,146	34.33%	2,078	33.24%	124	1.98%	12	0.19%	0	0.00%	32	0.51%	150	2.40%
2	6,136	2,607	42.49%	1,720	28.03%	1,564	25.49%	66	1.08%	31	0.51%	5	0.08%	15	0.24%	128	2.09%
3	5,719	2,770	48.44%	1,304	22.80%	1,443	25.23%	74	1.29%	19	0.33%	1	0.02%	7	0.12%	101	1.77%
4	6,472	2,092	32.32%	1,316	20.33%	2,767	42.75%	119	1.84%	15	0.23%	3	0.05%	11	0.17%	147	2.27%
5	5,666	2,846	50.23%	1,316	23.23%	1,238	21.85%	98	1.73%	21	0.37%	2	0.04%	25	0.44%	119	2.10%
TOTALS:	30,245	12,026	39.76%	7,802	25.80%	9,090	30.05%	481	1.59%	98	0.32%	11	0.04%	90	0.30%	645	2.13%

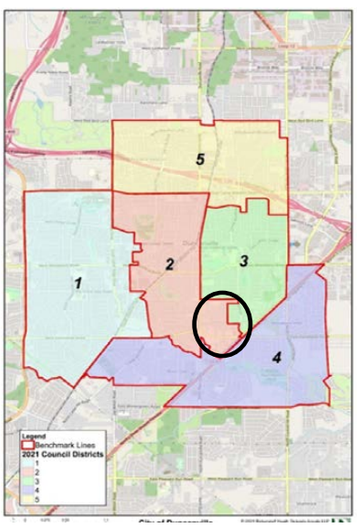
Plan B – District 2, 3 and 4 – Impact

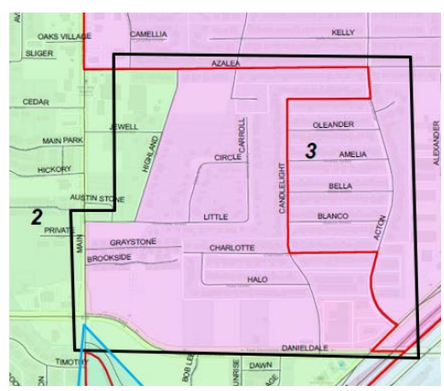




District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	6,252	1,711	27.37%	2,146	34.33%	2,078	33.24%	124	1.98%	12	0.19%	0	0.00%	32	0.51%	150	2.40%
2	5,996	2,600	43.36%	1,721	28.70%	1,438	23.98%	65	1.08%	27	0.45%	5	0.08%	17	0.28%	123	2.05%
3	6,035	2,790	46.23%	1,425	23.61%	1,605	26.59%	79	1.31%	23	0.38%	1	0.02%	5	0.08%	107	1.77%
4	6,296	2,079	33.02%	1,194	18.96%	2,731	43.38%	115	1.83%	15	0.24%	3	0.05%	11	0.17%	146	2.32%
5	5,666	2,846	50.23%	1,316	23.23%	1,238	21.85%	98	1.73%	21	0.37%	2	0.04%	25	0.44%	119	2.10%
TOTALS:	30,245	12,026	39.76%	7,802	25.80%	9,090	30.05%	481	1.59%	98	0.32%	11	0.04%	90	0.30%	645	2.13%

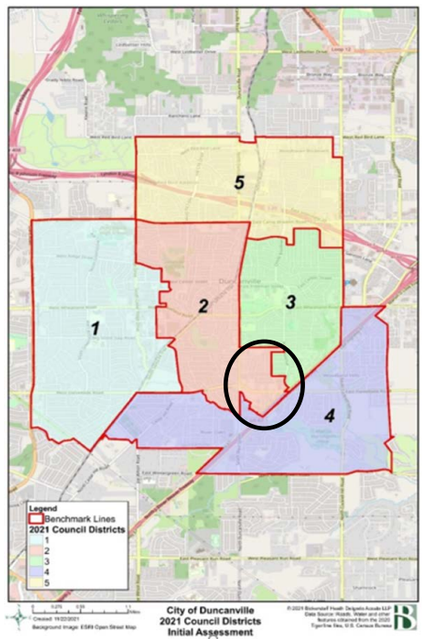
Plan C – District 2, 3 and 4 – Impact

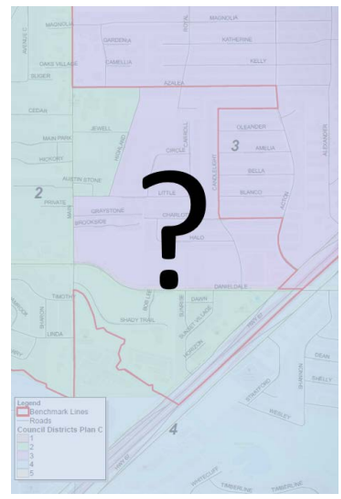




District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	6,252	1,711	27.37%	2,146	34.33%	2,078	33.24%	124	1.98%	12	0.19%	0	0.00%	32	0.51%	150	2.40%
2	5,815	2,348	40.38%	1,758	30.23%	1,459	25.09%	70	1.20%	31	0.53%	5	0.09%	15	0.26%	129	2.22%
3	6,216	3,042	48.94%	1,388	22.33%	1,584	25.48%	74	1.19%	19	0.31%	1	0.02%	7	0.11%	101	1.62%
4	6,296	2,079	33.02%	1,194	18.96%	2,731	43.38%	115	1.83%	15	0.24%	3	0.05%	11	0.17%	146	2.32%
5	5,666	2,846	50.23%	1,316	23.23%	1,238	21.85%	98	1.73%	21	0.37%	2	0.04%	25	0.44%	119	2.10%
TOTALS:	30,245	12,026	39.76%	7,802	25.80%	9,090	30.05%	481	1.59%	98	0.32%	11	0.04%	90	0.30%	645	2.13%

Proposed Plan D – Districts 2, 3, and ?





Joshua Kratz, Bickerstaff Heath Delgado Acosta LLP, spoke on why the City of Duncanville needs to redistrict.

With the 2020 Census Data that came out in August 2021, every local governmental entity that has single-member election districts. Has to look at what changes have come with the new Census Data. The two bodies of law that apply and redistricting your single member districts is the Constitution of the United States and the Voting Rights Act.

Redistricting

One Person - One Vote

- U.S. Constitution – single-member districts must have *approximately equal populations*
- Rule of thumb: total deviation < 10%
  - Compare most populous and least populous districts to "ideal"–sized district
  - Add both departures from ideal together

Section 2 of the Voting Rights Act

- No discrimination on basis of race or language minority status
- Generally, avoid *cracking* or *packing*
- *Cracking or fracturing* is dividing minority voters to fragment their voting power.
- *Packing* is concentrating minority voters when dividing them would permit the group to elect their candidates of choice in more than one district
- Other practices can also violate Section 2

8

City of Duncanville
Overall Deviation For Current Council Districts
Using 2020 Census Data

Duncanville City Council Districts - Initial Assessment

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Summary 2020 Census Total Population

Plan Last Edited on: 11/22/2021 9:43:00 AM

District	Persons	Ideal Size	Deviation	Hispanic % of Total Population	Non-Hispanic White % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	8,175	8,149	0.32%	30.96%	29.37%	34.57%	1.69%	3.41%
2	8,593	8,149	5.45%	47.93%	22.84%	25.57%	0.84%	2.82%
3	7,559	8,149	-7.24%	54.97%	18.52%	22.89%	1.12%	2.50%
4	8,510	8,149	4.43%	36.29%	17.02%	42.33%	1.68%	2.66%
5	7,908	8,149	-2.96%	54.20%	19.21%	22.10%	1.44%	3.02%
TOTAL:	40,745			44.62%	21.43%	29.70%	1.35%	2.88%

Ideal Size: 40745 / 5 = 8149

Total Population: 40,745

Overall Deviation: 12.69%

Some percentages may be subject to rounding errors.

Joshua Kratz, Bickerstaff Heath Delgado Acosta LLP, presented the plans.

Plan A
Option A affects Districts Two and Three. Moving a total of 213 citizens.

Plan B
Option B affects Districts Two, Three, and Four. Moving a total of 597 citizens.

Plan C
Option C affects Districts Two, Three, and Four. Moving a total of 1,090 citizens.

Plan D
Option D affects Districts Two, Three, and unknown, moving some citizens from District Two to District Three, District Four to District Two, and District Three to District Five. Moving a total of 1,337 citizens.

City Attorney Hager stated under the criteria that was adopted, citizens have the right to propose a plan. As long as they define the criteria, propose a plan for every district not just one district, and the plan must be for the whole city and not just a voting district.

Mr. Kratz stated the plan needs to show the breakdown of the total population, voting-age population, and ethnic minority groups.

Mayor Gordon opened the Public Hearing at 8:58 p.m.

In favor:
Javar Avery, 1323 Elm Lane - spoke on the importance of redistricting and citizens not being provided more time.

Erika Browning, 442 E. Cherry Street – spoke on providing more time for citizens to decide.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 9:03 p.m.

Mayor Gordon explained why the change of redistricting must happen.

Councilmember Koontz would like more time for citizens to understand and submit their ideas.

City Manager Ferrell-Benavides explained the timeline of events and why the data is needed for the upcoming General Election held on May 7, 2022.

City Attorney Hager explained the previous Census and why the new Census was handled differently.

Councilmember Don McBurnett made a motion to approve Plan A, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.C. ***Consider a Resolution casting the City Council of the City of Duncanville's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District (DCAD).***
City Secretary Downs presented the item.

On September 7, 2021, the Duncanville City Council voted to nominate Michael Hurtt to the Board of Directors for DCAD. Michael Hurtt, former mayor of Desoto, currently serves on the Board of Directors of DCAD.

State law requirements for nominating candidates for the Board of Directors of DCAD have been completed. By state law, Duncanville is required to vote by official ballot resolution.

The City of Duncanville must cast one vote for one of the following nominees:

• Mr. Michael Hurtt
• Ms. Shaunte L. Allen
• Ms. Dianne Cartwright
• Mr. Brett Franks
• Mr. Steve Nichols

The deadline for casting a vote is December 17, 2021.

Councilmember Cooks nominated Shaunte Allen.

Council took a vote.

- Councilmember Joe Veracruz – voted for Michael Hurtt
- Councilmember Jeremy Koontz – voted for Michael Hurtt
- Councilmember Don McBurnett – voted for Michael Hurtt
- Councilmember Mark D. Cooks – voted for Shaunte Allen
- Councilmember Greg Contreras – voted for Michael Hurtt
- Mayor Pro Tem Harvey – voted for Michael Hurtt
- Mayor Barry L. Gordon – voted for Michael Hurtt

Michael Hurtt was appointed.

III.5.D. ***Take any necessary action as a result of the Executive Session.***
Item moved until January 6, 2022.

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Monthly Financial Report as of September 30, 2021.***
Financial Services Managing Director Atmore presented the item.

III.6.B. ***Receive the Library Quarterly Report.***
Library Director Velasquez presented the item.

III.6.C. ***Receive the Parks & Recreation Quarterly Report.***
Parks and Recreation Director Stevenson presented the item.

III.6.D. ***Receive the Fieldhouse Quarterly Report.***
Fieldhouse Manager Brasfield presented the item.

II. <u>EXECUTIVE SESSION</u>

II.1 ***"City Council shall convene into closed executive session to consult with the City Attorney pursuant to the to Section 551.071 of the Texas Government Code concerning a claim and/or threaten litigation involving real property located at 608 HWY 67, Duncanville, TX 75137"***

Item moved until January 6, 2022.

IV. ADJOURNMENT

The meeting was adjourned at 10:21 p.m.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 21, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 21, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Mark D. Cooks
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Mayor Pro Tem Patrick Harvey – 7:17 p.m.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Item 4B - authorizing a Cooperative Purchasing Agreement with Vortex Companies Vortex, LLC using The Interlocal Purchasing System (TIPS), Contract 20110401 Wastewater Improvements - Pipebursting wastewater mains on Briarmeade Drive, East Fairmeadows Drive, Fairmeadows Circle, and various streets in the Forest Hill Addition for the Public Works Department, with an estimated expenditure amount of $999,996.25 and an appropriation of $99,999.63 for a contingency equaling ten (10) percent of the original contract price. Every year, the City executes a wastewater pipe bursting contract to repair structural and capacity deficiencies on the current sewer, prevent rainwater and/or groundwater inflow and infiltration, reduce Sanitary Sewer Overflows (SSOs), and reduce the current sewer sewage treatment costs, as well as future sewer system maintenance costs. Rehabilitation of the manholes along the pipe bursting route is included in this contract. The map included in the staff report illustrates the City's pipebursting history and identifies the locations receiving work this fiscal year. The cost of this contract for FY22 is $996,996.25 and was budgeted in the FY22 Utility CIP Program. Annual wastewater pipe bursting is part of the City's SSO Mitigation program with the Texas Commission on Environmental Quality (TCEQ). The City is contracting with Vortex through a Cooperative Purchasing Agreement. They previously performed pipe bursting work in the City in FY20 and FY21. The contractor is located in Houston. Councilmember Contreras questioned if the pipe bursting would represent all five districts. Assistant Public Works Director Culton stated yes.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss and receive direction on uses of the Coronavirus Local Fiscal Recovery funds provided through the American Rescue Plan Act (ARPA)*

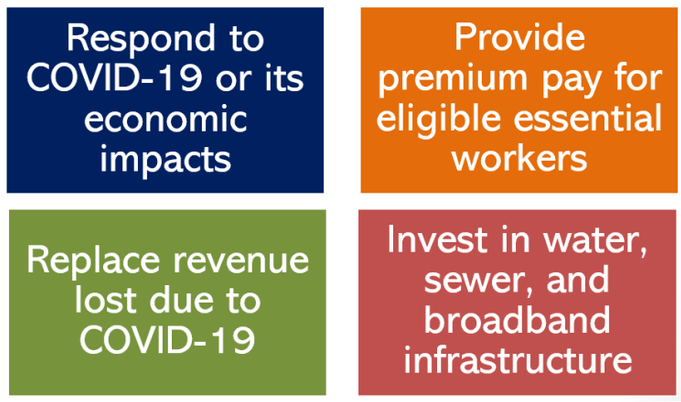
City Manager Ferrell-Benavides presented the item.

American Rescue Plan Act

- The $1.9 trillion act was signed into law on March 11, 2021.
- $360 billion reserved for state and local aid to mitigate the fiscal effects stemming from the public health emergency.
- $65.1 billion is dedicated to cities.
- City of Duncanville to receive $9.6 million.
- Received through Texas Department of Emergency Management.
- Based on a Community Development Block Grant (CDBG) allotment formula.
- Payment received in 2021 (first half) and 2022 (second half).
- Funds must be committed by December 31, 2024.
- Funds must be completely spent by December 31, 2026.

- Guidance for eligible uses issued by the U.S. Department of the Treasury.

ARPA Eligible Uses



ARPA Use Ideas – Criteria One

Small Business Grants $350,000	HVAC – Ventilation improvements in congregate areas $830,000	Tutoring Programs and Digital Literacy Training $50,000
No-touch bathroom fixtures and cleaning systems $80,000	Outdoor fitness equipment – Redbird Park (QCT Zone) $100,000	Regional Mental Health Response Team - *$180,000
Fire/EMS (ESRI tool, purification system in vehicles, Facepiece/ EMS tools cleaner) $33,000	Library Carrels - $26,500	

Criteria Two – Employee Premium Pay

- $500,000 retro premium pay – All employees
    - Tiered approach – lower salary jobs receive more

Criteria Three– Revenue Loss $944,104 calculated loss

Axon – PD body & dash cameras / storage $500,000 (5-year cost + partial funding Fleet from Replacement)	Emergency Generators – City Hall/Police & Fire Station 2 $425,000	Adverse Weather Equipment – Fire Stations $13,673
Fire & PD Lexipol Subscriptions * $63,000	Neighborhood Services and Heath Inspection – Body Camera and Vests $12,500	Fire – 2nd set of Bunker Gear $105,600
Outdoor Fitness Equipment $175,000		

Criteria Four – Water/Wastewater & Broadband Infrastructure

Automated Metering Infrastructure - $5,000,000	Pump Station Cellular Units & SCADA upgrades - $83,250	Broadband Infrastructure – Relocate to Old Library - $3,000,000
Residential Service Line Lead/Copper Replacement Program 50/50 $200,000	Residential Septic to Sewer Program 50/50 $200,000	Water/Wastewater Project – Cockrell Hill Rd. $1,200,000
IT Master Plan - $50,000		

- ARPA references the EPA (Environmental Protection Agency) DWSRF (Drinking Water State Revolving Fund) and CWSRF (Clean Water State Revolving Fund) project eligibility criteria.

