Duncanville City Council Meeting Agenda
Videoconference via ZOOM
Duncanville City Hall
203 E. Wheatland Road
Duncanville, TX 75116
(972) 780-5017

Tuesday, March 2, 2021
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 by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, March 2, 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 video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, March 2, 2021, email citysecretary@duncanville.com and title the email "Public Comment – March 2nd". You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_gWHdhkhQSQW2hPL0K3WwZw

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

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

WORK SESSION / BRIEFING

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

1. DISCUSS AGENDA ITEMS

2. BRIEFINGS / PRESENTATIONS

A. Receive Presentation on CARES Act Funding 2020. 6

CARES Act Funding 2020

B. Discuss appointments to boards and commissions to fill existing vacancies on the Zoning Board of Adjustment and the Sign Control Board. 7 - 17

Appointments to Board and Commissions

EXECUTIVE SESSION

1. City Council shall convene into closed executive session pursuant to Section 551.074, Texas Government to deliberate personnel matters concerning the appointment, employment evaluation, duties of a public officer (s), to wit: Municipal court chief judge and associate municipal judges.

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

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

CALL TO ORDER
INVOCATION
PLEDGES - PLEDGE OF ALLEGIANCE; TEXAS PLEDGE OF ALLEGIANCE

1. REPORTS

A. Mayor's Report.

B. Councilmembers' Reports

C. City Manager's Report.

2. PROCLAMATIONS AND PRESENTATIONS

None

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.

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 February 2, 2021 City Council Regular Meeting. 2021-02-02 - City Council - Minutes - UNAPPROVED	18 - 25
B.	Consider a Resolution authorizing the award of bid IFB 21-009 to Anderson Asphalt & Concrete Paving, LLC for Mill and Overlay in an amount up to $766,623.60 FY 21 - Mill & Overlay of City Streets	26 - 43
C.	Consider a Resolution to enter into a Joint Election Agreement and Election Services contract between Dallas County and other jurisdictions holding election on May 1, 2021, to be administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code. Joint Election Agreement and Election Services Contract	44 - 76
D.	Consider a Resolution authorizing an amendment to an existing purchase agreement for a new annual purchase amount up to $125,000.00 with Olson Electric, Inc. for electrical installation, maintenance, repair services, and parts for various City departments. Olson Electric, Inc	77 - 90
E.	Consider a Resolution authorizing the first renewal option of IFB-19-005 Janitorial Services for Duncanville Fieldhouse, and a contract increase in the amount of $24,000.00 for a new annual amount up to $93,500.00 with D&A Building Services, Inc. Janitorial Services at Duncanville Fieldhouse	91 - 97
F.	Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, BG21 Rifle-Resistant Body Armor Grant Program, to provide funding for the Police Department, to purchase nine sets of rifle-resistant body armor for Police Officers, with a total grant value of $16,650.00.	98 - 101

BG21 Rifle-Resistant Body Armor Grant Program

G. Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, BG22 Rifle-Resistant Body Armor Grant Program, to provide funding for the Police Department, to purchase eighteen (18) sets of rifle-resistant body armor for Police Officers, with a total grant value of $33,300.00. 102 - 105

FY22 Rifle-Resistant Body Armor Grant Program

H. Consider a Resolution authorizing the application acceptance for and receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, Justice Assistance Grant Program, to provide funding for the Police Department, to purchase one Roboteam Individual Robotic Intelligence System – Long Range (IRIS LR) that will be used and in support of the Police Department's Special Operations Unit, with a total grant value of $39,000.00. 106 - 109

Justice Assistance Grant Program $39K

I. Consider a Resolution authorizing the acceptance of the North Central Texas Council of Governments and FY20 Homeland Security Grant-State Homeland Security Program (SHSP) for night vision units that will be used for an in support of the police department's special operations unit, to provide funding for the police department to purchase ten-night vision units, with a total grant value of $15,272.09. 110 - 113

Acceptance - FY20 Homeland Security Grant-State Homeland Security Program

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Conduct a Public Hearing and consider an Ordinance repealing and replacing the Zoning Ordinance and Zoning Map. 114 - 250

Zoning Ordinance Update

B. Consider an Ordinance amending Sec. 19-107 of the City of Duncanville Ordinance to declare a portion of Oriole Blvd as a No Parking Zone. 251 - 255

Declaring a portion of Oriole Blvd as a No Parking Zone

C. Consider an Ordinance providing for the appointment and contract for a Presiding Municipal Court Judge and Associate Municipal Court Judges for the Municipal Court of Duncanville; and, authorizing the Mayor to sign. 256 - 271

Municipal Court Judges

D. Consider a Resolution approving the terms and conditions of an agreement by and between the City of Duncanville and Wells Fargo Bank N.A. as a Merchant Processing Services provider for an initial term of a three (3) year period with the option to extend the contract for three (3) additional two-year periods under the same terms and conditions 272 - 275

Merchant Processing Services (MSP)

E. Consider appointments to boards and commissions, being appointments to fill existing vacancies on the Zoning Board of Adjustment and the Sign Control Board. 276 - 286

Appointments to Board and Commissions

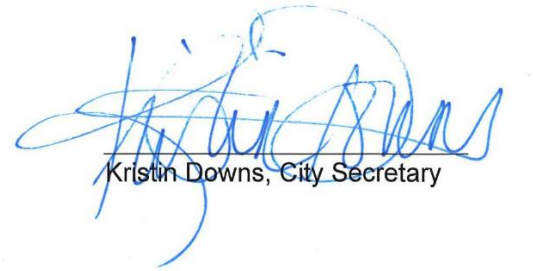
F. Take any necessary action as a result of the Executive Session.

6. STAFF AND BOARD REPORTS

A.	Receive the Fiscal Year 2021 First Quarter Investment Report as of December 31, 2020. Annual Investment Report	287 - 296
B.	Receive Police Department 2020 Racial Profiling Report. Racial Profiling Report 2020	297 - 340
C.	Receive the Monthly Financial Report as of January 31, 2021. Monthly Financial Report	341 - 354
D.	Library Quarterly Report. Quarterly Report	355 - 360
E.	Receive the Public Works Department Quarterly Report. Quarterly Report	361 - 375

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 26th, 2021 at 5:00 P.M.** and remained posted for at least two hours after said meeting was convened.



Kristin Downs, City Secretary

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

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

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

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

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Receive Presentation on CARES Act Funding 2020.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **1. Most engaged citizens in America**
  - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:
Tia Pettis, Assistant Finance Director

BACKGROUND/HISTORY:
On June 2, 2020, the City of Duncanville entered an interlocal agreement (Resolution No. 2020-047) with Dallas County to receive funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act for up to $2,173,050. The City received 20% of this funding up front in the amount of $434,610 on July 2, 2020. The remaining 80% of the funding was requested from the County by submitting a proposal package. The proposal was approved, and the remaining available funds of $1,738,440 were received by the City on November 3, 2020.

Per the U.S. Treasury Coronavirus Relief Fund Guidance, CARES Act funding may be used only for necessary expenditures incurred due to the public health emergency. The City utilized the funding for public health expenses, to improve telework capabilities, public safety payroll and other payroll related costs. All the expenditures totaling $2,173,050 were incurred by November 30, 2020.

POLICY EXPLANATION:
The purpose of this item is to provide an overview of the costs recovered through CARES Act Funding in 2020.

FUNDING SOURCE:
N/A

Contract Log #:
N/A

RECOMMENDATION:
There is no City Council action required.

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Discuss appointments to boards and commissions to fill existing vacancies on the Zoning Board of Adjustment and the Sign Control Board.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **1. Most engaged citizens in America**
  - **Goal 1: Foster a values-based environment where employees are supported and encouraged to develop, in order to achieve and sustain a healthy relationship between the organization's stakeholders.**

STAFF RESPONSIBLE:
Kristin Downs, City Secretary

BACKGROUND/HISTORY:
During its regular board and commission appointment process, the Zoning Board of Adjustment and Sign Control Board, had one vacancy each remaining. City Council directed staff to continue to advertise for board vacancies. We now have applications from three (3) citizens specifically interested in serving on the Sign Control Board or the Zoning Board of Adjustment.

Those applicants are:

Boards Interested In:

Applicants:	Sign Control Board	Zoning Board of Adjustment
Mr. Edward Stith	Yes	Yes
Mr. Javar Avery	Yes	Yes
Mr. Jarred Davis	No	Yes

- The Zoning Board of Adjustment currently has one (1) vacancy to fill (Alternate #2).
- The Sign Control Board currently has one (1) vacancy to fill.