Recommendations

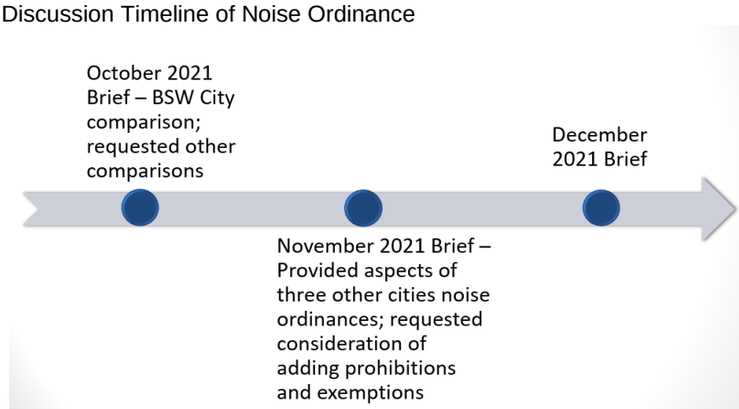
- Urgent Needs:
  - Generators - $850,000
    - City Hall/Police Station, Fire Station 1 & 2, Service Center, 103 E. Wheatland Rd.
  - Adverse Weather Equipment - $13,673
  - Body Cameras/Vest – $18,378
  - Health Inspector, Fire Marshal & Staff, Neighborhood Services (9 personnel)
- Essential Workers – Premium Pay - $500,000
- Smaller, One-time purchases:
  - ESRI License – Police/Fire - $2,500 (annual cost)
  - Library Carrels – $26,500
  - Air Purification – Fire Apparatus/MICU - $19,800
  - Ultra-Sonic Facepiece cleaners - $10,586
  - Cellular Units Pump Stations - $24,000

Staff will bring an item back to Council at the City Council Regular Meeting on January 21, 2022 for Council.

I.2.B. ***Review of the City's Fund Balance for the Utility Operating Fund.***
Financial Services Managing Director Atmore presented the item.

I.2.C. ***Receive a follow-up presentation concerning the City of Duncanville's current "loud and raucous noise" ordinance (Ordinance 1794 § 1), relating to citizen quality of life, and provide the City Council recommended revisions for adoption.***
Interim Police Chief LiVigni presented the item.

Discussion Timeline of Noise Ordinance



Adds Exceptions, Modifies Prohibitions

Prohibitions (Prima facia)	**Exceptions**
◦ Remains intact, but ▫ Tightens (b)(3) from 10:00 p.m. – 7:00 a.m. to 9:00 p.m. – 7:00 a.m. ◦ Keeps needed officer's ability to mitigate resolution	◦ Motor vehicles on city trafficways ◦ Utility repairs ◦ Emergency sirens, whistles, etc. ◦ Repairs or excavations ◦ Outdoor school and playground activities ◦ Other events permitted by the city

Adds Section for Repeat Violators
If the same residence, business, or vehicle is the source of the repeated violations in a rolling twenty-four-month period and ownership has not changed upon the third and each subsequent conviction, the maximum fine allowable will be assessed upon subsequent conviction(s).

Adds Explicit Enforcement Section

- Designates the police department officers as having primary responsibility for the enforcement of the noise ordinance.
- Nothing in the ordinance shall prevent the Police Department and its officers from obtaining voluntary compliance by way of warning, notice, or education.

Education is Key

- Internally - Personnel must document and obtain statements, readings
- Externally - Citizens must know that we believe their noise concerns are important but that:
  - We do have limitations
  - We need them to be complaining witnesses for complaints to be presented to the court

A majority of Council would like to keep the time to 10:00 p.m.

Mayor Gordon adjourned the Briefing Session at 7:08 p.m.

II. <u>EXECUTIVE SESSION</u>

No Executive Session held.

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

The City Council convened into Regular Session in the Council Chambers at 7:17 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Councilmember Veracruz.

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

III.1. REPORTS

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

Mayor Gordon wished all citizens a safe, healthy, and Happy Holiday Season.

III.1.B. *Councilmembers' Reports*

Councilmember Contreras recognized and thanked Staff on their work on the Christmas Parade.

Councilmember Cooks wished all citizens a Happy Holidays and asked District 4 residents to submit their pictures of their Christmas Lights.

Councilmember McBurnett commended the High School Football Team on their winning football season.

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides spoke on the Parks and Recreation Department's membership drive for January.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Recognition of the Mayor's City Champion.***
Mayor Gordon recognized Madeline Kelley-Schwoch.

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 address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting.

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

Peg Shrum, 612 Carriage Way – submitted a comment on permit fees and short-term rentals.

Eloise Square, 627 Alameda Square – submitted a comment on noise.

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on the City's Fund Balance for the Utility Operating Fund.

T. Williams, 866 Astaire Ave - spoke on the Noise Ordinance.

Maryanne Romano, 639 Sherrill Blvd. – spoke on the Noise Ordinance.

Mark Graham, 410 Santa Fe Trail - spoke on the Ladd Property.

Erika Browning, 442 E. Cherry Street - spoke on the Noise Ordinance.

Jim Jones, 1627 Nob Hill Circle - spoke on the Ladd Property.

Amelia Moore, 435 Roundtop – T. Williams read Ms. Moore's comment on the Noise Ordinance.

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:***

- ***August 14th, Town Hall Meeting***
- ***August 17th, City Council Regular Meeting***
- ***August 24th, City Council Special Meeting***
- ***September 7th, City Council Regular Meeting***
- ***September 21st, City Council Regular Meeting***
- ***October 14th, City Council Special Meeting***
- ***November 8th, City Council Special Meeting***
- ***November 11th, 12th, and 13th, City Council Special Meeting***
- ***November 16th, City Council Regular Meeting***
- ***November 30th, City Council Special Meeting***

III.4.B. ***Consider a Resolution authorizing a Cooperative Purchasing Agreement with Vortex Companies Vortex, LLC using The Interlocal Purchasing System (TIPS), Contract 20110401 Wastewater Improvements - Pipebursting wastewater mains on Briarmeade Drive, East Fairmeadows Drive, Fairmeadows Circle, and various streets in the Forest Hill Addition for the Public Works Department, with an estimated expenditure amount of $999,996.25 and an appropriation of $99,999.63 for a contingency equaling ten (10) percent of the original contract price.***

III.4.C. ***Consider a Resolution authorizing the third option to renew for an additional one-year period beginning November 27, 2021, and ending November 26, 2022, for IFB-19-001, Traffic Signal Maintenance Services, with Siemens Mobility, Inc., with an estimated amount up to $156,610.00.***

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-05-21, in the amount up to $85,376.00.***

III.4.E. ***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 $91,800.00.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Consider an Ordinance amending Chapter 5 (Buildings and General Building Regulations); by adding Article VIII (Short-Term Rental Registration Regulations).***
City Planner Thibodeaux presented the item.

The proposed ordinance consists of the following:

- Power and Duties.
- Registration Requirements.
- Inspection/Reinspection Requirements.
- Restrictions.
- Notification to Surrounding Property Owners.
- Terms, Fees, and Renewal Requirements.
- Revocation and Appeal.

Councilmember 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. Item passed.

III.5.B. ***Receive and Consider approving the DCEDC FY22 Strategic Plan.***
Economic Development Director Garcia presented the item.

<u>Strategic Plan</u>
Redevelopment of a City as built-out as Duncanville requires many different simultaneous efforts that require extensive forethought and planning.

This Strategic Plan will establish a framework to guide, instruct, and focus DCEDC's efforts in a meaningful and productive manner.

A Strategic Plan will also enable better communication and collaboration between EDC staff, the DCEDC board, and the City Council.

With the start of FY22, the Strategic Plan is ready for approval and implementation.

Redistricting setback implementation, but some 1st Quarter goals are still on track.

The core components of the Strategic Plan would constitute an Economic Development, Community Enhancement, and Marketing plan.

- Economic Development is focused on external business activities; Business Retention and Expansion, Small-scale "Base-hits", Catalyst projects, Legacy projects, Small Area / Special / Overlay District planning.
- Community Enhancement is focused on internal activities: Beautification of the City, Improving Internal Departmental Cooperation, Workforce Development, and Board and Commission relations.
- Marketing is focused on external perception improvement: Social Media, Website revamp, Asset Videos, Traditional Marketing.

- Green = complete / Orange = in progress / Red = Awaiting competition of a prerequisite
- OCTOBER GOALS
  - Establish Facebook, LinkedIn, Twitter, and Instagram social media accounts for EDC.
  - Send the PIO all of our ideas and contributions for the DCEDC portion of the City website for inclusion in the website redesign.
  - Reach out to local business leaders who have expressed interest in organizing a food truck event.
  - Discuss and outline asset video details with a videographer.
  - Reach out to and begin building a strong relationship with one of the Top 20 DFW Developers.
    - Discuss the feasibility of a legacy project.
      - We are working on creating a portfolio of marketing material before outreaching to ensure we have a cohesive identity to market off of.
- NOVEMBER GOALS
  - Assemble marketing and merchandise packages for the promotion of Duncanville at external business events, trade shows, conferences, and meetings with VIPs.
  - Outline a podcast program and procure the necessary equipment to begin publishing a DCEDC podcast on a monthly basis.
  - Begin production for asset video.
  - Identify and categorize all residential, commercial, and industrial areas of Duncanville into small areas segments using a mapping tool.
  - Begin designing and preparing for a springtime food truck event.
    - In conjunction with the food truck event, incorporate a live music element.
- DECEMBER GOALS
  - Prepare constituent surveys for community input.
    - Create a survey for Duncanville businesses asking for feedback on the City's perceived strengths, weaknesses, opportunities, and threats (SWOT).
    - Create a feedback survey for the community and tourists about future attractions.
  - Identify key redevelopment opportunities within cluster areas to advertise to developers.

City Council approved of the Strategic Plan with the addition of a Gantt Chart.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.C. ***Take any necessary action as a result of the Executive Session.***
Executive Session was not held.

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Economic Development Department Quarterly Report.***
Economic Development Director Garcia and Manager Mansell presented the item.

III.6.B. ***Receive the Public Works Quarterly Report.***
Assistant Public Works Director Culton presented the item.

IV. <u>ADJOURNMENT</u>

The meeting was adjourned at 9:32 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, January 18, 2022

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, January 18, 2022, at 5:05 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz

COUNCIL ARRIVING AT: Councilmember Mark D. Cooks – 5:15 p.m.
Councilmember Greg Contreras – 5:58 p.m.

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, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, January 18, 2021, 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 in person and video conference.

Due to limited seating in council chambers, persons or participants may attend by video conference in order to maintain safe social distance as provided in this notice.

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, January 18, 2021, email citysecretary@duncanville.com and title the email. "Public Comment – January 18th. You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_LZGmT_AYQxuPcHXv4GtYrw

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
Mayor Gordon recessed Briefing Session at 5:07 p.m.

II. EXECUTIVE SESSION

II.1

a. ***City Council shall convene into closed executive session to consult with the City Attorney pursuant to the to Section 551.071 of the Texas Government Code concerning a claim and/or threaten litigation involving real property located at 608 HWY 67, Duncanville, TX 75137***

b. ***City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney regarding pending litigation to wit: City of Duncanville v. EON Reality, Cause No. DC-21-00095 filed in the District Court 134th Judicial District Dallas, Texas.***

c. ***Pamela McAllister v. City of Duncanville, Cause No. DC-21-06105 in the 116th District Court, Dallas County, Texas.***

d. ***Prater Electric, LLC v. City of Duncanville, Cause No. DC-20-03938 in the L-193rd Judicial District, Dallas County Texas.***

e. ***City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney regarding short term rentals, specific use permit and registration ordinance.***

The Executive Session was called into session at 5:08 p.m. and City Attorney Hager read the item into record.

Executive Session was recessed at 5:09 p.m.

Executive Session reconvened at 5:10 p.m.

The Council closed the Executive Session at 5:44 p.m.

Mayor Gordon reconvened Briefing Session at 5:47 p.m.

II.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Item 4A - authorizing execution of City of Grand Prairie Contract #21186, an Interlocal Cooperative Agreement, with Curtco, Inc. for Pavement Crack and Joint Sealing Services for the prices set forth in City of Grand Prairie Contract #21186, with an estimated expenditure amount of $225,000.00. Pavement crack sealing is part of the City's annual pavement maintenance program. Crack sealing keeps water from getting into the pavement subgrade and deteriorating the road. Item 4B - authorizing the purchase of a backhoe from South Star JCB through Sourcewell Contract #040319-JCB in the expenditure amount of $111,850.00. This loader/backhoe purchase will replace a 17-year-old loader/backhoe that is at the end of lifecycle. It has 1764 hours and has engine problems. The Utilities Division uses the loader/backhoe for waterline repair projects. Item 4C - authorizing the purchase of pavement lifting services from Nortex Concrete Lift and Stabilization, Inc., located in Fort Worth through the City of Grand Prairie Contract #21259 for the unit prices bid, with an estimated expenditure amount of $100,000.00. Pavement Lifting is part of the City's annual pavement maintenance program. Pavement lifting is used on concrete roads to raise pavement sections that settle and restore a smooth driving surface.

II.2. BRIEFINGS / PRESENTATIONS

II.2.A. ***Briefing on the Political Sign Ordinance.***

City Planner Thibodeaux presented the item.

Recently, the Texas Legislature reviewed municipal regulation of political signs.

- Specifically, the legislature sought to limit municipal authority to prohibit, approve, limit or charge a special fee for removing political signs on private real property.
- To be protected, the sign must contain "primarily a political message" and not be temporary and generally available for rent or purchase to carry commercial advertising or other messages not primarily political in nature.
- The current language does not limit a municipality's regulation of a sign that has an effective area greater than 36 feet, more than 8 feet high, illuminated or has moving elements or the ability to control the use of real property where it holds an easement or other encumbrance for a public purpose.
- To review timing and placement of political signs in Duncanville.
- To compare the current ordinance to what surrounding cities have.
- To identify potential conflicts.
- To seek direction from Council regarding preferred updates and modifications.

Existing Language

- Political signs are permitted in "polling areas."
- Contains illustrative figures where signs placed within Right of Ways (ROWs) within the designated areas.

- Signs in polling areas may not be over 3-feet in height and 8-feet in area and must be removed within 72 hours after election.
- Political signs on private property may not exceed 8-feet in height and not be over 36 square feet.

What's regulated by the State?
Size
- Political signs are limited to 8-feet in height and 36 square feet in area.

Place
- Signs cannot be located within ROW, unless with permission.
- On private property with permission of the property owner.

Time
- No state regulations.

Staff will work with the City Attorney to bring back an Ordinance to Council.

Mayor Gordon adjourned the Briefing Session at 6:23 p.m.

III. <u>REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. or immediately following the 5:00 pm Work Session/Briefing)</u>

The City Council convened into Regular Session in the Council Chambers at 6:33 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem Harvey.

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

III.1. REPORTS

III.1.A. ***Mayor's Report.***
Mayor Gordon invited all citizens to attend:
Coffee with the Mayor
Senior Center
January 26, 2022
8:30 a.m.

Mayor Gordon offered his condolences on the passing of Gerald "Jerry" Sliger and had a moment of silence.

III.1.B. ***Councilmembers' Reports***
Councilmember Cooks invited all citizens to attend:
Meet, Connect & Learn
Senior Center and via ZOOM
January 22, 202
9:00 a.m. – 10:30 a.m.
Guest: Dr. Marc Smith

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides spoke on the Parks and Recreation department hosting a membership drive in January. Come in any day, Monday through Saturday, and you can purchase a one-year membership for the price of six months. The offer is good for new members and renewing members.

The annual Daddy-Daughter Dance is scheduled for Saturday, February 19th, from 6 p.m. to 9 p.m.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Proclamation recognizing Martin Luther King, Jr. Day, January 17, 2022.***
Councilmember Cooks read the proclamation.

III.2.B. ***A Proclamation recognizing the month of January as Firefighter Cancer Awareness Month.***
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"

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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:

K. Turner – submitted a comment on the Ladd Property.

Mari Vega – submitted a comment on the Ladd Property.

Mac Browning, 442 E. Cherry St. – spoke on Item 5A.

Erika Browning, 442 E. Cherry St. – spoke on Item 5B.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider a Resolution authorizing execution of City of Grand Prairie Contract #21186, an Interlocal Cooperative Agreement, with Curtco, Inc. for Pavement Crack and Joint Sealing Services for the prices set forth in City of Grand Prairie Contract #21186, with an estimated expenditure amount of $225,000.00.***

III.4.B. ***Consider a Resolution authorizing the purchase of a backhoe from South Star JCB through Sourcewell Contract #040319-JCB in the expenditure amount of $111,850.00.***

III.4.C. ***Consider a Resolution authorizing the purchase of pavement lifting services from Nortex Concrete Lift and Stabilization, Inc., located in Fort Worth through the City of Grand Prairie Contract 21259 for the unit prices bid, with an estimated expenditure amount of $100,000.00.***

III.4.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 $96,077.23.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Consider an Ordinance authorizing and establishing regulations for the enforcement of Municipal Code of Ordinances and other Codes and***

Ordinances of the City; authorizing designated Non-Peace Enforcement Officer (Code Enforcement Officer, Inspector, Animal Control Officer) or Licensed Peace Officer of the City to issue citations for violations of the Municipal Code of Ordinances and other Codes and Ordinances of the City.

Item 5A was moved to Executive Session.

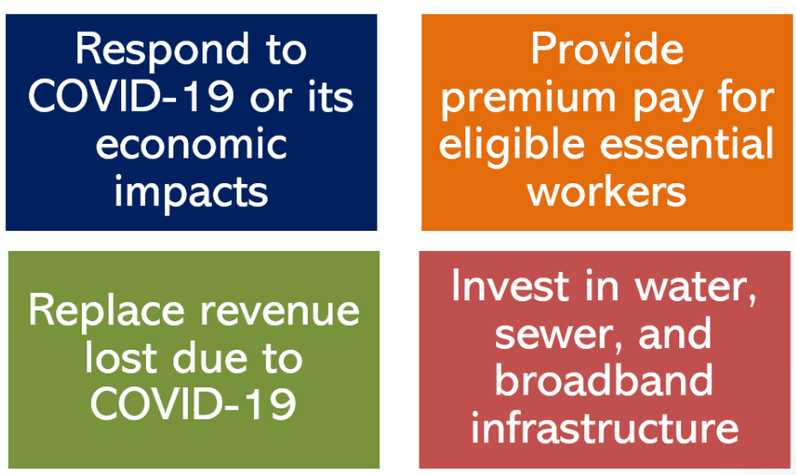
III.5.B. ***Consider a Resolution approving the allocation recommendations of the American Rescue Plan Act Funding for Coronavirus State and Local Fiscal Recovery Funds in accordance with U.S. Department of Treasury guidelines.***

Budget Analyst Otey presented the item and stated that the AMI item on the Staff Report was removed and inputted as a clerical error.

American Rescue Plan Act (ARPA)

- The $1.9 trillion act was signed into law on March 11, 2021
- $360 billion reserved for state and local aid to mitigate the fiscal effects stemming from the public health emergency.
    - $65.1 billion dedicated to cities
- City of Duncanville to receive $9.6 million
    - Received through Texas Dept of Emergency Management
- Based on a CDBG allotment formula
- Payment received in 2021 (first half) and 2022 (second half)
- Funds must be committed by December 31, 2024
- Funds must be completely spent by December 31, 2026
- Guidance for eligible uses issued by the Treasury

ARPA Eligible Uses



ARPA Allocation Recommendations

Employee Premium Pay	Small Business Grants	Generators & Ventilation

• $1,300,000
• Tiered approach
• Two disbursements
  • April 1, 2020 – March 31, 2021
  • April 1, 2021 – March 31, 2022
	• $350,000
	• Non-Profits may also be considered
		• $1,695,000
		• Add or replace emergency generators
		• Replace ventilation systems at Fieldhouse & 103 E. Wheatland Rd.

Digital Literacy & Youth Leadership	Public Safety and General needs
• $70,000 • Digital Literacy Training • Future Leaders of Duncanville	• $300,000 • Replace 5 Library Carrels • Cellular Pump Station Units • SCADA server room upgrades • Fire/EMS cleaning systems • Body Cameras & Vests – Neighborhood Services, Health, Fire Marshal

- Unallocated amount - $885,000
- Re-evaluate needs at a future date

Economic Development Garcia spoke on Small Business grants.

Council voiced their comments and concerns.

City Manager Ferrell-Benavides stated the contracts would come back to City Council for approval. Anything that is over $50,000.00 does require approval from Council.

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

III.5.C. ***Consider a Resolution casting the City Council of the City of Duncanville's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District (DCAD).***
Mayor Gordon presented the item.

- On September 7, 2021, the Duncanville City Council voted to nominate Michael Hurtt to the Board of Directors for DCAD. Michael Hurtt, former Mayor of Desoto, currently serves on the Board of Directors of DCAD.
- On December 7, 2021, the Duncanville City Council voted Michael Hurtt to the Board of Directors for DCAD.

The Election process requires a Runoff.

- Michael Hurtt of DeSoto received 13 votes;
- Brett Franks of Sachse received 4 votes;
- Shante L. Allen of Glenn Heights received 3 votes;
- Diane Cartwright of Irving received 1 vote; and
- Steve Nichols of Hutchins received 1 vote.

Since there was not a single candidate to receive 16 votes (majority of the 30 votes eligible), a runoff election is necessary between the top two finishers.

The City of Duncanville must cast a vote for one of the following nominees:
- Mr. Michael Hurtt
- Mr. Brett Franks

The deadline for casting a vote is January 31, 2022.

Councilmember Don McBurnett made a motion to nominate Michael Hurtt, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.D. ***Take any necessary action as a result of the Executive Session.***
Executive Session Items 1A, 1B, 1C, 1D, and 1E - No action taken.

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Police Department Quarterly Report.***
Chief of Police LiVigni presented the item.

III.6.B. ***Receive the Fire Department Quarterly Report.***
Assistant Fire Chief Chase presented the item.

Mayor Gordon recessed Regular Session at 8:25 p.m. for Council to go into Executive Session.

Executive Session was called at 8:26 p.m.

Executive Session was closed at 8:49 p.m.

Mayor Gordon reconvened Regular Session at 8:50 p.m.

Action on Item 5A – Mayor Gordon asked the City Manager to take the item back to staff for reconsideration.

IV. <u>ADJOURNMENT</u>

The meeting was adjourned at 8:51 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

Duncanville City Council Meeting Minutes
Special Meeting
Monday, January 24, 2022

CALL TO ORDER
A special meeting of the Duncanville City Council was called to order on Monday, January 24, 2022, at 6:01 p.m. in the Council Chambers at City Hall with a quorum to wit:

COUNCIL PRESENT:
Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Mark D. Cooks
Councilmember Greg Contreras

1. CALL TO ORDER

2. RECEIVE PUBLIC COMMENTS
To speak during Citizen Comments, you must register with the City Secretary before 4 pm on Monday, January 24, 2022, email citysecretary@duncanville.com and title the email "Public Comment – January 24th.

None.

Mayor Gordon recessed Regular Session at 6:02 p.m. for Council to convene into Executive Session.

3. EXECUTIVE SESSION
City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the annual evaluation of a public officer, to wit: City Manager.

Executive Session was called into order at 6:04 p.m.

Mayor Gordon closed Executive Session at 8:37 p.m.

4. RECONVENE INTO OPEN SESSION
Take any necessary or appropriate action on closed/executive session matters.

Mayor Gordon reconvened Regular Session at 8:37 p.m.

No action was taken.

ADJOURNMENT
The meeting was adjourned at 8:39 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Consider an Ordinance amending Chapter 16A "Sign Guidelines", Article II 'Definitions', Section 16A-5 'Definitions' by amending definition for 'Canvassing', by amending the definition from 'Electioneering Sign' to 'Election Sign'; by amending the definition of 'Political Sign'; by amending Chapter 16A "Sign Guidelines", Article VIII 'Rules for Specific Sign Types', Section 16A-35 'Political Signs' by repealing Section 16A-35 in its entirety and replacing it with a new Section 16A-35 'Political and Election Signs'.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:
- **N/A**
  - **Goal: N/A**

STAFF RESPONSIBLE:
Skye Thibodeaux, AICP - City Planner
Jeremy Tennant, Neighborhood Services Manager

BACKGROUND/HISTORY:
City Ordinance Section 16A-35 ("Political Signs") was last updated on December 1, 2015. At the time, a subsequent election highlighted the need for greater clarity regarding where signs may be placed and the times during which they may be displayed on public right-of-way.

Staff provided a briefing session at the January 5, 2022, City Council Meeting to provide a status of the existing Political Sign Ordinance, how it measures up to current State requirements along with our surrounding communities, and to get feedback and recommendations on the existing Ordinance as it has been over six (6) years since the last update.

Per the feedback and recommendations made by City Council, the following amendments are being proposed with this item:

- Changing the section-moniker from "Political Sign" to "Political and Election Sign" in order to be more specific about the type of sign being regulated by this Ordinance
- Amending the definition from "Electioneering Sign" to "Election Sign"
- Amending the definition for "Political Sign"
- Amending the Rules for Specific Sign Types (Article VIII) to reflect the proposed changes

POLICY EXPLANATION:
Consideration and action is required by City Council.

FUNDING SOURCE:

ORG and Object Number
N/A

Available Budget	Purchase Amount	After Encumber
$0.00	$0.00	$0.00

ACTION ALTERNATIVES:

1. Approve Ordinance.
2. Do not approve.
3. Other actions as directed by Council.

ATTACHMENTS:
Ordinance No. - 2428 - Election Sign Ordinance - Pdf

ORDINANCE NO. 2428

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 16A "SIGN GUIDELINES", ARTICLE II 'DEFINITIONS', SECTION 16A-5 'DEFINITIONS' BY AMENDING DEFINITION FOR 'CANVASSING', BY AMENDING THE DEFINITION FROM 'ELECTIONEERING SIGN' TO 'ELECTION SIGN'; BY AMENDING THE DEFINITION OF 'POLITICAL SIGN'; BY AMENDING CHAPTER 16A "SIGN GUIDELINES", ARTICLE VIII 'RULES FOR SPECIFIC SIGN TYPES', SECTION 16A-35 'POLITICAL SIGNS' BY REPEALING SECTION 16A-35 IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 16A-35 'POLITICAL AND ELECTION SIGNS'; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Duncanville, Texas, be and the same is hereby amended by amending Chapter 16A "Sign Guidelines", Article II 'Definitions', Section 16-A-5 'Definitions' by amending definition for 'Canvassing', by amending the definition from 'Electioneering sign' to 'Election sign'; and by amending the definition of 'Political sign' to read as follows:

"CHAPTER 16A - SIGN GUIDELINES

ARTICLE I – GENERAL PROVISIONS

. . . . .

ARTICLE II – DEFINITIONS

Sec. 16-A-5 'Definitions'

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-frame sign. . . . . .

. . . . .

Canvassing shall mean where one person engages another person by a verbal exchange, provides literature or brochure to another person with a message that involves any message or advertisement of any kind or manner.

Changeable advertisement. . . . .

. . . . .

Election sign shall mean a sign promoting, supporting or opposing a candidate for a political or governmental elected office; or sign promoting, supporting or opposing a proposition referendum or initiative for a local, state or national election.

. . . . .

Political sign shall mean sign that contains a message concerning government, cultural significance or political, social, and/or environmental matters, including an election sign.

. . . . ."

SECTION 2. That the Code of Ordinances of the City of Duncanville, Texas, be and the same is hereby amended by amending Chapter 16A "Sign Guidelines", Article VIII 'Rules for Specific Sign Types', Section 16-A-35 'Political Signs' by repealing Section 16A-35 in its entirety and replacing it with a new Section 16A-35 'Political and Election Signs' to read as follows:

"CHAPTER 16A - SIGN GUIDELINES

ARTICLE I – GENERAL PROVISIONS

. . . . .

ARTICLE VIII – RULES FOR SPECIFIC SIGN TYPES

Sec. 16A-23 Banners

. . . . .

Sec. 16A-35 Political and Election Signs

(a) Private property.

(1) A real property owner may place, cause, permit, suffer, allow or maintain a political sign or election sign on private property.

(2) Any sign on private property as provided in these subsections, however, may not exceed eight feet in height and shall not exceed 36 square feet in total surface area.

(b) Public property/right-of-way.

(1) It is an offense for any person to leave any political or election sign or literature on public property, or public right-of-way except as provided in subsection (c) as a polling place.

(c) Election signs at polling places.

(1) Election signs at polling locations.

a. Regulations. A person may place a political sign or election sign on the premises of a polling place during a voting period, as defined herein in the area(s) designated at a polling place set forth in Figure 1, 2, 3 or 4 or under state law;

1. This restriction shall not apply to election signs that are attached solely to vehicles that are lawfully parked at the premises of a polling place, so long as the sign dimensions do not exceed eight square feet in area and three feet in height, including any supporting poles.

2. This restriction shall not apply to election signs that are attached to a tent used by a candidate at a polling place, so long as the sign dimensions do not exceed eight square feet in area and three feet in height, including any supporting poles.

(2) It is an offense for any person to place an election sign at a polling place that exceeds eight square feet in area and three feet in height, including any supporting poles.

(3) It is an offense for any person to attach, place or otherwise affix any election sign, literature or material to any building, tree, shrub, pole or other improvement on public property used as a polling place.

(4) It is an offense if any candidate or responsible person causes, permits, suffers or allows a sign to remain at a polling place more than 72 hours after the close of voting on election day or run-off election day.

(5) In addition to imposing any criminal penalty, election sign(s) located in violation of this section may be removed and disposed of by the building official or other election official in charge of the polling place.

(d) Nothing contained in this article shall impair any person(s) rights to engage in constitutional protected free speech or canvassing during a voting period or in other public forum or limited public forum subject to the restrictions set forth herein.

(e) That any person, firm or corporation violating any of the provisions or terms of this section, as amended hereby, shall be guilty of a misdemeanor and upon conviction in the municipal court of the city, shall be subjected to a fine not to exceed the sum of $250.00 for each offense; and each and every occurrence and day such violation is continued shall be deemed to constitute a separate offense.

. . . . . ”

SECTION 3. That all provisions of the Ordinance Numbers 1302, 1327 and 2193 of the City of Duncanville are hereby, repealed in entirety and all other ordinances or provisions of the ordinances of the City of Duncanville in conflict are repealed.

SECTION 4. 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 thereof 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 5. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY ORDAINED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 15th day of February, 2022.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Consider amending Ordinance 2420 by deleting an Assistant Chief Position under Civil Service in the Police and Fire Departments; repealing all Ordinances in conflict herewith.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Robert Brown, Assistant City Manager

BACKGROUND/HISTORY:
Any changes made to Civil Service classifications, position numbers, etc. must be approved by ordinance by City Council per §143.021 of the Texas Local Government Code.

Change # 2: Elimination of a second Assistant Police Chief (Appointed) position.

POLICY EXPLANATION:
Per Texas Local Government Code §143.021, the commission shall provide for the classification of all fire fighters and police officers. However, the municipality's governing body shall establish the classifications by ordinance. The governing body by ordinance shall prescribe the number of positions in each classification. There is one proposed classification change of eliminating a second Assistant Chief of Police (Appointed) position.

FUNDING SOURCE:

ORG and Object Number
N/A

Available Budget	Purchase Amount	After Encumber
$0.00	$0.00	$0.00

ACTION ALTERNATIVES:
1. Approve Ordinance.
2. Do not approve.
3. Other actions as directed by Council.

ATTACHMENTS:
Ordinance No. - 2420R - Classified Positions under Civil Service - Pdf

ORDINANCE NO. 2420R

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING ORDINANCE 2024 BY DELETING AN ASSISTANT CHIEF POSITION UNDER CIVIL SERVICE IN THE POLICE AND FIRE DEPARTMENTS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE, PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has adopted the Texas Municipal Civil Service Act for its fire and police department; and

WHEREAS, the City has previously adopted, by ordinance, a classification for all firefighters and police officers; and

WHEREAS, the City desires to amend such classification within such for said department and to eliminate an assistant police position (appointed) from two (2) positions to one (1), effective immediately.

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

SECTION 1. That Section 1 of the Ordinance Number 2420 is hereby amended to delete an Assistant Chief position from two (2) to one (1) which shall read as follows:

"SECTION 1. The classified position under Civil Service in the Police Department be as follows:

P1 Assistant Chief (appointed) 1

. . . . ."