POLICY EXPLANATION:
Board and commission members serve at the will and pleasure of the City Council and the City Council reserves the right to appoint or remove board or commission members at any time. Applications of interested citizens are attached.

FUNDING SOURCE:
N/A

Contract Log #:

N/A

RECOMMENDATION:
N/A

ATTACHMENTS:
Edward Stith - District 1
Javar Avery - District 2
Jarred Davis - District 4

Duncanville
City of Champions

Received:	
Appointed to:	
Date Approved:	
Term Dates:	
District #:	

FOR OFFICE USE ONLY

The Duncanville City Council is committed to building a "vibrant and inclusive community, driven by a commitment to democratic principles and service above self." Through a diverse and inclusive voice from our Boards and Commissions, we hope to bridge the gap between citizens and City Council, forging the future of Duncanville! To begin the process, we would like for you to answer some questions below. It is our desire to partner you with a Board or Commission that you not only have a desire to serve with, but also matches your talents. Thank you again for your interest and desire to serve your community!

City of Duncanville Boards and Commission Application

PUBLIC INFORMATION NOTICE

Certain information submitted on the Boards and Commission Application is subject to the Texas Information Act and may be disclosed to anyone requesting this information. The act allows a board member of a governmental body to choose whether to allow public access to the information in the custody of the city that relates to the home address and phone numbers. This designation can be made on the application.

I ELECT TO WITHHOLD THE FOLLOWING INFORMATION FROM PUBLIC ACCESS: (circle selection)

HOME ADDRESS TELEPHONE NUMBER

To be eligible to serve, one must be a resident of the City of Duncanville, and not be in arrears on City of Duncanville ad valorem taxes, fines or fees.

Name: Edward Stith	Occupation: Librarian
Home Address: [redacted] District 1	
Telephone Number: [redacted]	Email Address: [redacted]
Registered Voter: (Yes) / No	Resident for # of Years in City: 4

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 5

City Planning & Zoning Commission		Parks & Recreation Advisory Board	
Civil Service Commission		Senior Advocacy Commission	
Duncanville Community & Economic Development Corporation (DCEDC)		Sign Control Board	
Keep Duncanville Beautiful Board		Tax Increment Finance Reinvestment Zone Board	
Library Advisory Board		Tri-City Animal Shelter	

Multicultural Social Engagement Partnership		Zoning Board of Adjustment	X
Neighborhood Vitality Commission			

Why are you interested in applying for this specific Board or Commission?
I would like to make contributions to Duncanville's growth.

What do you hope to accomplish by serving on this Board or Commission?
I want to help in any way I can to make Duncanville a growing and vibrant community. I also think I will learn a great deal on this Board, and I can offer my research skills to the members on the Board.

What experience do you possess that will be helpful to the mission of this Board or Commission?
I am an experienced researcher who can analyze zoning adjustment recommendations to that of similar cities and assess what benefits have been accomplished, per the adjustment, by reviewing data driven business intelligence documents.

How will you engage other citizens to provide to you a perspective or recommendations?
I can utilize social media such as NextDoor and place informational notices with contact information at strategic locations around the city. In addition, I am willing to conduct polls in diverse areas of the city.

What concerns, if any, do you have about issues facing Duncanville?
Profitable and equitable zoning of the land in Duncanville.

Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below.
No.

Have you ever been convicted of a felony? If yes, please explain below.
No.

Pursuant to Ordinance No. 1975 members of boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law and shall not be delinquent in the payment of any fine owing to the City.

The following information is needed for verification purposes.

Complete legal name: Edward Seymour Stith

Complete legal name of spouse:

Home address: [redacted]

List all properties that you own or have an interest within the City of Duncanville:
[redacted]

List all businesses that you own or have an interest within the City of Duncanville:
N/A

Signature: Edward Smith **Date:** 11/05/20

Please return your completed application to the City Secretary's Office at City Hall, 203 E Wheatland Rd., Duncanville, TX 75116 or via electronic mail (e-mail) at kdowns@duncanville.com

2

APPLICATIONS ARE KEPT ON FILE FOR A YEAR AND ARE ALWAYS WELCOME AS VACANCIES MAY OCCUR THROUGHOUT THE YEAR.

Duncanville
City of Champions

FOR OFFICE USE ONLY	
Received:	
Appointed to:	
Date Approved:	
Term Dates:	
District #:	

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To be eligible to serve, one must be a resident of the City of Duncanville, and not be in arrears on City of Duncanville ad valorem taxes, fines or fees.

Name: Javar Avery	Occupation: President/Managing Partner
Home Address: [redacted] District 2	
Telephone Number: [redacted]	Email Address: [redacted]
Registered Voter: (Yes) / No	Resident for # of Years in City: 6 months

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 5

City Planning & Zoning Commission	3	Parks & Recreation Advisory Board	
Civil Service Commission		Senior Advocacy Commission	
Duncanville Community & Economic Development Corporation (DCEDC)	2	Sign Control Board	
Keep Duncanville Beautiful Board		Tax Increment Finance Reinvestment Zone Board	4
Library Advisory Board		Tri-City Animal Shelter	
Multicultural Social Engagement Partnership		Zoning Board of Adjustment	1
Neighborhood Vitality Commission			

Why are you interested in applying for this specific Board or Commission?

City boards aligns with my purpose of not just being a resident of the city, but being an active constiuent. All boards impact the residents in some form. it's my goal to make sure that the impact is thoughtful and carried out in the correct manner.

What do you hope to accomplish by serving on this Board or Commission? **Make a contribution to my community, and further enhance my knowledge base of how cities function.**
What experience do you possess that will be helpful to the mission of this Board or Commission? **I have an entrepreneurial background with a focus on mergers and acquisitions. I have gained a great deal of knowledge in finance from this. I am a team player, purpose driven/mission oriented, I am a thought leader, and possess the skills to think through difficult situations.**
How will you engage other citizens to provide to you a perspective or recommendations? **I will get to know my neighboors to understand their concerns. I will also listen via social media.**
What concerns, if any, do you have about issues facing Duncanville? **I am fairly new to the city. I am not aware of the issues facing the city yet. However, I see others concerns on Nextdoor.**
Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below. **No**
Have you ever been convicted of a felony? If yes, please explain below. **No**

Pursuant to Ordinance No. 1975 members of boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law and shall not be delinquent in the payment of any fine owing to the City.

The following information is needed for verification purposes.

Complete legal name: Javar Dawayne Avery
Complete legal name of spouse: [redacted]
Home address: [redacted]
List all properties that you own or have an interest within the City of Duncanville: N/A
List all businesses that you own or have an interest within the City of Duncanville: President/Managing partner of Sun And Moon Capital LLC.

Signature: Javar Avery **Date:** 01/04/2020

Please return your completed application to the City Secretary's Office at City Hall, 203 E Wheatland Rd., Duncanville, TX 75116 or via electronic mail (e-mail) at kdowns@duncanville.com

2

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I ELECT TO WITHHOLD THE FOLLOWING INFORMATION FROM PUBLIC ACCESS: (circle selection)

HOME ADDRESS TELEPHONE NUMBER

To be eligible to serve, one must be a resident of the City of Duncanville, and not be in arrears on City of Duncanville ad valorem taxes, fines or fees.

Name: Jarred Davis	Occupation: Human Resources Executive
Home Address: [redacted] District 4	
Telephone Number: [redacted]	Email Address: [redacted]
Registered Voter: Yes / No	Resident for # of Years in City: 1 year

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 5

City Planning & Zoning Commission	2	Parks & Recreation Advisory Board	3
Civil Service Commission	4	Senior Advocacy Commission	
Duncanville Community & Economic Development Corporation (DCEDC)	1	Sign Control Board	
Keep Duncanville Beautiful Board		Tax Increment Finance Reinvestment Zone Board	
Library Advisory Board	5	Tri-City Animal Shelter	
Multicultural Social Engagement Partnership		Zoning Board of Adjustment	
Neighborhood Vitality Commission			

Why are you interested in applying for this specific Board or Commission?

see last page

What do you hope to accomplish by serving on this Board or Commission?

see last page

What experience do you possess that will be helpful to the mission of this Board or Commission?

see last page

How will you engage other citizens to provide to you a perspective or recommendations?

see last page

What concerns, if any, do you have about issues facing Duncanville?

see last page

Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below.
No.

Have you ever been convicted of a felony? If yes, please explain below.
No.