SECTION 2. 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 thereof 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 3. That all Ordinances of the City of Duncanville heretofore adopted which are in

conflict with the provisions of this Ordinance be, and the same are hereby repealed; and provisions of Ordinance Number 2420, except as amended herein, shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect on the 15th day of February, 2022

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 15th day of February 2022.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

TM 127751

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Consider a Resolution to confirm the appointment of Mark LiVigni as Police Chief effective February 15, 2022.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Robert D. Brown Jr., Assistant City Manager

BACKGROUND/HISTORY:
The appointed and confirmed Police Chief for the City of Duncanville, Texas, Robert D. Brown, Jr., resigned as Department Head for Police and was appointed to become the new Assistant City Manager effective April 26, 2021. The City Manager appointed Assistant Chief of Police Mark LiVigni as Interim Police Chief to assume the duties and responsibilities of the Police Chief until such time as a permanent Police Chief was appointed and confirmed by the City Council. The City recruited for the Police Chief position and conducted in-person interviews to include a Police Chief Panel, Executive Team Panel, Internal Duncanville Police Officers Panel, and a Community Meet and Greet. After carefully reviewing the results and feedback from each panel, City Administration decided to limit the focus to one candidate Mr. LiVigni for further review and assessment. Mr. LiVigni has now been selected by the City Manager to be appointed to the Police Chief position. As a Civil Service employee, Mr. LiVigini will voluntarily resign his civil service appointment to accept the unclassified appointed Department Director. This would also entitle him to all Sick Leave payouts up to 720 hours per Civil Service Law and the City of Duncanville policy. Finally, a separation agreement is included in the approval that gives the employee the option to return to the last held Civil Service tested position, as per Texas Law, or to receive six months severance at the current rate of pay at the time of separation, if terminated from the appointed position without cause. The Texas Local Government Code §143.013 (a)(1), "Unless elected, each department head is appointed by the municipality's chief executive and confirmed by the municipality's governing body."

POLICY EXPLANATION:
In compliance with Texas Local Government Code §143.013 (a)(1), "Unless elected, each department head is appointed by the municipality's chief executive and confirmed by the municipality's governing body". Council's confirmation of this appointment will ensure Mark LiVigni can assume the duties and responsibilities of the Police Chief position as specified by State Law.

FUNDING SOURCE:

ORG and Object Number
001-0105-010550-0000-600101

Available Budget	Purchase Amount	After Encumber
$202,020.00	$50,000.00	$152,020

ACTION ALTERNATIVES:

1. Approval of Resolution.
2. Disapprove of Resolution.
3. Other actions as directed by Council.

ATTACHMENTS:

Attachment 1 - Resume - LiVigni
Attachment 2 - Resolution No. - 2022-015 - Confirmation of Mark LiVigni as Police Chief

MARK LiVIGNI
[redacted] ~ [redacted]
[redacted] ~ [redacted]

My service to our country and tenured career in public service has prepared me well to lead. I am a visionary leader with an incredible work ethic. I enjoy serving people; those with whom I work as well as the greater community. I enjoy finding ways not only to help people achieve more than they ever thought possible, but to also find ways we can do so collaboratively. Every day I seek to create an environment of stability, consistency, and clear direction through effective communication.

PROFESSIONAL EXPERIENCE / CAREER ASCENSION

ASSISTANT CHIEF OF POLICE – Duncanville Police Department ***2017 - PRESENT***

Previous Assignments

Police Lieutenant – Day Patrol Division Commander	2012 – 2017
Police Lieutenant – Night Patrol Division Commander	2011 – 2012
Police Lieutenant – Criminal Investigations Division Commander	2008 – 2011
Police Lieutenant – Administrative Services Commander	2005 – 2008
Police Lieutenant – Patrol Division Commander	2002 – 2005
Police Sergeant – Patrol Division Supervisor	1998 – 2002
Police Officer – Patrolman	1998 – 1998
Police Officer – Internal Affairs Investigator/Warrant Officer	1996 – 1998
Police Officer – Patrolman	1993 – 1996

DALLAS COUNTY SHERIFF'S OFFICE – Dallas County, Texas 1992 – 1993
Detention Service Officer

EDUCATION

Senior Management in Policing (SMIP) Program – 74th Session (2019)
POLICE EXECUTIVE RESEARCH FORUM (PERF) – Washington, DC (Training in Boston, MA)

Force Science Institute Certification Course (2018)
FORCE SCIENCE INSTITUTE – Chicago, Illinois (Training in Austin, TX)

48th Management College (2012)
INSTITUTE FOR LAW ENFORCEMENT ADMINISTRATION – Plano, Texas

Bachelor of Science – Criminal Justice - *Magna Cum Laude* (2011)
UNIVERSITY OF NORTH TEXAS – Denton, Texas

Executive Law Enforcement Management College – 233rd Session (2008)
FBI NATIONAL ACADEMY – Quantico, Virginia

Leadership Southwest (2004)
BEST SOUTHWEST GROUP – Duncanville, DeSoto, Cedar Hill, Texas

MARK LiVIGNI

[redacted]

LEADERSHIP / ACCOMPLISHMENTS / CONTRIBUTIONS

- Directly supervise five (5) lieutenants and have worked to increase their understanding of the budgetary process. Conduct weekly one-on-one meetings to gauge progress on projects and/or conduct coaching sessions.

- Responsible for developing, presenting, and managing my Department's $9 million annual budget, inclusive of Asset Forfeiture Funds gleaned from an employee's efforts on a DEA Federal Task Force, as well as local covert narcotics operations staffed by two other detectives.

- Involved in all personnel disciplinary matters above shift/division-level counseling.

- Routinely attend and participate in both City Council Meetings as well as Southwest Regional Communication Center (SWRCC – Regional Dispatch) Chief's Meetings.

- Responsible for working closely with the City's Fleet Manager to ensure the department's fleet of over fifty (50) vehicles is appropriately managed and maintained. Have prepared and presented City Council presentations regarding the status and needs of the department's fleet.

- Responsible for reporting department's annual racial profiling report both to the State as well as our City Council, as mandated by state law.

- Reported in-custody death of person taken into protective custody to State Attorney General's Office as mandated by law. Also advocated for involved officers, whose actions were ultimately exonerated, with district attorney investigator and addressed concerns of surviving family with compassion while being honest about the reality of the circumstances.

- Serve as the Acting Chief of Police when the Chief is unavailable. On a few of those occasions, handled major incidents such as a shooting incident with injury at a city-owned facility, and a 75-year old missing Alzheimer's patient.

- Completed and presented a comprehensive feasibility study regarding keeping detention operations in-house versus contracting with a regional jail concept. Although similar studies had been done during the preceding decade, cost-savings of magistrate services was never explored as they were paid from another department's budget. The study I presented should easily save the city around $200,000.00 over the first three-year period of implementation.

- Commanded and oversaw two Officer - Involved Shooting (OIS) scenes and acted as the liaison between with the Texas Rangers and the Dallas Sheriff's Office.

- Upon appointment to Assistant Chief re-visited two major police projects; securing the police parking lot and the procurement of an integrated camera system (in-car and body-worn Cameras), which had become stagnated due to a lack of funding. Secured funding for both projects within a few months using the department's asset forfeiture fund and the City's Transportation Improvement and Safety Fund (Red Light Camera Fund).

- Member of the City Cash Handling Assessment Team, along with our city's Assistant City Manager, Finance Director, and an outside auditor, which studied, evaluated, and made recommendations regarding cash handling procedures of all city departments that routinely handled cash or other methods of payment.

MARK LiVIGNI

[redacted]

- Led a multi-disciplinary team, with the Fire Marshal, City Code Enforcement, City Management, City Attorney's Office, Texas Alcohol Beverage Commission representatives, and others to attain a voluntary closure of a "sports bar," that had been operating more like a night club and from which many issues stemmed, including shootings and fatal accidents involving alcohol.

- With thoughtful research, creativity, and good negotiation skills saved the city money on procurement of badges, road flares, portable radio batteries, biological hazardous clean up, cameras, and uniforms.

- Coordinated with the Dallas County Sheriff's Office and the Duncanville ISD Police Department to develop and implement inter-agency agreements through the City Council approval process.

- Department liaison with the International Association of Chiefs of Police (IACP) to complete a Recruitment and Retention Study of the Department.

- Participate in the community by attending events such as a Veteran's Day program at a local school, reading to kids in a "Read Across America" school event, and volunteering for several Property Improvement Program (PIP) weekends.

- Worked to streamline and improve the Department's hiring process by slightly increasing the budget for entrance exam "study sessions" and recruitment trips; emphasized opportunities to increase the Department's social media footprint; implemented the use of police volunteers to call applicants who had completed an intent to test on-line form to remind applicants of an upcoming test; developed "Recruitment Cards" as an easy way for all personnel to highlight benefits of the job and testing dates; proposed a retention bonus; and instituted a new "due date" for submission of Personal History Statements (PHS) to alleviate wasted time, all of which resulted in the department realizing its goal of becoming fully staffed after a staffing deficit of nearly 20% just two years prior achieving our staffing goal.

- Recognized while attending the 48th Management College at the Institute for Law Enforcement Administration as the recipient of the Dr. Tory Caeti Award for Academic Excellence.

- Early in my career, aside from normal duties as a police supervisor, voluntarily trained and worked as a dispatcher, for all police departments served by the Southwest Regional Dispatch Center. This opportunity provided a means by which to become a better rounded first responder by learning another, related aspect of the job.

- Varied compliments received personally include:
    - City Manager – Within approximately six months of being in my current position, he advised, "I can tell a noticeable difference in the department's morale since you were promoted."
    - Chief of Police – "You have shown a great work ethic and done everything I could have hoped for and more. You make my job easy."
    - Montgomery County Public Information Officer (during PIO Training) – Approached me and stated, "Chief, I'd work for you any day," after I'd conducted a mock press conference as part of an exercise during our training.
    - Prominent Duncanville Citizen – "I told the Chief the best thing he ever did was promoting you. You two are a good team."

MARK LiVIGNI

[redacted]

ACHIEVEMENTS & HONORS

- Three Police Commendation Bars
- Three Certificates of Merit
- One Life Saving Award
- Two Meritorious Conduct Awards
- Twenty-nine Department Commendations for outstanding performance
- Four Civic Achievement awards
- Sixteen letters of commendation and appreciation

RESOLUTION NO. 2022-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, CONFIRMING THE APPOINTMENT OF MARK LIVIGNI AS POLICE CHIEF AND DEPARTMENT HEAD OF THE DUNCANVILLE POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, former Police Chief for the City of Duncanville, Texas, resigned as Department Head, and was appointed to become the new Assistant City Manager effective April 26, 2021; and

WHEREAS, the City Manager of the City of Duncanville appointed Assistant Chief of Police Mark LiVigni as Interim Police Chief to assume the duties and responsibilities of the Police Chief until such time as a permanent Police Chief is appointed by City Manager and confirmed by City Council as provided by law; and

WHEREAS, the City conducted a thorough recruitment and selection process for the position of Police Chief. Interim Police Chief LiVigni participated in the selection process and has been appointed by the City Manager to become Police Chief; and

WHEREAS, the City Council of the City of Duncanville, Texas, desires to confirm the appointment of Mark LiVigni to serve as Police Chief in accordance with State law.

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

SECTION 1. That the City Council hereby confirms the appointment of Mark LiVigni as Police Chief and Department Head of the City of Duncanville, Texas, in accordance with State Law; and, the City hereby acknowledges that in the event that said Chief of the Department is removed without cause he may elect to return to a classified position as provided by law or decline to return to the classified service and to receive a six month of severance at his base chief salary at the time of removal.

SECTION 2. That this Resolution shall take effect on February 15, 2022.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 15th day of February, 2022.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Consider a Resolution approving Amendment No. 1 to the Interlocal Agreement with the City of Dallas for Intersection Traffic Control Operations and Maintenance.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **N/A**
  - **Goal: N/A**

STAFF RESPONSIBLE:
Bryan G. Ramey II, P.E., Managing Director for Public Works

BACKGROUND/HISTORY:
The City of Duncanville and the City of Dallas initially entered into an Interlocal Agreement (ILA) for Traffic Signal Operations and Maintenance (O&M) on 04 March 2003 (Res No. 2003-030413).

Under the current ILA, the City of Dallas is responsible for O&M at the following intersections:

- Cockrell Hill Rd & Camp Wisdom Rd
- Cockrell Hill Rd & I-20
- Cockrell Hill Rd & San Juan/Gannon
- Cockrell Hill Rd & Skyline
- US-67 & Wheatland Rd
- Westmoreland Rd & Wheatland Rd

The City of Duncanville is currently responsible for O&M at the following intersections:

- Cockrell Hill Rd & Wheatland Rd
- Clark Rd & Camp Wisdom Rd
- Clark Rd & Wheatland Rd
- Clark Rd & Big Stone Gap
- Clark Rd & Danieldale Rd
- Cedar Ridge Rd & Camp Wisdom Rd

On 06 April 2021, the City of Duncanville received a formal request (Attachment 1) from the City of Dallas asking the City of Duncanville to partner on a new traffic signal at the intersection of Clark Rd &

Summit Parc/West Ridge Rd. This request was based on a Warrant Study conducted by the City of Dallas. The City of Dallas original proposal was to amend the existing ILA to reflect the following:

1. City of Dallas will pay for signal design in compliance with Duncanville specifications (completed by Dallas already)
2. City of Dallas would pay for 2/3 cost of the signal construction and the City of Duncanville would pay for 1/3 of construction costs capped at $100K
3. The City of Duncanville would assume O&M responsibility for the signal for perpetuity. (City of Duncanville Traffic Superintendent estimates life cycle cost of $293K over 20 years.)

On 01 June 2021, City of Duncanville Staff presented the City of Dallas' original proposal to the City of Duncanville City Council for consideration. The direction presented at the City Council briefing session was the City of Duncanville was unable to support the request for the City of Duncanville financial participation in the new traffic signal.

On 09 June 2021, the City of Duncanville City Manager sent a memo to the City of Dallas Assistant City Manager informing him that the City of Duncanville was unable to support their request. (Attachment 2)

On 13 July 2021, the City of Duncanville Public Works Director discussed with the City of Dallas Director of Transportation the City of Dallas' revised proposal for a new traffic signal at the intersection of Clark Rd and Summit Parc Dr/West Ridge Dr. The revised proposal stated:

1. The City of Dallas will design the traffic signal.
2. The City of Dallas will pay for the construction of the traffic signal.
3. The City of Dallas will provide ongoing Operations & Maintenance of the traffic signal for perpetuity.
4. The City of Dallas will need to construct signal masts in the City of Duncanville Right-of-way.

On 20 July 2021, Staff briefed City Council on the revised proposal from the City of Dallas. At that meeting, the City Council supported the revised proposal.

On 21 July 2021, the City of Duncanville City Manager sent a memorandum to the City of Dallas Assistant City Manager supporting their revised proposal and requesting an amended Traffic Signal Interlocal Agreement for Duncanville City Council consideration. (Attachment 3)

On 30 December 2021, the City of Dallas provided the final Amendment No. 1 to the Interlocal Agreement incorporating comments from the City of Duncanville City Attorney and City of Duncanville Director of Public Works.

A map showing signalized intersections included in this Interlocal Agreement and the responsible party is attached. (Attachment 4)

Amendment No. 1 to the Interlocal Agreement is scheduled for consideration by the City of Dallas City Council during their 09 February 2022 Council Meeting.

POLICY EXPLANATION:
City Council approval is required to amend existing Interlocal Agreements with other Government entities.

FUNDING SOURCE:

ORG and Object Number
Not Applicable

Available Budget	Purchase Amount	After Encumber
$0.00	$0.00	$0.00

ACTION ALTERNATIVES:

1. Approve the amendment to the ILA, adding a new traffic signal to the list of signalized intersections operated and maintained by the City of Dallas.
2. Disapprove the amendment to the ILA.
3. Other actions as directed by Council.

ATTACHMENTS:

Attachment 1 - City of Dallas Letter Regarding New Signal at Clark-Summit Parc
Attachment 2 - Memo to Dallas - Decline Original Proposal
Attachment 3 - Memo to Dallas - Support Revised Proposal
Attachment 4 - resize - Map of Traffic Signal Locations in ILA
Attachment 5 - Resolution No. - 2003-030413R - Amendment No. 1 to Traffic Signal Maintenance Interlocal Agreement (ILA) with the City of Dallas - Pdf

ATTACHMENT 1

City of Dallas

April 6, 2021

Via Email: bramey@duncanville.com and U.S. Postal Mail

Mr. Greg Ramey, P.E.
Public Works Director,
City of Duncanville
203 E. Wheatland Road
Duncanville, TX 75116

Subject: New Signal at Summit Parc Dr./W. Ridge Dr. and Clark Rd

Dear Mr. Ramey:

City of Dallas (COD) staff has been in ongoing discussions with you about the installation of a new signal at the intersection of Summit Parc Dr./W. Ridge Dr. and Clark Road, which was warranted in 2017 (warrant documentation was submitted via email on October 28, 2020). This intersection borders both the City of Dallas and the City of Duncanville. COD has advanced the design of this signal to the City of Duncanville's standards since this signal lies in the corridor that falls within the traffic signal maintenance purview of the City of Duncanville.

While we have had informal conversations, please consider this letter as our formal request to partner with the City of Duncanville on this project given its high interest and the safety implications this intersection presents to Dallas and Duncanville residents in that area. We propose the following:

1. COD will undertake the responsibility for the design of this signal in compliance with the City of Duncanville's requirements (complete).
2. COD will fund two thirds of the construction of the signal.
3. The City of Duncanville will contribute one third of the construction cost capped at $100,000.
4. The City of Duncanville accepts the maintenance responsibility of this signal.

If acceptable, we will need to amend the existing interlocal maintenance agreement to be approved by our respective City Councils.

Thank you for your cooperation with the City of Dallas in this process and we look forward to your positive reply. If you have any additional questions, please feel free to contact Ghassan "Gus" Khankarli, Interim Director of the Department of Transportation, at 214-671-8451.

Sincerely,

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

cc: Casey Thomas II, Council Member, District 3, City of Dallas
T.C. Broadnax, City Manager, COD
Aretha R. Ferrell-Benavides, City Manager, City of Duncanville
Ghassan Khankarli, Interim Director, Department of Transportation, COD

ATTACHMENT 2

City of Duncanville
203 E. Wheatland Rd
Duncanville, TX 75116

Duncanville
City of Champions

MEMORANDUM

TO: Majed A. Al-Ghafry, P.E., Assistant City Manager, City of Dallas

FROM: Aretha Ferrell-Benavides, City Manager, City of Duncanville

DATE: 09 June 2021

SUBJECT: Response to City of Dallas Letter Regarding Signal at Clark Rd & Summit Park Dr

1. The City of Duncanville received the City of Dallas request to partner on a new signal at the intersection of Clark Rd and Summit Parc Dr/West Ridge Dr on 06 April 2021.

2. The City of Duncanville Staff presented your request to City Council for consideration on 01 June 2021. The City of Duncanville is unable to support your request at this time.

3. Point of Contact for this action is Greg Ramey, P.E., Director of Public Works at bramey@duncanville.com.

ATTACHMENT 3

City of Duncanville
203 E. Wheatland Rd
Duncanville, TX 75116

Duncanville
City of Champions

MEMORANDUM

TO: Majed A. Al-Ghafry, P.E., Assistant City Manager, City of Dallas

FROM: Aretha Ferrell-Benavides, City Manager, City of Duncanville

DATE: 21 July 2021

SUBJECT: Response to City of Dallas Revised Proposal for New Traffic Signal at Clark Road & Summit Parc Drive

1. On 13 July 2021, City of Duncanville Public Works Director discussed with the City of Dallas Director of Transportation the City of Dallas' revised proposal for a new traffic signal at the intersection of Clark Road and Summit Parc Drive/West Ridge Drive.

   a. The City of Dallas will design the traffic signal.
   b. The City of Dallas will pay for construction of the traffic signal.
   c. The City of Dallas will provide ongoing Operations & Maintenance of the traffic signal for perpetuity.
   d. The City of Dallas will need to construct signal masts in City of Duncanville Right-of-way.

2. The City of Duncanville Staff presented your proposal to Duncanville City Council for consideration on 20 July 2021. The City of Duncanville supports your proposal. Please submit an amended Traffic Signal Interlocal Agreement for Duncanville City Council consideration.

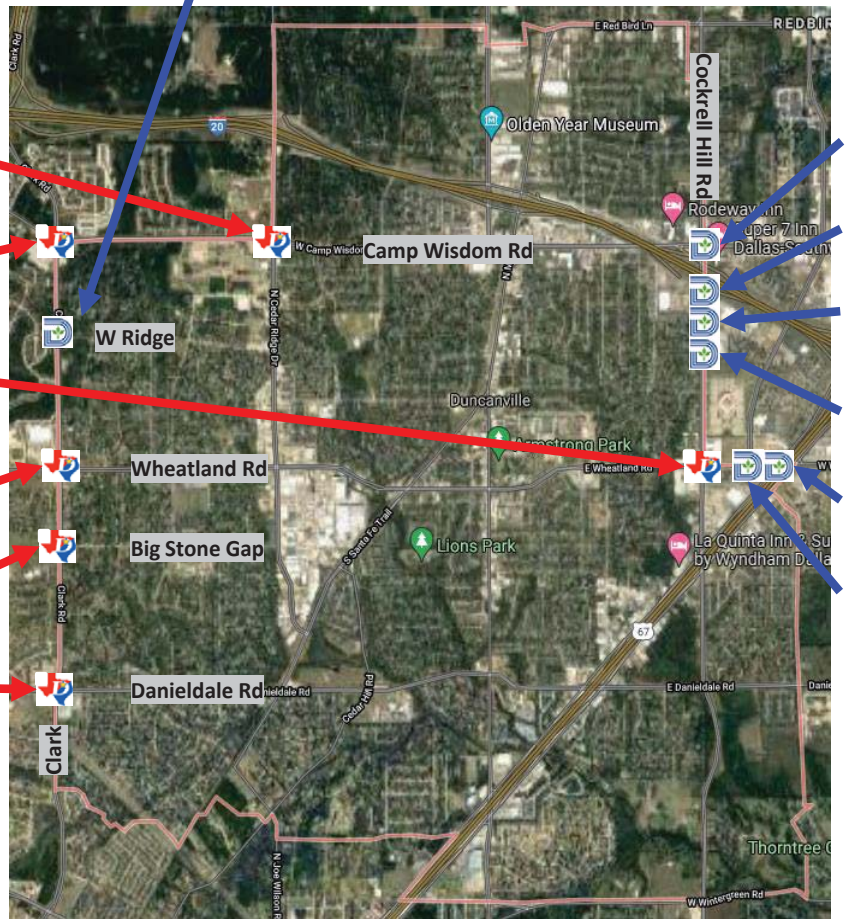
3. Point of Contact for this action is Greg Ramey, P.E., Director of Public Works at bramey@duncanville.com.

City of Duncanville

ATTACHMENT 4

7. Clark & Summit Parc/W Ridge ** NEW **

1. Cedar Ridge & Camp Wisdom
2. Clark & Camp Wisdom
3. Wheatland & Cockrell Hill
4. Clark & Wheatland
5. Clark & Big Stone Gap
6. Clark & Danieldale



1. Cockrell Hill & Camp Wisdom
2. Cockrell Hill & I-20
3. Cockrell Hill & San Juan/Gannon
4. Cockrell Hill & Skyline
5. Wheatland & US-67
6. Wheatland & Westmoreland

RESOLUTION NO. 2003-030413R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE INTERLOCAL AGREEMENT WITH THE CITY OF DALLAS FOR INTERSECTION TRAFFIC CONTROL OPERATIONS AND MAINTENANCE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Interlocal Agreement with the City of Dallas for intersection traffic control operations and maintenance was originally approved on March 4, 2003 which defined which agency will assume traffic signal operations and maintenance services for the traffic signals along the shared city limits; and,

WHEREAS, The City of Dallas wishes to amend the Interlocal Agreement to add one additional traffic signal to the list of intersections they are responsible for.

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 approves Amendment No. 1 to the Interlocal Agreement with the City of Dallas for Intersection Traffic Control Operations and Maintenance.

SECTION 2. The City Manager is authorized to execute the necessary documents on behalf of the City of Duncanville.

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 15th day of February, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

Resolution No. 22-_____
Contract No. TRN-2022-00018242

AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT BY AND BETWEEN CITY OF DALLAS AND CITY OF DUNCANVILLE FOR INTERSECTION TRAFFIC CONTROL OPERATIONS AND MAINTENANCE

WHEREAS, the City of Dallas, Texas, and the City of Duncanville, Texas, want to amend the existing Interlocal Agreement dated June 28, 2000, approved by City of Duncanville Resolution No. 2003-030413 and City of Dallas Resolution No. 00-2084, to add the construction, operation and maintenance of a new signal at Clark Road and Summit Parc Drive to the City of Dallas' responsibility (hereinafter called "Supplemental Interlocal Agreement No.1") to the equal sharing of the traffic signal services, traffic signal maintenance services, and electricity costs for existing traffic operations signals in the City of Dallas and the City of Duncanville, Texas (hereinafter called "Signals"); and

WHEREAS, the Interlocal Cooperation Act, Chapter 791, Government Code, Vernon's Annotated Civil Statutes provides authorization for any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, this interlocal agreement will amend the previous interlocal agreements between the City of Dallas and the City of Duncanville concerning signal engineering services, signal maintenance services, and electrical costs for signals.

NOW THEREFORE, THIS AGREEMENT is hereby made and entered into by the City of Dallas and the City of Duncanville upon and for the mutual consideration stated herein:

WITNESSETH:

SECTION I. The City of Dallas agrees to provide the following for the intersections listed below:

(i) Traffic signal operations services, commencing on the effective date of this agreement.

(ii) Traffic maintenance services, commencing on the effective date of this agreement.

(iii) Maintenance and engineering services of signs and markings within 150'.

(iv) Funding for electricity costs, commencing on the effective date of this agreement.

(v) The City of Dallas will be solely responsible for the construction of the new traffic signal at the intersection of Clark Road and Summit

Parc Drive (West Ridge Drive in City of Duncanville). The City of Duncanville permits the City of Dallas to place traffic signal masts in City of Duncanville Right-of-Way at this intersection.

INTERSECTIONS

New Intersection: Clark Road and Summit Parc Drive

Cockrell Hill Road and Camp Wisdom Road

Cockrell Hill Road and I.H. 20

Cockrell Hill Road and San Juan/Gannon

Cockrell Hill Road and Skyline

U.S. 67 and Wheatland Road

Westmoreland Road and Wheatland Road

SECTION II. The City of Duncanville agrees to provide the following for the intersections listed below:

(i) Traffic signal engineering services, commencing on the effective date of this agreement.

(ii) Traffic signal maintenance services, commencing on the effective date of this agreement.

(iii) Maintenance and engineering services of signs and markings within 150'.

(iv) Funding for electricity costs, commencing on the effective date of this agreement.

INTERSECTIONS

Cockrell Hill Road and Wheatland Road

Clark Road and Camp Wisdom Road

Clark Road and Wheatland Road

Clark Road and Big Stone Gap Road

Clark Road and Danieldale Road

Cedar Ridge Road and Camp Wisdom Road

SECTION III. To the extent permitted by law, the City of Duncanville and the City of Dallas agree to defend, indemnify and hold each other harmless from any claims, demands, costs, judgments or other liability incurred by one party, arising out of any negligent act or

omission of the other party, or their officers, agents, employees, or contractors, arising out of the performance of design, construction or other work or services under this Agreement.

SECTION IV. The services to be performed by each city shall be paid for from current revenues available to the paying party.

SECTION V. This agreement shall have a term of one year from the date hereof and shall automatically be renewed on each anniversary date for an additional year unless terminated by upon ninety (90) days written notice by one of the parties hereto. In the event either party elects to terminate this Agreement, the obligations set forth herein shall continue until the one-year anniversary of the date of termination notice.

EXECUTED this the___day of_____2022, by the City of Duncanville, pursuant to City Council Resolution No._____, and the City of Dallas, pursuant to City Council Resolution No._____, effective _____, 2022.

Approved as to Form:
Christopher J. Caso
City Attorney

By: _____
Assistant City Attorney
City of Dallas *MH*

Printed Name_____

T.C. Broadnax
City Manager

By: _____
Assistant City Manager
City of Dallas

Printed Name: _____

Date: _____

Approved as to Form:
City Attorney

Signature: _____

City Attorney
Duncanville

Robert E. Hager
Date: _____

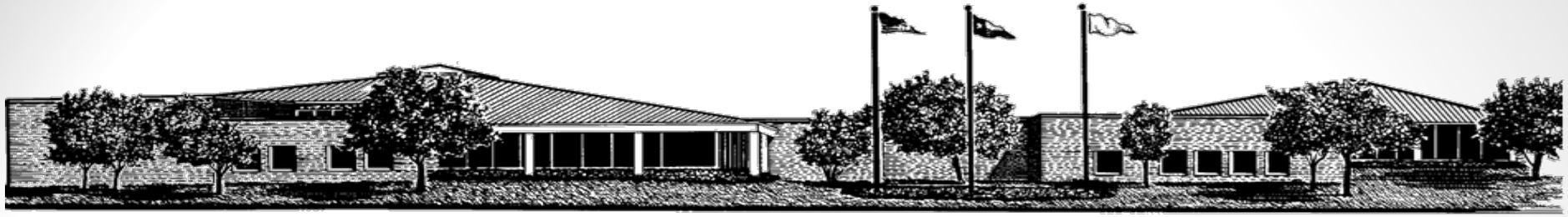
City Manager

Signature: _____

City Manager

City of Duncanville
Aretha Ferrell-Benavides
Date: _____

City of Duncanville



LIBRARY QUARTERLY REPORT

JULIO VELASQUEZ, LIBRARY DIRECTOR

FEBRUARY 15, 2022

We are building a vibrant, inclusive community, driven by a commitment to democratic principles and service above self

City of Duncanville

Departmental Accomplishments

- Weekly home deliveries and curbside pick-up service continue.
- Weekly home item-return services are very popular.
- Best Southwest Consortium highly successful – several hundred items traded between libraries on a twice weekly basis.

City of Duncanville

Staff Updates

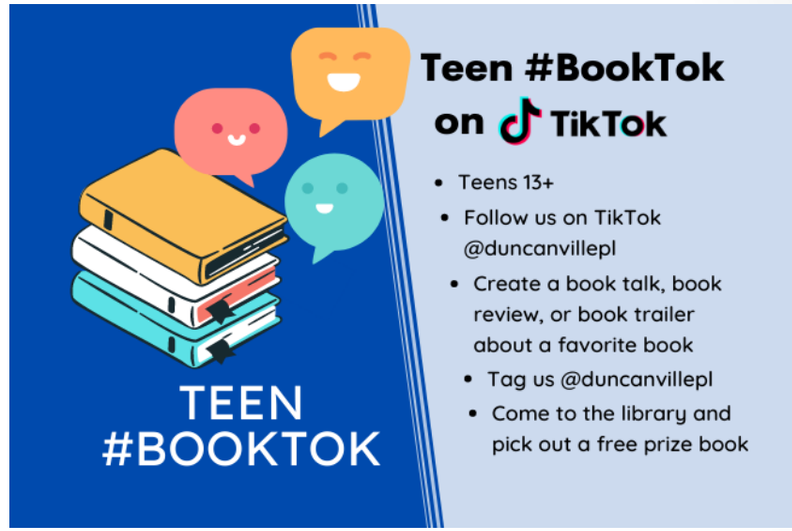
- Interviews for two recently vacated part-time positions were conducted and offers were made to highly qualified candidates.
- New staff members should begin their employment in late February or early March.

Activities and Programs

- January 24-April 25 Ready, Set, Read! Literacy.
- Tutoring for Kids:
  - Partnering with Merrifield Elementary to tutor 1st and 2nd grade students.
  - 12-week session, Mondays 4:30-5:30 pm.
  - One-on-one tutoring, 7 tutors (5 volunteers/2 staff members) and 7 students.
- Thanks to Councilmember Koontz for volunteering to tutor.

City of Duncanville

Activities and Programs



Activities and Programs

- African-American History Month.

City of Duncanville

Activities and Programs

- Weekly Virtual Storytimes.

Funding Report

- ARPA Funding – with the recent approval of ARPA funding for the library, we are excited to explore the various avenues of Digital Literacy available to offer our community.

City of Duncanville

QUESTIONS?

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Receive the Fiscal Year 2022 First Quarter Investment Report as of December 31, 2021.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Edena J. Atmore, CPA,
Managing Director, Financial Services

BACKGROUND/HISTORY:
PFIA (Public Funds Investment Act) recommends quarterly investment reports to be provided to the governing body. This report will cover the Fiscal Year 2022's first-quarter investment activity and interest earnings. The City of Duncanville Investment Report will cover beginning and ending investment balances and summarize investment activity from October 2021 through December 2021. All investments must comply with PFIA requirements and guidelines.

POLICY EXPLANATION:
The investment balance at September 30, 2021, was $68,611,531, with an ending balance at December 31, 2021, of $76,493,552. The portfolio increased by $7,882,021 as CDs matured and property tax dollars increased that are due January 31st of 2022. Property owners begin making their tax payments in November and December of each year.

The LOGIC government investment pool yield grew by 3 basis points (from .04% to .07%) during the period. As a reminder, 100 basis points equates to 1%. Due to longer-term investments in CD's prior to the interest rate decline, the average rate earned by the City is significantly higher than the LOGIC pool rates, as demonstrated on page 5 of the attached investment report. The earnings credit rate applied to the City's Wells Fargo account is also higher than the LOGIC, and the CD interest rates earned with a yield average of .60%.

The City's average rate of return remained stable at .41% during this period. All CD's and Money Market investments are fully secured at a minimum of 100% of principal by pledged collateral, Letters of Credit held by the Federal Home Loan Bank, and FDIC insurance currently at $250,000 per institution. Overall, Duncanville's investment interest earnings totaled $ 35,701 for the quarter ended December 31, 2021.

In March of 2022, the City will start implementing strategies to structure and diversify the portfolio as interest rates begin to rise.