Pursuant to Ordinance No. 1975 members of boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law and shall not be delinquent in the payment of any fine owing to the City.

The following information is needed for verification purposes.

Complete legal name: Jarred D'Shea Davis
Complete legal name of spouse: N/A
Home address: [redacted]
List all properties that you own or have an interest within the City of Duncanville:
[redacted]
List all businesses that you own or have an interest within the City of Duncanville:
N/A

Signature: Jarred D'Shea Davis **Date:** 7/7/21

Please return your completed application to the City Secretary's Office at City Hall, 203 E Wheatland Rd., Duncanville, TX 75116 or via electronic mail (e-mail) at kdowns@duncanville.com

2

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Davis, Jarred
Board and Commission Application Questions/Response

Why are you interested in applying for this specific Board or Commission?

As a staunch believer in a participatory democracy, I have always been interested in and committed to board and commission service. I am specifically interested in this opportunity, which will allow me to bring my civic and professional experience and expertise into one service opportunity and contribute to the City of Duncanville in an effective and meaningful way.

What do you hope to accomplish by serving on this Board or Commission?

I hope to support the strategic goals and priorities of the Corporation or Commission by bringing my network and past professional and board service experience to support the successful implementation of programs and initiatives that further and bolster economic and community development priorities.

What experience do you possess that will be helpful to the mission of this Board or Commission?

I feel my previous board service, community involvement, and professional career in human resources has prepared me to positively contribute to this board or commission. My previous board experience includes serving on as board director for the Texas A&M University-Commerce Alumni Association, City of Dallas Planning and Zoning Commission Vice Chairman, Oak Cliff Chamber of Commerce Education Chair, and Dallas ISD CityLab Highschool Foundation board director.

How will you engage other citizens to provide to you a perspective or recommendations?

I will ensure there are well-established lines of communication to receive input and share with the community to work of the respective board or commission. In previous capacities as a commissioner, I was intentional about planning opportunities that engage the community and key stakeholders. I consider this to be primary function and expectation of a person chosen to serve in this capacity.

What concerns, if any, do you have about issues facing Duncanville?

I don't have any at this time.

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, February 2, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, February 2, 2021, at 6:00 p.m. via videoconference with a quorum to wit:

COUNCIL VIA VIDEO CONFERENCING:	Mayor Barry L. Gordon Councilmember At-Large Patrick Harvey Councilmember Joe Veracruz Mayor Pro Tem Don McBurnett Councilmember Monte Anderson Councilmember Mark D. Cooks Councilmember Johnette Jameson
STAFF VIA VIDEO CONFERENCING:	IT Director Tracy Beekman Chief Robert D. Brown Jr. Finance Director Richard Summerlin Public Works Director Bryan Greg Ramey City Secretary Kristin Downs Interim City Manager Paul Frederiksen City Attorney Robert E. Hager

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To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, February 2, 2021, email citysecretary@duncanville.com and title the email "Public Comment – February 2nd". You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_qw2zMhLtTUa6eEYEJlu_ug

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

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

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and Interim City Manager Frederiksen reviewed each item.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. ***Receive a presentation discussing the status of the Advanced Metering Infrastructure (AMI) program plan.***

IT Director Beekman and Finance Director Summerlin presented the item. Ira Nicodemus with Performance Services Inc. spoke on the Advanced Metering Infrastructure (AMI) program plan. AMI is an integrated system of smart meters, communications networks, and data management systems that enables two-

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way communication between utilities and customers. During the March 17, 2020 meeting Council received a presentation on AMI with staff recommendations and approved adding Tyler Munis UB CIS module to our current ERP system. On August 18, 2020, during the regular Council meeting, Council received a preliminary utility audit and as a result the City moved forward with the Investment Grade Audit of the utility data. An Investment Grade Audit was completed by Performance Services Inc. in December 2020; defined existing conditions, established utility baselines, present project economics, and receive final project pricing.

Smart meter implementation puts power in the hands of our Citizens; near real-time data available, empower Citizens with the data needed to be better consumers of water resources, provide Citizens the metrics to create their own conservation plan and track their success, smart meter technology provides more accurate water usage measurement and billing, and current outdated technology means water leaks can go unnoticed for 30 or more days.

Meter Manufacturer Comparison

Criteria	Badger Meter	MASTER METER	Winner
Network Infrastructure	No infrastructure to install/maintain	3 Base Stations + 5-10 repeaters	Badger Meter
References	~4 comparable size NTX references; some concerns with wire; other issues resolved	~5 comparable size NTX references; all positive	MASTER METER
Meter Body	Stainless and compact	Composite and more bulky	Badger Meter
Meter Transmitter	Connected by wire and drilled through plastic lid	Integrated to meter body	MASTER METER
Lid Requirements	Requires all new plastic lids	Works with existing lids. Can balance extra repeaters with lid replacements	MASTER METER
Cost	Higher upfront, higher annual	Lower upfront, lower annual	MASTER METER

Final Meter Cost

Badger Meter

- **$7,889,901** project cost *(includes full conversion to plastic lids)*
- **$118,350** annual cost *(cellular data + software)*

MASTER METER

- **$7,624,788** project cost *(includes allowance for lids/boxes and up to 10 repeaters)*
- **$ 24,707** annual cost *(infrastructure service + software)*

Savings Detail

Water Meter Size	Baseline Water to Meters @ 100% Accuracy (gal/yr)*	Measured Meter Accuracy	Baseline Billed Water per Mtr Size (gal/yr)	New Meter Accuracy	Future Water Measured w/ New Meters (gal)	Annual Billed Water Increase (gal)	Annual Billed Water Increase ($)
5/8" x 3/4" Meters	703,765,547	97.6%	686,626,750	98.5%	693,209,064	6,582,314	$77,472
1" Meters	225,050,442	96.8%	217,959,750	98.5%	221,674,686	3,714,936	$43,724
1.5" Meters	70,363,140	85.5%	60,188,500	98.5%	69,307,693	9,119,193	$107,331
2" Meters	222,045,787	86.5%	192,136,000	98.5%	218,715,100	26,579,100	$312,829
3" Meters	69,174,796	88.6%	61,320,000	98.5%	68,137,176	6,817,176	$80,236
4" Meters	42,796,587	98.1%	41,975,000	98.5%	42,154,639	179,639	$2,114
6" Meters - NA							
Totals	1,333,196,302		1,260,206,000		1,313,198,358	**52,992,358**	**$623,707**

Notes:

- Baseline water production determined from billed water documentation and measured meter accuracy. Best data available.
- Avg Wtr/Sewer Rate ($/kgal): $11.77
- Water Meter Testing by Southern Flowmeter – October 2020
- No savings assumed for meters installed since 2015 or for ultra-low flow increases (keeps calculation conservative)

Current Financial Situation

	FY19 Actual	FY20 Actual	FY21 Budgeted	FY22 Budgeted
Beginning Fund Balance	$ 9,429,759	$ 9,460,346	$ 8,451,065	$ 7,166,871
Change in Fund Balance	$ 30,587	$(1,009,281)	$(1,284,194)	$(1,535,629)
Ending Fund Balance	$ 9,460,346	$ 8,451,065	$ 7,166,871	$ 5,631,242
Operating Reserve (60 day)	$ 3,033,127	$ 3,141,043	$ 3,206,613	$ 3,472,216
Fund Balance Over Reserve	$ 6,427,219	$ 5,310,022	$ 3,960,258	$ 2,159,026

Financing Options (Certificate of Obligation)

Funding Amount	10 Yr Bond	15 Yr Bond	20 Yr Bond
$ 7,700,000	$ 847,603	$ 610,964	$ 495,055
$ 5,700,000	$ 629,576	$ 453,463	$ 368,090
$ 4,200,000	$ 466,654	$ 336,266	$ 272,576

Partial Financing (Using $3.5 Million from Fund Balance)

Partial Financing $4,200,000	FY20 Actual	FY21 Budgeted	FY22 Budgeted	FY23 Budgeted	FY24 Budgeted
Beginning Fund Balance	$ 9,460,346	$ 8,451,065	$ 7,166,871	$ 1,889,161	$ 506,706
Change in Fund Balance	$(1,009,281)	$(1,284,194)	$(5,035,000)	$(1,762,128)	$(1,935,188)
Debt Service	$ -	$ -	$ (336,266)	$ (336,266)	$ (336,266)
Estimated Revenue Increase			$ 93,556	$ 715,939	$ 717,783
Ending Fund Balance	$ 8,451,065	$ 7,166,871	$ 1,889,161	$ 506,706	$(1,046,965)
Operating Reserve (60 day)	$ 3,141,043	$ 3,206,613	$ 3,346,174	$ 3,427,060	$ 3,461,147
Fund Balance Over Reserve	$ 5,310,022	$ 3,960,258	$(1,457,013)	$(2,920,354)	$(4,508,112)

Partial Financing Scenario ($2 Million used from Fund Balance)

Partial Financing $5,700,000	FY20 Actual	FY21 Budgeted	FY22 Budgeted	FY23 Budgeted	FY24 Budgeted
Beginning Fund Balance	$ 9,460,346	$ 8,451,065	$ 7,166,871	$ 3,271,964	$ 1,772,312
Change in Fund Balance	$(1,009,281)	$(1,284,194)	$(3,535,000)	$(1,762,128)	$(1,935,188)
Debt Service	$ -	$ -	$ (453,463)	$ (453,463)	$ (453,463)
Estimated Revenue Increase			$ 93,556	$ 715,939	$ 717,783
Ending Fund Balance	$ 8,451,065	$ 7,166,871	$ 3,271,964	$ 1,772,312	$ 101,444
Operating Reserve (60 day)	$ 3,141,043	$ 3,206,613	$ 3,365,440	$ 3,446,325	$ 3,480,347
Fund Balance Over Reserve	$ 5,310,022	$ 3,960,258	$ (93,476)	$(1,674,013)	$(3,378,903)

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Full Financing Scenario

Full Financing	FY20	FY21	FY22	FY23	FY24
$7,700,000	Actual	Budgeted	Budgeted	Budgeted	Budgeted
Beginning Fund Balance	$ 9,460,346	$ 8,451,065	$ 7,166,871	$ 5,114,463	$ 3,457,310
Change in Fund Balance	$(1,009,281)	$(1,284,194)	$(1,535,000)	$(1,762,128)	$(1,935,188)
Debt Service	$ -	$ -	$ (610,964)	$ (610,964)	$ (610,964)
Estimated Revenue Increase			$ 93,556	$ 715,939	$ 717,783
Ending Fund Balance	$ 8,451,065	$ 7,166,871	$ 5,114,463	$ 3,457,310	$ 1,628,941
Operating Reserve (60 day)	$ 3,141,043	$ 3,206,613	$ 3,391,330	$ 3,472,216	$ 3,505,847
Fund Balance Over Reserve	$ 5,310,022	$ 3,960,258	$ 1,723,133	$ (14,906)	$(1,876,906)

Per Local Government Code 302, the Investment Grade Audit results must be reviewed and verified by a qualified Professional Engineer to finalize Performance Services Inc. findings before the City can authorize an Energy Savings Performance contract. This package is currently being reviewed by Energy and Engineering Solutions.

At-Large Councilmember Harvey questioned how the meters will be read with the AMI system. Mr. Nicodemus stated one of the biggest advantages with the real time data and the increase in accuracy now the meters will be read remotely several times a day communicating back to towers.

Councilmember Jameson questioned how the city would address the areas with weaker antennas. Mr. Nicodemus stated the Propagation Study is modeled with a software program that looks actual topography with elevation changes in the model to determine where to place the location.

At-Large Councilmember Harvey questioned the installation process.

Director Summerlin stated Council would need to let staff know how to proceed.

Councilmember Cooks requested clarification on how the installation and rollout would be conducted and requested to see more examples of other city rollouts.

Councilmember McBurnett questioned how citizens would be able to view the real time data.

IT Director Beekman stated citizens have the ability to install an application on their phone, once the meters report to the repeaters the results will be captured.

Mayor Gordon recessed the Briefing Session at 7:13 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 7:15 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 the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:***

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

The Council closed the Executive Session at 7:18 p.m.

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

The City Council convened into Regular Session in the Council Chambers at 7:20 p.m. with Mayor Gordon presiding.

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The Invocation was delivered by Councilmember McBurnett.

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

III.1. REPORTS

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

Mayor Gordon spoke on the following:

- The passing of Tommy Wolverton and provided his condolences.
- Inland Port Symposium.
- On his involvement with DISD to help reengage students who had disengaged from their academic practices during the COVID-19 pandemic.
- Attended the opening of the Duncanville ISD Police Headquarters.
- Being added to the Dallas Regional Mobility Coalition sub-committee.
- Interim City Manager Frederiksen wearing multiple hats.

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

Councilmember McBurnett provided his condolences of the passing of Tommy Wolverton.

Mayor Pro Tem Cooks recognized Naomi Corell on celebrating her 100th birthday.

Mayor Pro Tem Cooks recognized Sheriff Marian Brown for Black History month and Pyburn Park was dedicated to the memory of Mr. and Mrs. Pyburn.

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

None.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***A Proclamation recognizing February 2021 as Black History Month.***

Councilmember At-Large Harvey read the proclamation.

III.3. CITIZENS' INPUT

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

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, February 2, 2021, email citysecretary@duncanville.com and title the email "Public Comment – February 2nd. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

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

Mayor Gordon read the item into record.

No comments were submitted.

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 January 11, 2021 Joint Meeting w/Planning and Zoning Commission and the January 19, 2021 City Council Regular Meeting.***

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III.4.B. ***Consider a Resolution appointing Election Judges for the City of Duncanville in Dallas County for the May 1, 2021 General Election; and authorizing the City Secretary to approve on behalf of the City of Duncanville any changes in the list of recommended election judges which may become necessary because of the inability to serve of any of the persons named in Exhibit "A".***

III.4.C. ***Consider a Resolution authorizing the application to the North Central Texas Council of Governments and FY21 Homeland Security Grant–State Homeland Security Program (SHSP) for the purchase of a thermal imaging device that will be used for and in support of the Police Department's Special Operations Unit with a total grant value of $5,000.00.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Consider an Ordinance amending Chapter 13 'Peddlers, Solicitors and Itinerant Vendors', Section 13-1 'Permit Required' by adding new Subsection (D), by amending Section 13-1A "Regulation of Peddlers, Solicitors, and Itinerant Vendors" by amending Subsections (A) and (B); by amending Section 13-7 'Permit to be Carried / No Solicitation'; and amending Section 13-8 'Hours'; providing a repealing clause; providing a severability clause, providing a savings clause; providing for a penalty of fine not to exceed the sum of two thousand dollars ($2,000.00); and providing for an effective date.***

Chief Brown presented the item.

Reasons for proposed changes:

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

Proposed changes:

- Revise Time Restrictions
  - Currently solicitors may solicit between 8 a.m. and 6 p.m. with no restrictions to days of week.
- Suggested Changes
  - Hours limited to 9 a.m. to 7 p.m.
  - Prohibit soliciting on Sunday or any of the following holidays: New Year's Day; Martin Luther King's Birthday; President's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the day after Thanksgiving Day; Christmas Eve; and Christmas Day.

Require all solicitors to wear a high visibility vest (pictures attached) that will have a pocket on the front to display the approved solicitation permit and, on the back, display signage stating he/she is a solicitor, the city, the year the solicitation permit is valid, and expiration date.

- Increase Fee for Solicitor Permit
  - Currently the fee is $50.00
  - Suggest increase fee to $75.00
    - This will offset cost for the purchase of the high visibility vests that will be issued to each permit holder.

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- Require all solicitor permits to expire the last day of each year issued (no matter what the issue date is).

At-Large Councilmember Harvey questioned if the Ordinance would apply to any political candidates. Chief Brown stated no political candidates are exempt.

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

III.5.B. ***Consider amending Ordinance No. 2390 adopting the Master Fee Schedule for Fiscal Year 2020-2021, by amending said Master Fee Schedule, to revise fees for Subparts for Planning/Building Inspections, Section, Subparts 7, 27, 60 and 70-72 as set forth on the attached Exhibit 'A'.***

Public Works Director Ramey presented the item. On May 21, 2019, HB 852 amended Texas Law prohibiting value-based building permit fees. Duncanville amended the FY 2018-2019 Master Fee Schedule on June 18, 2019; permit fees based on building size instead of project value (a few items were flat fees, i.e. roof deck or foundation repair), and permit fee/SF based on recent construction projects which did not include exceptionally large buildings. In January of 2021, staff realized the permit fee for new buildings did not include enough rate tiers (highest tier was > 6500 SF); new construction on N Duncanville Rd is 354,244 SF; building permit fee at current rate = $832,473.40; plan review fee = $416,233.70, required by law to have rates commensurable to actual costs of City work, and re-evaluated Master Fee Schedule for any other updates.