FUNDING SOURCE:

ORG and Object Number
N/A

Available Budget	Purchase Amount	After Encumber
$0.00	$0.00	$0.00

ACTION ALTERNATIVES:
N/A

ATTACHMENTS:
Attachment 1 - 2021 12 Duncanville QTR 1 INVESTMENT REPORT

ATTACHMENT 1

Duncanville
City of Champions

City of Duncanville, Texas
QUARTERLY INVESTMENT REPORT

For the Quarter Ended

December 31, 2021

Prepared by
Valley View Consulting, L.L.C.

The investment portfolio of the City of Duncanville is in compliance with the Public Funds Investment Act and the Investment Policy and Strategies.

Agustin (Gus) Garcia, Managing Director, Community and Economic Development

Edena J. Atmore, Managing Director, Financial Services

Georcha West, Senior Accountant

Disclaimer: These reports were compiled using information provided by the City of Duncanville. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields, and do not account for investment advisor fees.

Strategy Summary

Quarter End Results by Investment Category:

Asset Type	September 30, 2021 Book Value	September 30, 2021 Market Value	December 31, 2021 Book Value	December 31, 2021 Market Value	Ave. Yield
DDA	$ 8,868,228	$ 8,868,228	$ 30,766,140	$ 30,766,140	0.60%
MMA/LGIPs	26,676,579	26,676,579	26,697,290	26,697,290	0.32%
CDs	33,066,723	33,066,723	19,030,122	19,030,122	0.21%
Totals	**$ 68,611,531**	**$ 68,611,531**	**$ 76,493,552**	**$ 76,493,552**	0.41%

Current Quarter Weighted Average Yield (1)

Total Portfolio	0.41%
Rolling Three Month Treasury	0.06%
Rolling Six Month Treasury	0.08%
TexPool	0.04%

Fiscal Year-to-Date Weighted Average Yield (2)

Total Portfolio	0.41%
Rolling Three Month Treasury	0.06%
Rolling Six Month Treasury	0.08%
Average Monthly TexPool	0.04%

Interest Earnings (Approximate)

Quarterly Interest Income	$ 35,701
Year-to-date Interest Income	$ 35,701

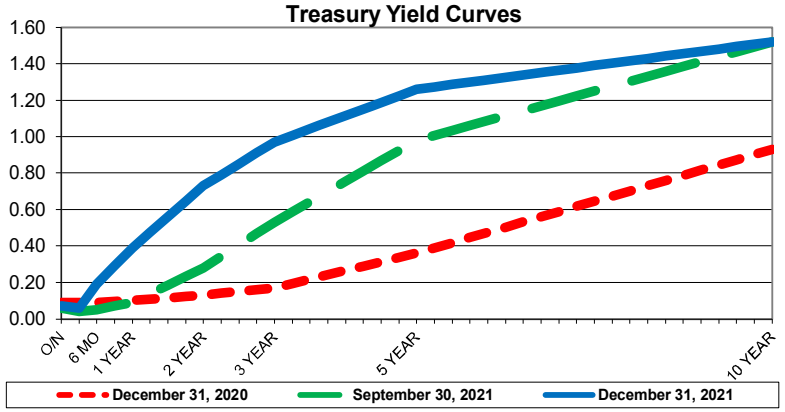
(1) **Current Quarter Weighted Average Yield -** calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees. The yield for the reporting month is used for bank and money market balances.

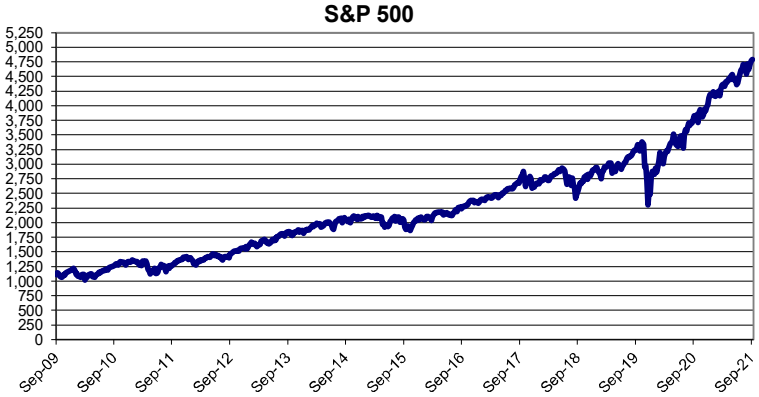
(2) **Fiscal Year-to-Date Weighted Average Yield -** calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

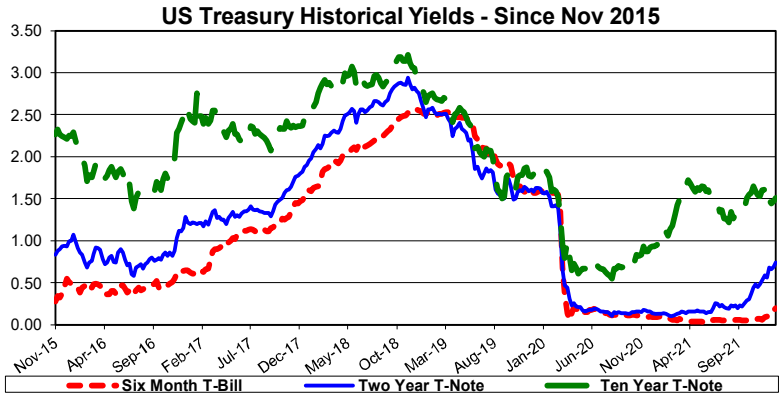
Economic Overview

12/31/2021

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range at 0.00% to 0.25% (Effective Fed Funds are trading <0.10%). The FOMC began reducing monthly security purchases during Nov 2021 and then increased the paced at the December meeting. Projections for target range increases shortened to late spring or early summer 2022. Third Quarter GDP posted +2.3% (Final). December employment reflected U-2 dropping to 3.9% and Non-Farm Payroll adding 199k net new jobs (Three Month Average NFP = 365). Crude oil reversed recent declines and bounced back to +/-$75 per barrel. The Stock Markets reached new highs. Many domestic economic indicators remain positive. The Build Back Better legislation stalled in the Senate. The Debt Ceiling was increased to $31+ trillion, easing any near-term funding pressures. Inflation remained well over the FOMC 2% target and does not appear positioned to decline in the near term. The Yield Curve shifted higher primarily six months and longer.







ATTACHMENT 1

Investment Holdings

December 31, 2021

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
Wells Fargo Bank DDA (3)		0.60%	01/01/22	12/31/21	$ 30,766,140	$ 30,766,140	1.00	$ 30,766,140	1	0.60%
NexBank MMA		0.40%	01/01/22	12/31/21	10,643,912	10,643,912	1.00	10,643,912	1	0.40%
NexBank IntraFi MMA		0.40%	01/01/22	12/31/21	7,825,019	7,825,019	1.00	7,825,019	1	0.40%
Prosperity Bank MMA		0.15%	01/01/22	12/31/21	6,505,747	6,505,747	1.00	6,505,747	1	0.15%
TexPool	AAAm	0.04%	01/01/22	12/31/21	5,036	5,036	1.00	5,036	1	0.04%
LOGIC LGIP	AAAm	0.07%	01/01/22	12/31/21	1,717,576	1,717,576	1.00	1,717,576	1	0.07%
American Nat'l Bank of TX CD		0.25%	02/01/22	02/02/21	6,013,685	6,013,685	100.00	6,013,685	32	0.25%
Prosperity Bank CD		0.20%	03/28/22	03/26/21	7,010,555	7,010,555	100.00	7,010,555	87	0.20%
Prosperity Bank CD		0.20%	04/12/22	04/12/21	4,005,351	4,005,351	100.00	4,005,351	102	0.20%
East West Bank CD		0.17%	11/04/22	11/04/21	2,000,531	2,000,531	100.00	2,000,531	308	0.17%
					$ 76,493,552	**$ 76,493,552**		**$ 76,493,552**	**25**	**0.41%**
									(1)	**(2)**

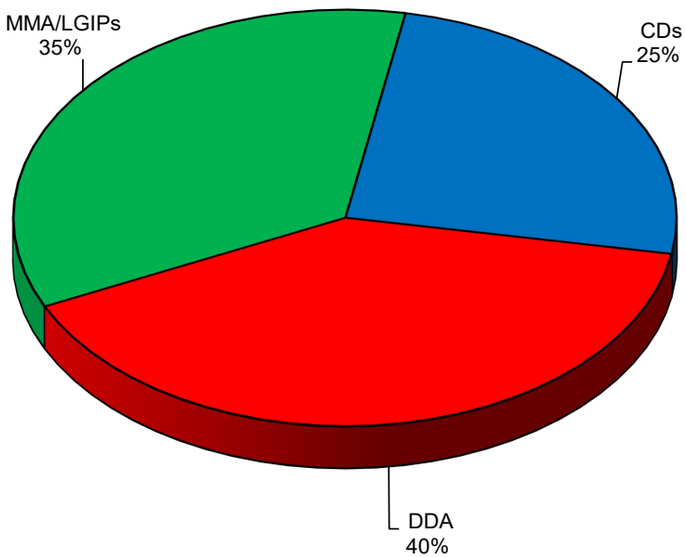
(1) Weighted average life - For purposes of calculating weighted average life, bank accounts and money market funds are assumed to have an one day maturity.

(2) Weighted average yield to maturity - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank accounts and money market funds.

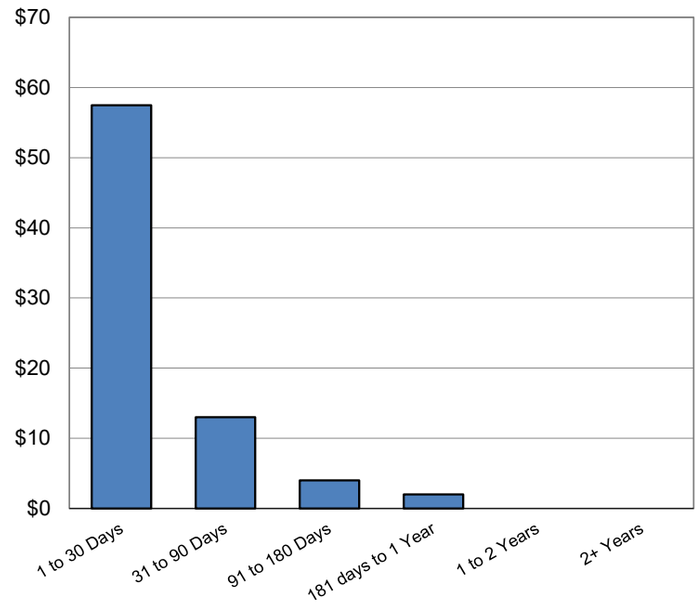
(3) Earnings Credit Rate - Wells Fargo balances are used to to offset bank fees generating an estimated Earnings Credit Rate.

ATTACHMENT 1

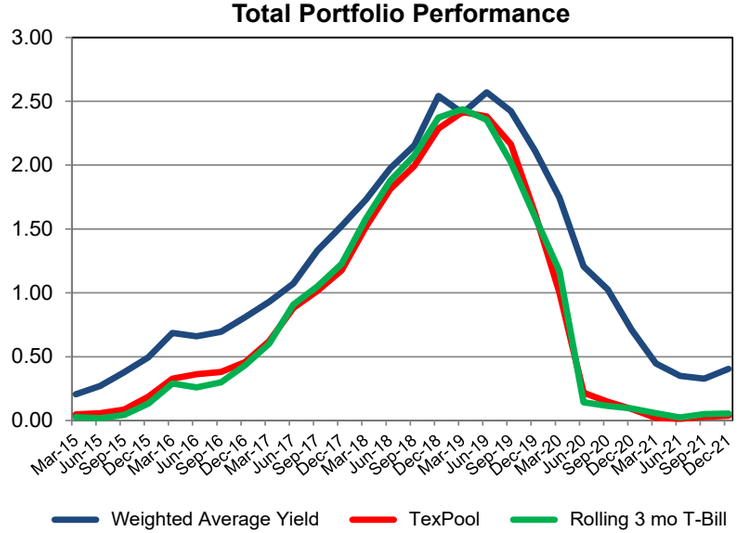
Portfolio Composition



Distribution by Maturity (Millions)



Total Portfolio Performance



Book & Market Value Comparison

Issuer/Description	Yield	Maturity Date	Book Value 09/30/21	Increases	Decreases	Book Value 12/31/21	Market Value 09/30/21	Change in Market Value	Market Value 12/31/21
Wells Fargo Bank DDA	0.60%	01/01/22	$ 8,868,228	$ 21,897,912	$ –	$ 30,766,140	$ 8,868,228	$ 21,897,912	$ 30,766,140
NexBank MMA	0.40%	01/01/22	10,633,187	10,724	–	10,643,912	10,633,187	10,724	10,643,912
NexBank IntraFi MMA	0.40%	01/01/22	7,817,134	7,885	–	7,825,019	7,817,134	7,885	7,825,019
Prosperity Bank MMA	0.15%	01/01/22	6,503,861	1,886	–	6,505,747	6,503,861	1,886	6,505,747
TexPool	0.04%	01/01/22	5,036	1	–	5,036	5,036	1	5,036
LOGIC LGIP	0.07%	01/01/22	1,717,361	215	–	1,717,576	1,717,361	215	1,717,576
Prosperity Bank CD	0.30%	10/22/21	7,018,008	–	(7,018,008)	–	7,018,008	(7,018,008)	–
Prosperity Bank CD	0.30%	11/19/21	6,015,584	–	(6,015,584)	–	6,015,584	(6,015,584)	–
Prosperity Bank CD	0.40%	11/23/21	3,012,230	–	(3,012,230)	–	3,012,230	(3,012,230)	–
American Nat'l Bank of TX CD	0.25%	02/01/22	6,009,904	3,781	–	6,013,685	6,009,904	3,781	6,013,685
Prosperity Bank CD	0.20%	03/28/22	7,007,249	3,306	–	7,010,555	7,007,249	3,306	7,010,555
Prosperity Bank CD	0.20%	04/12/22	4,003,748	1,603	–	4,005,351	4,003,748	1,603	4,005,351
East West Bank CD	0.17%	11/04/22	–	2,000,531	–	2,000,531	–	2,000,531	2,000,531
TOTAL/AVERAGE	**0.41%**		**$ 68,611,531**	**$ 23,927,844**	**$ (16,045,822)**	**$ 76,493,552**	**$ 68,611,531**	**$ 7,882,022**	**$ 76,493,552**

Allocation
December 31, 2021

Book & Market Value

	Total	General	ARPA	Utility	Capital Replacement	Capital Projects Construction
Wells Fargo Bank DDA	$ 30,766,140	$30,766,140	$ –	$ –	$ –	$ –
NexBank MMA	10,643,912	6,391,727	–	3,722,343	529,842	–
NexBank IntraFi MMA	7,825,019	–	–	–	–	7,825,019
Prosperity Bank MMA	6,505,747	1,503,297	4,501,350	501,099	–	–
TexPool LGIP	5,036	5,036	–	–	–	–
LOGIC LGIP	1,717,576	1,717,576	–	–	–	–
02/01/22–American Nat'l Bank of TX CD	6,013,685	6,013,685	–	–	–	–
03/28/22–Prosperity Bank CD	7,010,555	7,010,555	–	–	–	–
04/12/22–Prosperity Bank CD	4,005,351	–	–	–	–	4,005,351
11/04/22–East West Bank CD	2,000,531	2,000,531	–	–	–	–
Total	**$ 76,493,552**	**$55,408,548**	**$ 4,501,350**	**$ 4,223,442**	**$ 529,842**	**$ 11,830,370**

Allocation
September 30, 2021

Book & Market Value

	Total	General	ARPA	Utility	Capital Replacement	Capital Projects Construction
Wells Fargo Bank DDA	$ 8,868,228	$ 8,868,228	$ –	$ –	$ –	$ –
NexBank MMA	10,633,187	6,385,287	–	3,718,592	529,308	–
NexBank IntraFi MMA	7,817,134	–	–	–	–	7,817,134
Prosperity Bank MMA	6,503,861	1,502,729	4,500,222	500,910	–	–
TexPool LGIP	5,036	5,036	–	–	–	–
LOGIC LGIP	1,717,361	1,717,361	–	–	–	–
10/22/21–Prosperity Bank CD	7,018,008	7,018,008	–	–	–	–
11/19/21–Prosperity Bank CD	6,015,584	6,015,584	–	–	–	–
11/23/21–Prosperity Bank CD	3,012,230	1,506,115	–	1,506,115	–	–
02/01/22–American Nat'l Bank of TX CD	6,009,904	6,009,904	–	–	–	–
03/28/22–Prosperity Bank CD	7,007,249	7,007,249	–	–	–	–
04/12/22–Prosperity Bank CD	4,003,748	–	–	–	–	4,003,748
Total	**$ 68,611,531**	**$46,035,501**	**$ 4,500,222**	**$ 5,725,617**	**$ 529,308**	**$ 11,820,882**

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 15 Feb 2022

TITLE:
Receive Police Department 2021 Racial Profiling Report.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **1. Most engaged citizens in America**
  - **Goal 3: Project a credible organizational image, embodying professionalism, compassion, inclusivity, and pride; own our customers' experiences and exceed their expectations.**

STAFF RESPONSIBLE:
Mark LiVigni, Interim Chief of Police
Matthew Stogner, Assistant Chief of Police

BACKGROUND/HISTORY:
The Texas Code of Criminal Procedure mandates all law enforcement agencies in the state to collect, analyze, and report on data related to racial profiling, relative to traffic stops by law enforcement officers. In compliance with those statutes, the Duncanville Police Department (DPD) collects data on every motor vehicle stop that results in a warning, citation, or arrest. As in previous years, DPD has contracted with the Research Justice Institute to analyze the data collected and prepare the annual report on racial profiling. The analysis and report were prepared by Dr. Chad Trulson, working in conjunction with Dr. Eric Fritsch, Chair of the Department of Criminal Justice at the University of North Texas.