Summary of Changes

#	Item	Current Fee	Amended Fee	Remarks
7	Filing a Plat at Dallas County (City files after 60 days)	N/A	Cost + 10% Courier Fee	Addresses issue of un-filed plats
27	Annual Group Home Inspection	$0.00	$150.00	Covers cost to perform inspections (Code, Fire, Bldg)
59	Commercial Plan Review	50% of Bldg Permit	50% of Bldg Permit; Max fee $25,000.00	Similar to Cedar Hill and Grand Prairie
69-72	Bldg Permits – New Commercial Bldg	0-1500 SF $4.00 1501-2500 SF $3.60 2501-3500 SF $2.95 3501-4500 SF $2.75 4501-5500 SF $2.55 5501-6500 SF $2.45 Over 6500 SF $2.35	0-1500 SF $4.00 1501-2500 SF $3.60 2501-3500 SF $2.95 3501-4500 SF $2.75 4501-5500 SF $2.55 5501-6500 SF $2.45 6501-15000 SF $2.00 15001-35000 SF $1.15 Over 35000 SF $0.50 Max Fee $50,000.00	Similar to Cedar Hill and Grand Prairie
82-85	Bldg Permits – Commercial Bldg Remodel	0-1500 SF $0.35 1501-2500 SF $0.30 2501-3500 SF $0.28 3501-4500 SF $0.26 4501-5500 SF $0.24 5501-6500 SF $0.23 Over 6500 SF $0.22	0-1500 SF $0.35 1501-2500 SF $0.30 2501-3500 SF $0.28 3501-4500 SF $0.26 4501-5500 SF $0.24 5501-6500 SF $0.23 6501-15000 SF $0.22 15001-35000 SF $0.20 Over 35000 SF $0.15 Max Fee $50,000.00	
154	Vacant Bldg Registration Late Fee	Included in other Line at $50.00	$50.00	Separates fee from Line 153, Vacant Bldg Inspect
158	Residential Rental Property CO	$10.00	$0.00	Fee included in the annual Residential Rental Property Registration Fee

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

III.5.C. ***Consider a Resolution confirming the Interim City Manager's appointment of Tracey Martin as a member of the Duncanville Civil Service Commission filling the vacancy of former Commissioner John Marks as of October 31, 2020.***

Human Resources Director Siegel presented the item. The Civil Service Commission consists of three members appointed by the municipality's chief executive officer (City Manager) and confirmed by the governing body (City Council) of the municipality. The Commission's responsibilities are established by Texas Government Code - Chapter 143. The Commission oversees the entry level and promotional testing, hiring, and employment procedures for Police and Fire classified service employees. The primary responsibility of the Commission is to serve as an appeal board for fire and police employees who request the Commission to act as an impartial third party to review or investigate an action over which they have authority. Oftentimes, this concerns disciplinary actions.

Per Section 143.006, the Commission members serve staggered three-year terms with the term of one member expiring each year. Current Commissioners are Lia Polk, Chairman and Nigel Robinson, Vice Chairman. John Marks' final term was up this October. This Resolution is to fill the vacancy of John Marks. The Interim City Manager, HR Director, Police and Fire Chiefs interviewed two applicants. By unanimous decision, staff recommend the applicant Tracey Martin to fulfill the term of the current vacancy. Ms. Martin has been a resident of the City of Duncanville for 3 years. Ms. Martin is a Sr. Administrative Assistant who has experience in HR experience and Civil Service during her tenure with the City of Fort Worth.

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Johnette Jameson 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.***
No action taken.

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Monthly Financial Report as of December 31, 2020***
Director Summerlin presented the report.

III.6.B. ***Receive the Fieldhouse Quarterly Report.***
Field House Manager Brasfield presented the item.

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

IV. ADJOURNMENT

The meeting was adjourned at 8.28 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

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STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution authorizing the award of bid IFB 21-009 to Anderson Asphalt & Concrete Paving, LLC for Mill and Overlay in an amount up to $766,623.60

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

STAFF RESPONSIBLE:
Bryan G. Ramey II, P.E., Director of Public Works
Jacqueline R. Culton, P.E., Deputy Director of Public Works
Sheila Baker, MPA, Purchasing Manager

BACKGROUND/HISTORY:
Every year, Public Works Streets Maintenance Division selects several roads for mill and overlay pavement repairs as part of our annual Street Maintenance Plan. The specific, deteriorated roads to be rehabilitated are selected based on input from Vueworks, the City's Pavement Management software, on-site evaluation by the Street Superintendent, and coordination with the Utilities Division.

Hot mix asphalt mill and overlay is a cost-effective street maintenance strategy to prolong the life of certain public streets located within the City of Duncanville. This treatment involves milling the top few inches of damaged asphalt pavement and then overlaying the street with fresh asphalt pavement to create a new driving surface which is estimated to last 20 years. This contract provides for the milling and removal of up to three inches of deteriorated asphalt pavement before new asphalt pavement is installed. Removal of the old pavement provides for a more stable surface for new asphalt resurfacing and enhanced drainage of the roadway surface.

In FY21, fifteen road segments were selected for mill and overlay treatment: Bow Creek, Bow Creek Ct., Link, Center St., Shamrock, Linda Ln, High Ridge, Lakeside/Chatfield, Jellison, Center Ridge, W. Cherry, W. Orange, Van Rowe, Alexander Ct., S. Alexander. Attached is a map illustrating the location of the FY21 streets (Attachment 3).

The Invitation to Bid IFB-21-009 was advertised in the Focus Daily News on November 18, 2020, and November 25, 2020. The bid request was also advertised through the bidding notification system for Public Purchase, Black Chamber of Commerce, Hispanic Chamber of Commerce, Regional Hispanic Contractors, Black Contractors Association, North Texas Regional Certification Agency, 564 Historically Utilized Business (HUB) vendors from the State of Texas Centralized Master List, were notified via email. The City received five (5) completed bids prior to bid closing on December 4, 2020.

Anderson Asphalt & Concrete Paving, LLC, a Minority Certified firm in Dallas, Texas, was the lowest responsible and responsive, bidder.

Staff reviewed the proposed pricing and certified that the prices offered by the recommended contractor are fair and reasonable. Anderson Asphalt & Concrete Paving, LLC, bid amount of $766,623.60

POLICY EXPLANATION:
The lowest responsible and responsive bid was received from Anderson Asphalt & Concrete Paving, LLC., of Dallas, Texas, in the amount of $766,623.60. The staff has reviewed the bid, bidder qualifications, and references and recommends award to Anderson Asphalt & Concrete Paving, LLC., This project was bid in compliance with Texas municipal purchasing statutes.

FUNDING SOURCE:
Funding exists in the FY21 General Budget (Street Maintenance) for this project.

Contract Log #:
1493

RECOMMENDATION:
Staff recommends approval of a resolution authorizing an award of IFB #21-009, to Anderson Asphalt & Concrete Paving for mill & overlay of City streets in the amount up to $766,623.60.

ATTACHMENTS:
Attachment 1 - Bid Tab-IFB-21-009 -MILL AND OVERLAY
Attachment 2 - Mill _ Overlay of City Streets FY 21
Attachment 3 - Map of Overlays
Attachment 4 - Anderson Minority Certificates
Attachment 5 - SAMS-Anderson Asphalt Concrete Paving LLC-2021
Resolution No. 2021-004 - FY21 Mill & Overlay from Anderson Asphalt & Concrete Paving, LLC - Pdf

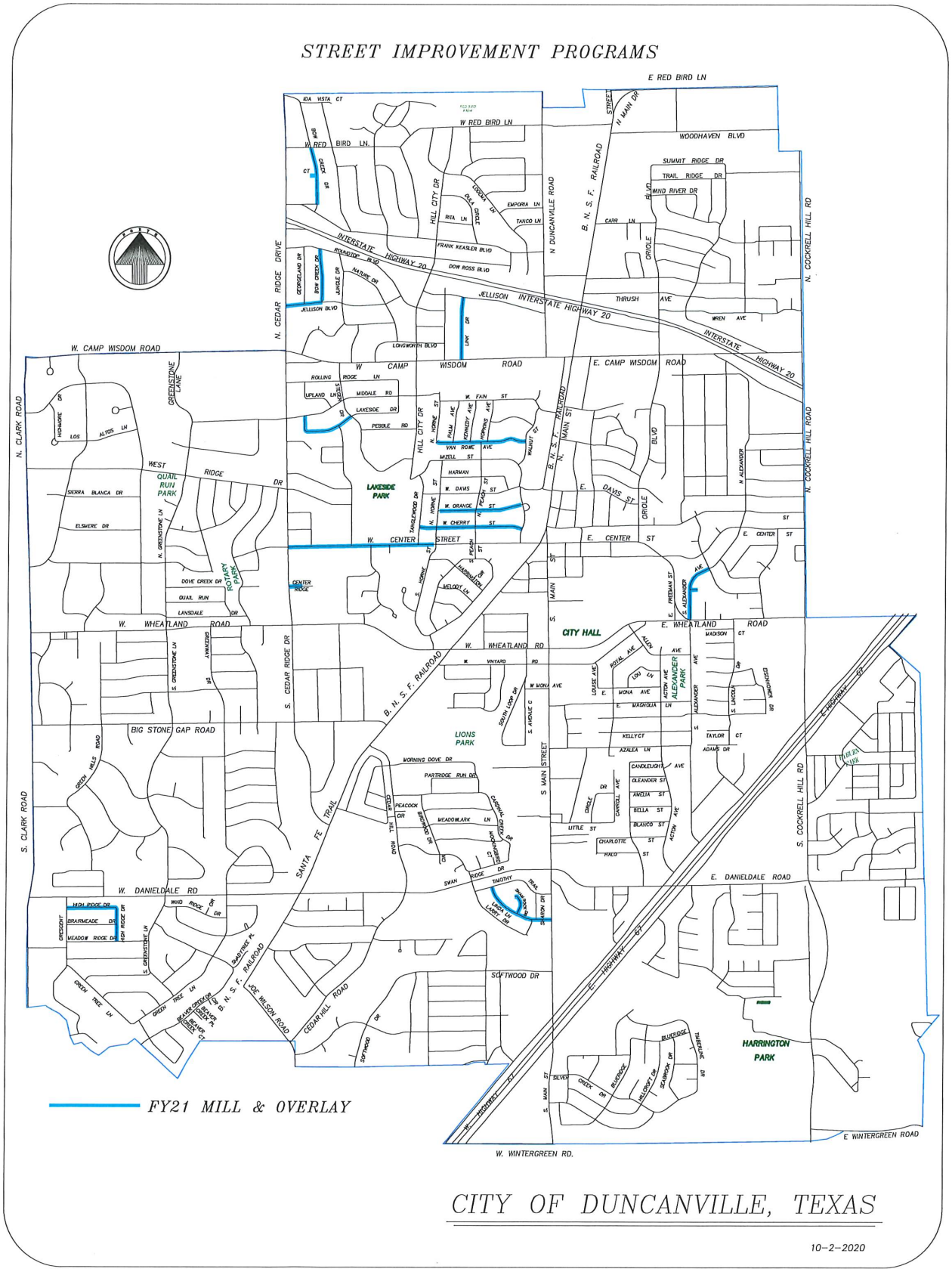
Owner:	**City of Duncanville, Dallas County, Texas**			Bidders Name & Address RELIABLE PAVING INC ARLINGTON, TX 76001 817-467-0779		Bidders Name & Address ANDERSON ASPHALT & CONCRETE Dallas TX 75229 972-310-2259		Bidders Name & Address TEXAS MATERIAL GROUP dba TEXAS BIT IRVING, TX 214-741-3531		Bidders Name & Address PAVECON PUBLIC WORKS, LP GRAND PRAIRIE 972-263-3223		Bidders Name & Address PEACHTREE CONSTRUCTION KELLER, TX 817-741-4658	
Project:	**MILL AND OVERLAY** **IFB N0. 21-009**																		
Bid Opens	December 4, 2020 @ 2:00 PM																		
Item #	**Est. Qty.**	**Unit**	**Description**	**Unit Bid Price Materials**	**Total Bid Extension**	**Unit Bid Price Materials**	**Total Bid Extension**	**Unit Bid Price Materials**	**Total Bid Extension**	**Unit Bid Price Materials**	**Total Bid Extension**	**Unit Bid Price Materials**	**Total Bid Extension**						
	3105	**YD**	BOW CREEK CT JELLISON ROUNDTOP	**$ 12.92**	$ 40,116.60	**$ 13.30**	$ 41,296.50	**$ 13.10**	$ 40,675.50	**$ 15.90**	$ 49,369.50	**$ 14.64**	**$ 45,457.20**						
	5377	**YD**	BOW CREEK ESCUELA RED BIRD	**$ 12.92**	$ 69,470.84	**$ 12.73**	$ 68,449.21	**$ 13.10**	$ 70,438.70	**$ 15.95**	$ 85,763.15	**$ 13.95**	**$ 75,009.15**						
	4225	**YD**	LINK CAMP WISDOM JELLISON	$ 12.92	$ 54,587.00	$ 12.78	$ 53,995.50	$ 13.10	$ 55,347.50	$ 16.35	$ 69,078.75	$ 13.91	**$ 58,769.75**						
	12,700	YD	CENTER ST CEDAR RIDGE HORNE	$ 12.92	$ 164,084.00	$ 12.42	$ 157,734.00	$ 13.10	$ 166,370.00	$ 16.40	$ 208,280.00	$ 13.77	**$ 174,879.00**						
	1,000	YD	SHAMROCK LINDA LN. CUL-DE-SAC	$ 14.36	$ 14,360.00	$ 15.09	$ 15,090.00	$ 14.52	$ 14,520.00	$ 18.10	$ 18,100.00	$ 14.18	**$ 14,180.00**						
	3681	YD	LINDA LN S. MAIN TIMOTHY	$ 14.36	$ 52,859.16	$ 13.39	$ 49,288.59	$ 14.52	$ 53,448.12	$ 17.10	$ 62,945.10	$ 14.18	**$ 52,196.58**						
	4,719	YD	HIGH RIDGE CRESCENT MEADOW RIDGE	$ 12.92	$ 60,969.48	$ 12.98	$ 61,252.62	$ 13.10	$ 61,818.90	$ 16.10	$ 75,975.90	$ 13.70	**$ 64,650.30**						
	2523	YD	LAKESIDE/CHATFIELD MIDALE STEGER	$ 12.92	$ 32,597.16	$ 13.33	$ 33,631.59	$ 13.10	$ 33,051.30	$ 15.95	$ 40,241.85	$ 13.09	**$ 33,026.07**						
	2910	YD	JELLISON N. CEDAR RIDGE BOW CREEK	$ 12.92	$ 37,597.20	$ 13.04	$ 37,946.40	$ 13.10	$ 38,121.00	$ 15.95	$ 46,414.50	$ 13.95	**$ 40,594.50**						
	1266	YD	CENTER RIDGE CEDAR RIDGE APARTMENTS	$ 12.92	$ 16,356.72	$ 14.15	$ 17,913.90	$ 13.10	$ 16,584.60	$ 16.70	$ 21,142.20	$ 18.65	**$ 23,610.90**						
	4671	YD	W.CHERRY TANGLEWOOD WALNUT	$ 12.92	$ 60,349.32	$ 13.45	$ 62,824.95	$ 14.52	$ 67,822.92	$ 17.05	$ 79,640.55	$ 13.31	**$ 62,171.01**						
	4280	YD	W.ORANGE HORNE WALNUT	$ 14.36	$ 61,460.80	$ 13.56	$ 58,036.80	$ 14.52	$ 62,145.60	$ 17.10	$ 73,188.00	$ 13.31	**$ 56,966.80**						
	4516	YD	VAN ROWE WALNUT HORNE	$ 14.36	$ 64,849.76	$ 13.47	$ 60,830.52	$ 14.52	$ 65,572.32	$ 17.15	$ 77,449.40	$ 13.57	**$ 61,282.12**						
	375	YD	ALEXANDER CT ALEXANDER END	$ 14.36	$ 5,385.00	$ 18.09	$ 6,783.75	$ 14.52	$ 5,445.00	$ 17.10	$ 6,412.50	$ 14.88	**$ 5,580.00**						
	3013	YD	ALEXANDER CT ALEXANDER END	$ 14.36	$ 43,266.68	$ 13.79	$ 41,549.27	$ 14.52	$ 43,748.76	$ 17.85	$ 53,782.05	$ 14.88	**$ 44,833.44**						
					$ -		$ -				$ -								
			Bid Total		**$ 778,309.72**		**$ 766,623.60**		**$ 795,110.22**		**$ 967,783.45**		**$ 813,206.82**						
	58361																		