The analysis shows that DPD is in full compliance with all relevant Texas laws concerning racial profiling.

POLICY EXPLANATION:
Texas Code of Criminal Procedure Article 2.131 prohibits peace officers from engaging in racial profiling. Articles 2.132 through 2.1385 require law enforcement agencies to develop a written policy meeting certain requirements, provide training and education to officers employed by the agency, provide a complaint and public education process, collect mandated data, report that data to the Texas Commission on Law Enforcement, analyze the data, provide a report to the governing body of the municipality, and prescribe penalties for the chief administrator of any law enforcement agency that is not in compliance with any of the aforementioned provisions.

FUNDING SOURCE:

ORG and Object Number
N/A

Available Budget	Purchase Amount	After Encumber
$0.00	$0.00	$0.00

ACTION ALTERNATIVES:
N/A

ATTACHMENTS:
Attachment 1 - Cover Letter to Mayor & Council (2021 Report)
Attachment 2 - Final Racial Profiling Analysis Duncanville PD 2021
Attachment 3 - TCLEDDS Racial Profiling Report - 2021

February 15, 2022

To: Mayor Barry Gordon and Duncanville City Council

From: Mark LiVigni, Chief of Police

CC: Mrs. Aretha Ferrell-Benavides, City Manager
Mr. Robert D. Brown, Jr., Assistant City Manager

Subject: 2021 Annual Report on Racial Profiling

The Duncanville Police Department 2021 Racial Profiling Comparative Analysis report is attached. The analysis was performed by Justice Research Consultants, under the direction of Dr. Eric J. Fritsch. Should you have any questions about the analysis or methodology of the report, Dr. Fritsch may be contacted by phone at (940) 453-0278 or by email, at fritsch@jrcresearch.com.

The Executive Summary of the analysis identifies six bullet statements that are critical to the analysis. The bullet statements indicate that the Duncanville Police Department is fully compliant with all statutory requirements regarding policy formulation, training, public education, complaint filing, and has met all mandated deadlines for compliance.

During 2021, the Duncanville Police Department received one complaint alleging racial profiling. That complaint was investigated and determined to be unfounded. The Duncanville Police Department takes any complaint of racial profiling very seriously, and any such allegations are thoroughly investigated to ensure fair and equitable law enforcement of citizens with whom our personnel contact during stops. Supervisors routinely review randomly selected audio/video recordings of traffic stops as a quality assurance measure. Additionally, the department regularly provides training on diversity and sensitivity. In 2021, members of the Duncanville Police Department received “Implicit Bias” training through the Academic Network.

This analysis will be available on the City of Duncanville’s website, as well as at the Duncanville Public Library in the current events section.

As required by statute, both the Full Report data from our 2021 Racial Profiling Report as well as this Comparative Analysis has been uploaded to the Texas Commission on Law Enforcement (TCOLE) website.

Please feel free to contact me if you have any questions or concerns regarding this analysis.

Mark LiVigni
Chief of Police
Duncanville Police Department

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DUNCANVILLE POLICE DEPARTMENT

2021

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.
Justice Research Consultants, LLC

Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that "a comparative analysis of the information compiled under 2.133" be conducted, with specific attention to the below areas:

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Duncanville Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE DUNCANVILLE POLICE DEPARTMENT REGULATIONS, SPECIFICALLY SECTION 5.41 OUTLINING THE DEPARTMENT'S POLICY CONCERNING RACIAL PROFILING, SHOWS THAT THE DUNCANVILLE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**

- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE DUNCANVILLE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**

- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**

- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**

- **THE DUNCANVILLE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE DUNCANVILLE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Duncanville Police Department's policies, training, and statistical information on racial profiling for the year 2021. This report has been prepared to specifically comply with Articles 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Duncanville Police Department in 2021. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Duncanville Police Department's policy on racial profiling; (2) Duncanville Police Department's training and education on racial profiling; (3) Duncanville Police Department's complaint process and public education on racial profiling; (4) analysis of Duncanville Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Duncanville Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Duncanville Police Department Policy on Racial Profiling

A review of Duncanville Police Department regulation 5.41 revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP. Duncanville Police Department regulation 5.41 is included in Appendix B. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in regulation 5.41. Duncanville Police Department regulation provides clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulation also provides a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. Appendix C lists the applicable statute and corresponding Duncanville Police Department regulation.

A COMPREHENSIVE REVIEW OF DUNCANVILLE POLICE DEPARTMENT REGULATION 5.41 SHOWS THAT THE DUNCANVILLE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Duncanville Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace Officers. Information provided by Duncanville Police Department reveals that racial profiling training and certification is current for all officers. In addition to training officers received during their academy experience and their field training experience, Duncanville Police Department also provides internal training, which includes training on written policies and procedures and instructional PowerPoints for additional

guidance. The city attorney also periodically provides written updates on matters which may impact how officers follow racial profiling laws. Furthermore, the Duncanville Police Department provided department-wide training that covered Implicit Bias and Diversity in 2021.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE DUNCANVILLE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Duncanville Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Duncanville Police Department regulation 5.41 Section IV Parts A-D covers this requirement. Specifically, the department has prepared a tri-fold pamphlet available in the Duncanville Police Department lobby and the Duncanville Public Library. The brochure is clearly written and provides detailed information on the process and whom to contact to file a complaint. Duncanville Police Department also provides the following easy to access websites for information related to Internal Affairs and complaint processes:

1. Internal Affairs (http://www.duncanville.com/departments/police/administrative/internal-affairs/).

2. Internal Affairs Brochure (http://www.duncanville.com/wp-content/uploads/2018/08/IAD-Lobby-Information-rev-Aug-2017.pdf).

3. Complaint Form (http://www.duncanville.com/wp-content/uploads/2018/08/IAD-Basic-Compliment-Complaint-Form-rev-Aug-2017.pdf).

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Duncanville Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. The Duncanville Police Department submitted statistical information on all motor vehicle stops in 2021 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

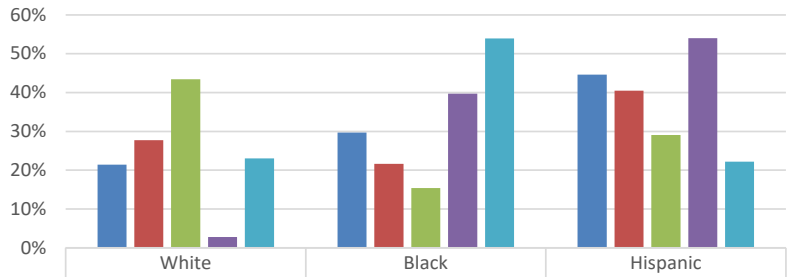
Analysis of the Data

Comparative Analysis #1:

Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 5,953 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2021.[1]

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



	White	Black	Hispanic
% City Population	21.44%	29.69%	44.63%
% County Population	27.74%	21.61%	40.48%
% Regional Population	43.43%	15.39%	29.06%
% Campus Population	2.80%	39.70%	54.00%
% Stops	23.05%	53.92%	22.22%

White drivers constituted 23.05 percent of all drivers stopped, whereas Whites constitute 21.44 percent of the city population, 27.74 percent of the county population, and 43.43 percent of the region population.[2] As an additional population comparison, White students constitute 2.80 percent of the Duncanville Independent School District (DISD) student population. [3]

[1] There were 28 motor vehicle stops where the race/ethnicity of the motorist was Asian/Pacific Islander and 20 stops where the race/ethnicity of the motorist was Alaska Native/American Indian. Due to the extremely small number of cases relative to the population of Duncanville and the total number of motor vehicle stops in 2021 (5,953), these data are not represented in the first chart.

[2] City and County and Regional populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise. City and County populations by gender noted later in this report are based on the most recent 2019 American Community Survey estimates, as the 2020 Decennial Census Redistricting Data (DEC) does not include population counts by gender.

[3] Duncanville ISD enrollment data are based on figures reported by the Texas Tribune found at https://schools.texastribune.org/districts/duncanville-isd/.

Black drivers constituted 53.92 percent of all drivers stopped, whereas Blacks constitute 29.69 percent of the city population, 21.61 percent of the county population, 15.39 percent of the region population, and 39.70 percent of the DISD population.

Hispanic drivers constituted 22.22 percent of all drivers stopped, whereas Hispanics constitute 44.63 percent of the city population, 40.48 percent of the county population, 29.06 percent of the region population, and 54.00 percent of the DISD population.

The chart shows that White drivers were stopped at rates lower than the percentage of Whites found in the county and regional population, but higher than the percentage of Whites represented in the city and DISD population. Black drivers were stopped at rates higher than the percentage of Blacks found in the city, county, regional and DISD populations. Hispanic drivers were stopped at rates lower than the percentage of Hispanics found in the city, county, regional and DISD populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are "racially profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot *prove* that an *individual* officer has racially profiled any *individual* motorist based on the rate at which a department stops any given *group* of motorists.** In sum, aggregate-level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county and regional population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census and school district data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 5,953 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 1.9% of the stops (114/5,953). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.[4] The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is "a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity."

Almost always, Duncanville PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified

[4] Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate-level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Duncanville Police Department in 2021. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

As shown in Table 1, there were a total of 5,953 motor vehicle stops in 2021 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 66 percent of stops resulted in a **verbal warning** (3,905/5,953) and roughly 29 percent resulted in a citation. These result of stops actions accounted for roughly 95 percent of all stops outcomes and will be the focus of the discussion below.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 72 percent of stops involving White motorists (993/1,372), Black motorists received a verbal warning in roughly 66 percent of stops of Black motorists, and Hispanic motorists received a verbal warning in roughly 58 percent of stops of Hispanic motorists.

Specific to **citations**, White motorists received a citation in roughly 22 percent of stops involving White motorists (305/1,372), Black motorists received a citation in roughly 29 percent of stops of Black motorists, and Hispanic motorists received a citation in roughly 38 percent of stops of Hispanic motorists.

Relative to all arrest totals [**Written Warning and Arrest** (1) + **Citation and Arrest** (13) + **Arrest** (86)], White motorists were arrested in roughly 2 percent of stops involving White motorists (23/1,372), Black motorists were arrested in roughly 2 percent of stops involving Black motorists, and Hispanics were arrested in roughly 2 percent of stops involving Hispanic motorists. Most arrests were based on either an outstanding warrant (70.0%; 70/100) or violation of the penal code (27.0%; 27/100).

Finally, as presented in Table 1, **physical force resulting in bodily injury** was used once in 2021. Of the 5.953 total stops, one involved physical force resulting in bodily injury. In this instance, the suspect was injured.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	1,372	3,210	1,323	28	20	5,953
Gender						
Female	494	1,464	551	13	7	2,529
Male	878	1,746	772	15	13	3,424
Reason for Stop						
Violation of Law	6	12	10	1	0	29
Preexisting Knowledge	8	25	5	0	0	38
Moving Traffic Violation	1,097	2,592	1,160	25	19	4,893
Vehicle Traffic Violation	261	581	148	2	1	993
Result of Stop						
Verbal Warning	993	2,116	763	21	12	3,905
Written Warning	51	113	38	1	0	203
Citation	305	925	501	6	8	1,745
Written Warning and Arrest	0	1	0	0	0	1
Citation and Arrest	1	8	4	0	0	13
Arrest	22	47	17	0	0	86
Arrest Based On						
Violation of Penal Code	8	12	7	0	0	27
Violation of Traffic Law	1	1	1	0	0	3
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	14	43	13	0	0	70
Physical Force Resulting in Bodily Injury Used?						
No	1,372	3,209	1,323	28	20	5,952
Yes	0	1	0	0	0	1

Comparative Analysis #3:

Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2021, a total of 194 **searches** of motorists were conducted, or roughly 3 percent of all stops resulted in a search (194/5,933). Among searches within each racial/ethnic group, White motorists were searched in roughly 5 percent of all stops of White motorists (64/1,372), Black motorists were searched in roughly 4 percent of all stops of Black motorists, and Hispanic motorists were searched in roughly 1 percent of all stops of Hispanic motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (57.2%; 111/194). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 63 percent of all searches of White motorists (40/64), Black motorists were searched based on probable cause in roughly 58 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 29 percent of all searches of Hispanic motorists (5 probable cause searches of Hispanic motorists out of 17 total searches of Hispanic motorists).

It is noted that only 23 searches (see Table 2) were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (5,953), discretionary consent searches occurred in 0.39 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 13 percent of all searches of White motorists (8/64), Black motorists were searched based on consent in roughly 12 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 6 percent of all searches of Hispanic motorists (1 total consent search).

Of the searches that occurred in 2021, and as shown in Table 2, **contraband was discovered** in 50 or roughly 26 percent of all searches (50/194 total searches). Among the searches in which contraband was discovered, the majority of the time the contraband discovered was drugs.[5]

[5] Note, that the number of contraband finds (Description of Contraband) equals 60, which is more than the number of searches where contraband was found (50). This is because more than one item of contraband can be found during a single search.

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	64	113	17	0	0	194
No	1,308	3,097	1,306	28	20	5,759
Reason for Search						
Consent	8	14	1	0	0	23
Contraband in Plain View	1	2	0	0	0	3
Probable Cause	40	66	5	0	0	111
Inventory	5	7	3	0	0	15
Incident to Arrest	10	24	8	0	0	42
Was Contraband Discovered						
Yes	17	25	8	0	0	50
No	47	88	9	0	0	144
Description of Contraband						
Drugs	15	21	6	0	0	42
Weapons	1	6	1	0	0	8
Currency	1	1	0	0	0	2
Alcohol	1	0	1	0	0	2
Stolen Property	0	0	0	0	0	0
Other	2	3	1	0	0	6
Did Discovery of Contraband Result in Arrest?						
Yes	4	6	2	0	0	12
No	13	19	6	0	0	38

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)

In 2021, internal records indicate that the Duncanville Police Department received one complaint alleging that a peace officer employed by the agency engaged in racial profiling. Upon investigation, the complaint was unfounded and did not result in disciplinary action.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2021, 5,953 motor vehicle stops were made by the Duncanville Police Department. Of these stops, 2,529 or roughly 42 percent were female drivers (2,529/5,953) and roughly 58 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Duncanville was composed of 51.4 percent females and 48.6 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2021, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 3 provides additional information relative to motor vehicle stops in 2021 by the Duncanville Police Department. These data are required to be collected by the Duncanville Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Duncanville Police Department received one complaint alleging that a peace officer employed by the agency engaged in racial profiling. Upon investigation, the complaint was unfounded and did not result in disciplinary action. Of the 5,953 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 1.9% of the stops (114/5,953).

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	114
No	5,839
Approximate Location of Stop	
City Street	5,755
US Highway	95
County Road	3
State Highway	32
Private Property/Other	68
Number of Complaints of Racial Profiling	**1**
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	1

Analysis of Racial Profiling Compliance by Duncanville Police Department

The foregoing analysis shows that the Duncanville Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection and reporting of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Duncanville Police Department in 2021, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Duncanville Police Department as well as police agencies across Texas.