ANDRSON ASPHALT MINORTY VENDOR

2021 MILL and OVERLAY Bid Items

STREET NAME	FROM	TO	Unit Price	Estimated Area in Square Yards	Mill and Overlay Cost	Depth of Milling	Depth of Overlay	Time in Days to Complete Segment
BOW CREEK CT	JELLISON	ROUNDTOP	$13.30	3,105	$41,296.50	2"	2"	4
BOW CREEK	ESCUELA	RED BIRD	$12.73	5,377	$68,449.21	2"	2"	6
LINK	CAMP WISDOM	JELLISON	$12.78	4,225	$53,995.50	2"	2"	5
CENTER ST	CEDAR RIDGE	HORNE	$12.42	12,700	$157,734.00	2"	2"	9
SHAMROCK	LINDA LN.	CUL-DE-SAC	$15.09	1,000	$15,090.00	3"	2"	2
LINDA LN	S. MAIN	TIMOTHY	$13.39	3,681	$49,288.59	3"	2"	5
HIGH RIDGE	CRESCENT	MEADOW RIDGE	$12.98	4,719	$61,252.62	2"	2"	6
LAKESIDE/CHATFIE	MIDALE	STEGER	$13.33	2,523	$33,631.59	2"	2"	4
JELLISON	N. CEDAR RIDGE	BOW CREEK	$13.04	2,910	$37,946.40	2"	2"	4
CENTER RIDGE	CEDAR RIDGE	APARTMENTS	$14.15	1,266	$17,913.90	2"	2"	2
W.CHERRY	TANGLEWOOD	WALNUT	$13.45	4,671	$62,824.95	3"	2"	6
W.ORANGE	HORNE	WALNUT	$13.56	4,280	$58,036.80	3"	2"	6
VAN ROWE	WALNUT	HORNE	$13.47	4,516	$60,830.52	3"	2"	6
ALEXANDER CT	ALEXANDER	END	$18.09	375	$6,783.75	3"	2"	2
S. ALEXANDER	WHEATLAND	S. FOREST LANE	$13.79	3,013	$41,549.27	3"	2"	4
					$766,623.60			71

Anderson Asphalt & Concrete Paving, LLC
11343 Mathis Street
Dallas, Texas 75229
Cory Henneberg
Office No. (214) 352-3400
Cell No. (972) 310-2259


STREET IMPROVEMENT PROGRAMS
E RED BIRD LN
W RED BIRD LN
WOODHAVEN BLVD
INTERSTATE HIGHWAY 20
JELLISON INTERSTATE HIGHWAY 20
W. CAMP WISDOM ROAD
E. CAMP WISDOM ROAD
N. CEDAR RIDGE DRIVE
N. CLARK ROAD
N. COCKRELL HILL RD
N DUNCANVILLE ROAD
B. N. S. F. RAILROAD
HILL CITY DR
LAKESIDE PARK
QUAIL RUN PARK
ROTARY PARK
CITY HALL
ALEXANDER PARK
LIONS PARK
HARRINGTON PARK
W. CENTER STREET
E. CENTER ST
W. WHEATLAND ROAD
E. WHEATLAND ROAD
BIG STONE GAP ROAD
W. DANIELDALE RD
E. DANIELDALE ROAD
SOFTWOOD DR
E. HIGHWAY 287
W. WINTERGREEN RD.
E WINTERGREEN ROAD
FY21 MILL & OVERLAY
CITY OF DUNCANVILLE, TEXAS
10-2-2020

ATTACHMENT 4

Disadvantaged Business Enterprise (DBE)
Anderson Asphalt & Concrete Paving, LLC

Anderson Asphalt & Concrete Paving, LLC

has filed with the Agency an Affidavit as defined by NCTRCA Disadvantaged Business Enterprise (DBE) 49 CFR Part 26 and is hereby certified to provide service(s) in the following areas:

NAICS 237310: ASPHALT PAVING (I.E., HIGHWAY, ROAD, STREET, PUBLIC SIDEWALK)
NAICS 238990: CONCRETE PAVING, RESIDENTIAL AND COMMERCIAL DRIVEWAY AND PARKING AREA

This Certification commences October 8, 2020 and supersedes any registration or listing previously issued. This certification must be updated annually by submission of an Annual Update Affidavit. At any time there is a change in ownership, control of the firm or operation, notification must be made immediately to the North Central Texas Regional Certification Agency for eligibility evaluation.

Issued Date: October 8, 2020
CERTIFICATION NO. WFDB11440Y0421

Texas Unified Certification Program — TUCP

Certification Administrator

ATTACHMENT 4

GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

The Texas Comptroller of Public Accounts (CPA) administers the Statewide Historically Underutilized Business (HUB) Program for the State of Texas, which includes certifying minority-, woman- and service disabled veteran-owned businesses as HUBs and facilitates the use of HUBs in state procurement and provides them with information on the state's procurement process. The CPA has established Memorandums of Agreement with other organizations that certify minority-, woman- and service disabled veteran-owned businesses that meet certification standards as defined by the CPA. The agreements allow for Texas-based minority-, woman- and service disabled veteran-owned businesses that are certified with one of our certification partners to become HUB certified through one convenient application process.

In accordance with the Memorandum of Agreement the CPA has established with the WOMEN'S BUSINESS COUNCIL - SOUTHWEST (WBCS), we are pleased to inform you that your company is now certified as a HUB. Your company's profile is listed in the State of Texas HUB Directory and may be viewed online at https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp. Provided that your company continues to remain certified with the WBCS, and they determine that your company continues to meet HUB eligibility requirements, the attached HUB certificate is valid for the time period specified.

You must notify the WBCS in writing of any changes affecting your company's compliance with the HUB eligibility requirements, including changes in ownership, day-to-day management, control and/or principal place of business. Note: Any changes made to your company's information may require the WBCS and/or the HUB Program to re-evaluate your company's eligibility. Failure to remain certified with the WBCS, and/or failure to notify them of any changes affecting your company's compliance with HUB eligibility requirements, may result in the revocation of your company's certification.

Please visit our website at http://comptroller.texas.gov/procurement/prog/hub/ and reference our publications (i.e. Grow Your Business pamphlet, HUB Brochure and Vendor Guide) that will provide you with addition information on state procurement resources that can increase your company's chances of doing business with the state.

Thank you for your participation in the HUB Program! If you have any questions, you may contact a HUB Program representative at 512-463-5872 or toll-free In Texas at 1-888-863-5881.

Texas Historically Underutilized Business (HUB) Certificate



Certificate/VID Number:	**1263497724800**
File/Vendor Number:	**477658**
Approval Date:	**10-MAR-2020**
Scheduled Expiration Date:	**31-MAR-2021**

In accordance with the Memorandum of Agreement between the
WOMEN'S BUSINESS COUNCIL - SOUTHWEST (WBCS)
and the Texas Comptroller of Public Accounts (CPA), the CPA hereby certifies that

ANDERSON ASPHALT & CONCRETE PAVING, LLC

has successfully met the established requirements of the State of Texas Historically Underutilized Business (HUB) Program to be recognized as a HUB. This certificate, printed 15-JUN-2020, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, addresses, phone and fax numbers or authorized signatures) provided in the submission of the business' application for registration/certification into the WBCS's program, you must immediately (within 30 days of such changes) notify the WBCS's program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility. If your firm ceases to remain certified in the WBCS's program, you must apply and become certified through the State of Texas HUB program to maintain your HUB certification.

Statewide HUB Program
Statewide Procurement Division

Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies, universities and prime contractors are encouraged to verify the company's HUB certification prior to issuing a notice of award by accessing the Internet (**https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp**) or by contacting the HUB Program at **512-463-5872** or toll-free in Texas at **1-888-863-5881**.

Rev. 06/19

WBENC

WOMEN'S BUSINESS ENTERPRIS
NATIONAL COUNCIL
JOIN FORCES. SUCCEED TOGETHER.

hereby grants

National Women's Business Enterprise Certification

to

Anderson Asphalt & Concrete Paving, LLC

who has successfully met WBENC's standards as a Women's Business Enterprise (WBE).
This certification affirms the business is woman-owned, operated and controlled and is valid through the date herein.

Certification Granted: March 31, 2009
Expiration Date: March 31, 2021
WBENC National Certification Number: 2005112514

WBENC National WBE Certification was processed and validated by Women's Business Council - Southwest, a WBENC Regional Partner Organization.