Appendix A
Racial Profiling Statutes and Laws

Texas Racial Profling Statutes

Art. 3.05. RACIAL PROFILING.
In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.
A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.
(a) In this article:
(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
(3) "Race or ethnicity" means the following categories:
(A) Alaska native or American Indian;
(B) Asian or Pacific Islander;
(C) black;
(D) white; and
(E) Hispanic or Latino.
(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:
(1) clearly define acts constituting racial profiling;
(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.
(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).
(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
(A) the person's gender; and
(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
(2) the initial reason for the stop;
(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
(5) the reason for the search, including whether:
(A) any contraband or other evidence was in plain view;
(B) any probable cause or reasonable suspicion existed to perform the search; or
(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
(7) the street address or approximate location of the stop;
(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Art. 2.138. RULES.
The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.1385. CIVIL PENALTY.
(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.
(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of $1,000 for each violation.
(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.
Amended by:
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix B Agency Policy

DUNCANVILLE POLICE DEPARTMENT REGULATIONS	
SUBJECT: Racial Profiling	SECTION: 5.41
EFFECTIVE DATE: September 1, 2017	APPROVED:
AMENDS/SUPERSEDES: Reg. 5.41 ISSUED: September 24, 2014	Robert D. Brown, Jr. Chief of Police

I. PURPOSE

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.138, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost, or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

II. DEFINITIONS

A. Racial Profiling – means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

B. Race or Ethnicity – means of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent.

C. Acts Constituting Racial Profiling – are acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race or ethnicity or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

D. Pedestrian Stop – means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

E. Traffic Stop – means a peace officer that stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

F. Bodily Injury – means physical pain, illness, or any impairment of physical condition.

III. PROHIBITION

Peace officers of the City of Duncanville are strictly prohibited from engaging in race profiling. The prohibition against racial profiling does not preclude the use of race or ethnicity as factors in a detention decision by a peace officer. Race or ethnicity may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching. Additionally, members of the Duncanville Police Department shall neither engage in enforcement activities nor refuse service based on anyone's ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

IV. COMPLIMENT AND COMPLAINT PROCESS AND PUBLIC EDUCATION

A. Compliments submitted by citizens' can be taken by any member of the Department and forwarded to Internal Affairs. Those compliments will then be forwarded to Administration for review.

B. Complaints will be taken from citizens who feel that their contact with the Police was a result of a bias towards their race or ethnicity and that action taken against them was the result of them being singled out due to their race or ethnicity.

C. Public education information regarding the compliment and complaint process will be accomplished by the distribution of tri-fold pamphlets available in the lobby of the Duncanville Police Station, the counter outside of the Human Resources Department located in the West Wing of Duncanville City Hall, in the Duncanville Public Library, and by posting on the Department website.

D. Complaints alleging racial profiling will be handled in accordance with Duncanville Police Department Regulation #4.01.

E. If the Department opens an investigation based upon a complaint alleging racial profiling, and if a recording of the occurrence exists, the Department shall promptly provide a copy of the recording to the officer who is the subject of the complaint, upon written request by the officer.

V. CORRECTIVE ACTION

Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include: diversity, sensitivity or other appropriate training, counseling, suspension, termination of employment, or other appropriate action as determined by the Chief of Police.

VI. DATA COLLECTION AND REPORTING

A. On every traffic stop and arrests resulting from traffic stops, a peace officer involved in the stop shall collect information identifying the race or ethnicity of the person

detained, stating whether a search was conducted (to include a search of a person, place, or vehicle), and if a search was conducted, whether the person detained consented to the search, the reason for the stop, the location of the stop, and if the Officer used physical force that resulted in bodily injury.

B. The Municipal Court Administrator shall utilize the court's software to compile the data collected on each hand written traffic citation. The Administrative Assistant/Crime Analyst shall utilize the Brazos Tech ticket writer system to compile the data collected on each traffic stop resulting in a citation, written warning, or arrest. The Court Administrator and the Administrative Assistant/Crime Analyst shall convey to the Assistant Chief of Police the data collected during the previous calendar year not later than January 30 of each subsequent year. The Assistant Chief of Police shall cause to be prepared an annual report covering the period January 1 through December 31 of each year, and shall submit the report to the governing body of the City of Duncanville no later than March 1 of the following year.

A copy of the annual report must also be submitted to the Texas Commission on Law Enforcement (TCOLE). The annual reports shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

VII. REVIEW OF VIDEO AND AUDIO DOCUMENTATION-STANDARDS

A. As of the effective date of this regulation, every vehicle regularly used by the Duncanville Police Department to make traffic stops has been equipped with audio or audio/video recording equipment as required by CCP Art. 2.135.

B. Review of audio or audio/video recordings will be in compliance with Duncanville Police Department Regulation 5.29 (Use of the Mobile Video System).

VIII. TRAINING

A. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

B. All officers shall complete a TCOLE training and education program on bias based profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

C. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on bias based profiling.

Duncanville Police Department

Special Services / Internal Affairs

Compliment/Complaint Information Form

Compliment/Complainant Information

_____

***Last Name** ***First Name** ***Middle Name**

***Date of Birth ___/___/___ *Race __*Sex __ *DL/ID # _____**

***Home Address**
City/State/Zip_____

***Home Phone # (____)**_____ Mobile/ Pager #(_____)_____

Name of Business _____

Business Address
City/State/Zip_____

Business Phone # (____)_____

Complaint Associated With:

Arrest ____; Traffic Stop ____; On Call ____;

Other _____

Was the officer previously known to you, Yes ( ) No ( )

*** Required information**

(OVER)

Officer/Employee Information

Officer Name or Description _____

2nd Officer (if applicable) _____

I.D.# & Rank (if known) _____ Marked Squad Car, Yes ( ) No ( )

Squad Car Number_____ Was the officer in uniform? Yes ( ) No ( )

Date/time & location of alleged incident,

_____

***** COMPLIMENT (S) / ALLEGATION (S) *****

On **separate sheet(s) of paper**, please provide an account of the **facts** concerning the conduct of the officer(s) involved. Include in your account of the events **as much detail as possible** with descriptions where applicable. Finally, do not forget to **sign the complaint narrative**, it is required by law.

***** WITNESSES *****

Please provide a list of any witnesses to the incident complimented on/complained of, including their name, address, and best telephone number where they can be reached at during regular daytime business hours.

The Duncanville Police Department Internal Affairs Office is dedicated to investigating each compliment/complaint thoroughly. ***For a personal interview with Internal Affairs, it is preferred that an appointment is made in advance.*** Please call Sgt. Chris Freis at (972) 780-4905. ***Regular business hours are M-F. 8:00 a.m. to 5:00 p.m.***, voice mail is provided at all other times, so please leave a message. You may also contact via e-mail at duncanvilleia@duncanvillepd.com. Every call or e-mail will be returned.

*****Return completed forms to Internal Affairs Office, located at the Duncanville Police Department, or mail the completed form to:***

Duncanville Police Department
ATTN: C. Freis #203
Special Services/Internal Affairs
P.O. Box 380280
Duncanville, TX 75138-0280

The Compliment/Complaint Process

The Duncanville Police Department is dedicated to providing the best police service possible to all citizens. Police officers are carefully selected and given the best training possible in order to provide this service. However, there may be an occasion to lodge a complaint about the actions of a Police Officer with the Duncanville Police Department. The following information is provided on how to submit a compliment or file a complaint, how it is investigated, and the possible outcome.

How compliments and complaints are filed.

You may submit a compliment or lodge a complaint with any Supervisor of the Police Department, visit the Internal Affairs Office located at 203 E. Wheatland Rd., write a letter addressed to the Internal Affairs Office or take a basic compliment/complaint form, home fill it out and return it to the Internal Affairs Office. Your compliment will be reviewed by the Internal Affairs Office and Police Administration. Complaints will be reviewed in the same manner to determine if an internal investigation is warranted.

Texas State law requires that all complaints against police officers must be in writing and signed by the person making the complaint. Just as citizens have the right to know what allegations they face before being charged with a crime, officers are afforded the same right.

Complaints must be received within ninety (90) days of the incident complained about except in special cases (such as criminal misconduct or when the person complaining can show good cause).

Complaints will be taken from citizens with first hand knowledge of the incident, e.g., the person in direct contact with the Police Officer or a fact witness to the incident.

Racial Profiling

Citizens who believe that they have been the subjects of "Racial Profiling" due to an unwarranted contact or action by a Police Officer by way of "race or ethnicity" should feel free to file a complaint with the Internal Affairs Office.

False Complaint

Sometimes people make false complaints against police officers. Citizens should be aware that this is a violation of the Texas Penal Code, Section 37.02, Perjury **Sec. 37.02 states, A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning: "he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath."**

An offense under this section is a Class A misdemeanor.

What happens when a complaint is valid?

When the investigation of a complaint reveals that the charges are true against a police officer, the Chief of Police may take one of the following actions depending on the nature of the violation.

1. Provide Training
2. Reprimand the employee.
3. Suspend the employee without pay.
4. Demote the employee.
5. Terminate the employee.

What happens when the complaint is not proven or is not true?

Police officers are afforded certain rights, the same as with all citizens, and complaints must be supported by sufficient evidence. If there is not sufficient evidence to sustain the complaint, the officer is notified and continues on duty, if he was removed from duty during the investigation, he will be paid for that period.

Officers may appeal any disciplinary action.

When a citizen is adjudged guilty of a criminal offense, he may appeal the court's decision, just as an officer may appeal the disciplinary action taken against him. The City of Duncanville has established procedures for officers to follow in their appeals, just as the Police Department has established procedures for insuring that complaints by citizens against officers are thoroughly and honestly investigated.

What if you are not satisfied with the decision?

If you are not satisfied with the results of the

investigation, you may appeal to the Office of the Chief of Police located at 203 E. Wheatland Road.

The Duncanville Police Department is vitally interested in taking, action where its employees have proved derelict in their duties or are guilty of wrong doing. If it becomes necessary for you to make a complaint, you can be assured that it will be given a fair and thorough investigation.

Similarly, if you have occasion to see a police officer doing outstanding work, tell them about it. Your Duncanville Police Officers are individuals who are dedicated to serving you and our community.

How long will the investigation take?

Investigations of complaints are completed in as short of a time as possible. Additional time is also required for legal and supervisory review after completion of the investigation.

Will there be a final report?

Yes. The Internal Affairs Office or a supervisor will complete a report at the conclusion, of their investigation. The report will consist of:

- **Allegations -** a listing of the alleged violation(s).
- **Findings -** results of the investigation.
- **Conclusion -** analysis of support for findings.
- **Recommendation -** the Internal Affairs Office or the supervisor will make one of the following recommendations for each allegation:
  - **Not Sustained -** the investigation could not prove or disprove the allegation.
  - **Unfounded -** the investigation determined that the alleged incident did not take place.
  - **Exonerated -** the investigation determined that the allegation is accurate, but the incident does not involve policy or law violations
  - **Sustained -** the investigation determined that the allegation is accurate and involves a policy or law violation.

The complaining person will be notified in writing of the results of the investigation upon conclusion.

Who determines discipline?

The Chief of Police has final authority for determining discipline.
The Internal Affairs investigative report does not recommend discipline.

If you have any questions, feel free to contact the **Internal Affairs Office @ (972) 780-4905** at any time. If the investigators are not in the office, leave your name and telephone number and your call will be returned as soon as possible. You may also reach us on the Web at duncanvilleia@duncanvillepd.com**.** Regular business hours are M-F 8:00 a.m.-5:00 p.m.

The Duncanville Police Internal Affairs Office is located at the Police Department, 203 E. Wheatland Rd., Duncanville, Texas.

How to submit a Compliment or file a Complaint with the

Internal Affairs Office
(972) 780-4905

The mission of the Duncanville PD is to provide quality law enforcement and public safety services to our community focusing on goals, objectives, values, and partnerships.

Appendix C

Racial Profiling Laws and Corresponding General Orders and Standard Operating Procedures

Texas CCP Article	DUNCANVILLE POLICE DEPARTMENT Regulations Section 5.41
2.132(b)1	Section II Part A
2.132(b)2	Section III
2.132(b)3	Section IV
2.132(b)4	Section IV Part C
2.132(b)5	Section V
2.132(b)6	Section VI
2.132(b)7	Section VI Part B

Racial Profiling Report | Full

Agency Name: DUNCANVILLE POLICE DEPT.
Reporting Date: 02/09/2022
TCOLE Agency Number: 113210

Chief Administrator: MARK A. LIVIGNI

Agency Contact Information:
Phone: (972) 780-5035
Email: mlivigni@duncanvillepd.com

Mailing Address:
P. O. BOX 380280
203 E. WHEATLAND
DUNCANVILLE, TX 75116-0280

This Agency filed a full report

DUNCANVILLE POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

1) clearly defines acts constituting racial profiling;

2) strictly prohibits peace officers employed by the DUNCANVILLE POLICE DEPT. from engaging in racial profiling;

3) implements a process by which an individual may file a complaint with the DUNCANVILLE POLICE DEPT. if the individual believes that a peace officer employed by the DUNCANVILLE POLICE DEPT. has engaged in racial profiling with respect to the individual;

4) provides public education relating to the agency's complaint process;

5) requires appropriate corrective action to be taken against a peace officer employed by the DUNCANVILLE POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the DUNCANVILLE POLICE DEPT. policy;

6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
a. the race or ethnicity of the individual detained;
b. whether a search was conducted and, if so, whether the individual detained consented to the search;
c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
d. whether the peace officer used physical force that resulted in bodily injury during the stop;
e. the location of the stop;
f. the reason for the stop.

7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
a. the Commission on Law Enforcement; and
b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The DUNCANVILLE POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133 (c), Code of Criminal Procedure during the reporting period.

Executed by: MARK A. LIVIGNI
Chief of Police

Date: 02/09/2022

Total stops: 5953

Street address or approximate location of the stop	
City street	5755
US highway	95
County road	3
State highway	32
Private property or other	68
Was race or ethnicity known prior to stop?	
Yes	114
No	5839
Race / Ethnicity	
Alaska Native / American Indian	20
Asian / Pacific Islander	28
Black	3210
White	1372
Hispanic / Latino	1323
Gender	
Female	**2529**
Alaska Native / American Indian	7
Asian / Pacific Islander	13
Black	1464
White	494
Hispanic / Latino	551
Male	**3424**
Alaska Native / American Indian	13
Asian / Pacific Islander	15
Black	1746
White	878
Hispanic / Latino	772
Reason for stop?	
Violation of law	**29**
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	12
White	6

Hispanic / Latino	10
Preexisting knowledge	**38**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	25
White	8
Hispanic / Latino	5
Moving traffic violation	**4893**
Alaska Native / American Indian	19
Asian / Pacific Islander	25
Black	2592
White	1097
Hispanic / Latino	1160
Vehicle traffic violation	**993**
Alaska Native / American Indian	1
Asian / Pacific Islander	2
Black	581
White	261
Hispanic / Latino	148

Was a search conducted?

Yes	**194**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	113
White	64
Hispanic / Latino	17
No	**5759**
Alaska Native / American Indian	20
Asian / Pacific Islander	28
Black	3097
White	1308
Hispanic / Latino	1306

Reason for Search?

Consent	**23**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	14
White	8

Hispanic / Latino	1
Contraband	**3**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1
Hispanic / Latino	0
Probable	**111**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	66
White	40
Hispanic / Latino	5
Inventory	**15**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	5
Hispanic / Latino	3
Incident to arrest	**42**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	24
White	10
Hispanic / Latino	8

Was Contraband discovered?

		Did the finding result in arrest? (total should equal previous column)	
Yes	**50**		
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	25	Yes 6	No 19
White	17	Yes 4	No 13
Hispanic / Latino	8	Yes 2	No 6
No	**144**		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	88		
White	47		
Hispanic / Latino	9		

Description of contraband	
Drugs	**42**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	21
White	15
Hispanic / Latino	6
Weapons	**8**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	1
Hispanic / Latino	1
Currency	**2**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	0
Alcohol	**2**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
Stolen property	**0**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	**6**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	2
Hispanic / Latino	1

Result of the stop	
Verbal warning	**3905**

Alaska Native / American Indian	12
Asian / Pacific Islander	21
Black	2116
White	993
Hispanic / Latino	763
Written warning	**203**
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	113
White	51
Hispanic / Latino	38
Citation	**1745**
Alaska Native / American Indian	8
Asian / Pacific Islander	6
Black	925
White	305
Hispanic / Latino	501
Written warning and arrest	**1**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Citation and arrest	**13**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	1
Hispanic / Latino	4
Arrest	**86**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	47
White	22
Hispanic / Latino	17
Arrest based on	
Violation of Penal Code	**27**
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	12
White	8
Hispanic / Latino	7
Violation of Traffic Law	**3**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	1
Violation of City Ordinance	**0**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	**70**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	43
White	14
Hispanic / Latino	13

Was physical force resulting in bodily injury used during stop?

Yes	**1**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	1
Officer	0
Both	0
No	**5952**
Alaska Native / American Indian	20
Asian / Pacific Islander	28
Black	3209
White	1372
Hispanic / Latino	1323

Number of complaints of racial profiling

Total	1
Resulted in disciplinary action	0
Did not result in disciplinary action	1

Comparative Analysis

Use TCOLE's auto generated analysis ☐

Use Department's submitted analysis ☒

Optional Narrative

N/A

Submitted electronically to the

The Texas Commission on Law Enforcement