Debbie Hurst

Authorized by Debbie Hurst, President Women's Business Center

WOMEN'S BUSINESS COUNCIL – SOUTHWEST

NAICS: 238990
UNSPSC: 22101605

WBEC PACIFIC · Great Lakes Women's Business Council · WBEC CORV · Women's Business Development Center · WBEC FLORIDA · WBEA · WBEC EAST · WBEC SOUTH · WBEC WEST · Women Presidents' Educational Organization

ATTACHMENT 5

SAM Search Results
List of records matching your search for :

Search Term : Anderson Asphalt & Concrete Paving, LLC*
Record Status: Active

No Search Results

RESOLUTION NO. 2021-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, HEREBY AWARDS BID IFB 21-009 TO ANDERSON ASPHALT & CONCRETE PAVING, LLC., FOR THE MILL & OVERLAY OF CITY STREETS THROUGH THE CITY'S COMPETITIVE BID PROCESS WITH AN ESTIMATED EXPENDITURE AMOUNT NOT TO EXCEED $766,623.60; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PUBLIC WORKS CONTRACT AND APPROPRIATE DOCUMENTS AFTER APPROVAL BY THE CITY ATTORNEY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary to purchase hot mix asphalt mill and overlay as a cost-effective street maintenance strategy to preserve City streets in the City of Duncanville; and

WHEREAS, the City of Duncanville has solicited competitive sealed bids #21-009 for street mill and overlay contractual services; and

WHEREAS, City staff recommends Anderson Asphalt & Concrete Paving, LLC for award as the lowest and best bid; and

WHEREAS, the City of Duncanville has $766,623.60 available in the FY21 Streets Fund for the street improvements.

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

SECTION 1. The City Council hereby awards Bid IFB-21-009 to Anderson Asphalt & Concrete Paving, LLC for the FY21 Mill & Overlay Street repairs, with an estimated expenditure amount not to exceed $766,623.60.

SECTION 2. That the City Manager or his designee is hereby authorized to issue the appropriate purchase order in the lump sum prices bid in Exhibit "A" in the amount of $766,623.60.

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 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

2021 MILL and OVERLAY Bid Items

STREET NAME	FROM	TO	Unit Price	Estimated Area in Square Yards	Mill and Overlay Cost	Depth of Milling	Depth of Overlay	Time in Days to Complete Segment
BOW CREEK CT	JELLISON	ROUNDTOP	$13.30	3,105	$41,296.50	2"	2"	4
BOW CREEK	ESCUELA	RED BIRD	$12.73	5,377	$68,449.21	2"	2"	6
LINK	CAMP WISDOM	JELLISON	$12.78	4,225	$53,995.50	2"	2"	5
CENTER ST	CEDAR RIDGE	HORNE	$12.42	12,700	$157,734.00	2"	2"	9
SHAMROCK	LINDA LN.	CUL-DE-SAC	$15.09	1,000	$15,090.00	3"	2"	2
LINDA LN	S. MAIN	TIMOTHY	$13.39	3,681	$49,288.59	3"	2"	5
HIGH RIDGE	CRESCENT	MEADOW RIDGE	$12.98	4,719	$61,252.62	2"	2"	6
LAKESIDE/CHATFIE	MIDALE	STEGER	$13.33	2,523	$33,631.59	2"	2"	4
JELLISON	N. CEDAR RIDGE	BOW CREEK	$13.04	2,910	$37,946.40	2"	2"	4
CENTER RIDGE	CEDAR RIDGE	APARTMENTS	$14.15	1,266	$17,913.90	2"	2"	2
W.CHERRY	TANGLEWOOD	WALNUT	$13.45	4,671	$62,824.95	3"	2"	6
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VAN ROWE	WALNUT	HORNE	$13.47	4,516	$60,830.52	3"	2"	6
ALEXANDER CT	ALEXANDER	END	$18.09	375	$6,783.75	3"	2"	2
S. ALEXANDER	WHEATLAND	S. FOREST LANE	$13.79	3,013	$41,549.27	3"	2"	4
					$766,623.60			71

Anderson Asphalt & Concrete Paving, LLC
11343 Mathis Street
Dallas, Texas 75229
Cory Henneberg
Office No. (214) 352-3400
Cell No. (972) 310-2259

Exhibit B

CITY OF DUNCANVLLLE/PURCHASING DIVISION
INVITATION TO BID NO. 21-009
MILL AND OVERLAY SERVICES
BID CLOSINGS DATE; DECEMBER 4, 2020
For further information contact: Sheila Baker, Purchasing Manager
FAX (972)780-5077 sbaker@duncanville.com

INSTRUCTIONS TO BIDDERS

Bids are solicited for furnishing the merchandise, supplies, services and/or equipment set forth in this solicitation. **Completed Bids including (one (1) executed original and one USB and (3) copy) must be received in the Purchasing Office by 2:00 PM., December 4, 2020**, and then publicly opened and read aloud at 2:15 P.M. in the Council Briefing Room in City Hall East. Bids must be in a sealed envelope, addresses to the Purchasing Manager, City of Duncanville and have the bid number, closing date, and company name clearly marked on the outside envelope**. YOUR BID MUST BE RECEIVED BY THE PURCHASING OFFICE AND TIME STAMPED PRIOR TO THE 2:00 PM DEADLINE IN ORDER TO BE CONSIDERED. Bids shall be mailed, or hand delivered to the following address:**

City of Duncanville, Sealed Bid Box, PO Box 380280, Duncanville, Texas 75138
City of Duncanville, Sealed Bid 203 E Wheatland Road, Duncanville, Texas 75116

Bids delivered by special courier (i.e. Federal Express, Special Delivery etc.) are to be marked on the outside of the courier's shipping envelope "**BID No. *IFB-21-009*, " Pavement Marking Supplies and Installation" AND MUST BE RECEIVED BY THE PURCHASING OFFICE AND TIME STAMPED PRIOR TO THE 2:00 PM DEADLINE IN ORDER TO BE CONSIDERED**

Late bids will be returned; they will not be opened nor considered in the evaluation of the bid(s). Bids may be withdrawn at any time prior to the official opening. Bids may not be altered, amended or withdrawn after the official opening. The undersigned agrees, if the bid is accepted, to furnish any and all items upon which prices are offered, at the Price(s) and upon the terms and conditions contained in the specifications. The period for acceptance of this bid will be 90 calendar days after the bid opening date.

By Signing below, I have read and agreed with the attached Terms and Conditions, Instructions to Bidders and the Invitations to Bid requirements. Failure to complete the requested information below may result in rejections of your bid. Principal Place of Business (Defined as at least having on permanent active business office and employee located in Texas).

Company Name and Address
Anderson Asphalt & Concrete Paving, LLC
Company's Authorized Agent Name and Title
Pamela Thompson, President
Signature
Federal ID Number (TIN) 26-3494724
Telephone Number/Fax Number and Email address
(972) 310-2259 coryh@aacpaving.com

Cooperative Purchasing: Should other Governmental Entities decide to participate in this contact, would you, the vendor, agree that all terms, conditions, specifications, and pricing would apply? (see section11) Yes ___No_x___

Sheila Baker, MPA, CPM
Purchasing Manager

Exhibit B

PART 11

SCOPE OF SERVICES/ SPECIFICATIONS

General Information

A. Introductions: The City of Duncanville seeking a vendor (s) to provide all materials, labor, tools, cleaning accessories for street milling & overlay services to improve the quality of City streets as part of a long-term pavement maintenance program at various city locations throughout on a as needed basis.

B. Bid Opening Meeting
BID-OPENING MEETING IFB-21-009 MILL AND OVERLAY PROJECT
Fri, Dec 4, 2020 2:00 PM - 3:00 PM (CST)

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/710183237

You can also dial in using your phone.
United States: +1 (872) 240-3311

Access Code: 710-183-237
New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/710183237

1.0 Scope

1.1 SCOPE OF WORK (SEE EXHIBIT A)

1.2 Unit prices shall include all costs associated with the specified work, including but not limited to handling, delivery, fuel charges, fees and certifications fees. No additional charges will be accepted or paid by the City.

1.3 All items supplied resulting from this bid shall be of recent production, unused, and suitable for their intended purpose. The Contractor shall be responsible for the maintenance and repair of their own equipment and the availability, presence and supervision of their own employees.

1.4 The submission of a bid by the bidder shall be considered evidence of compliance with these requirements.

2.0 CHANGE IN COMPANY NAME OR OWNERSHIP

2.1 The Contractor shall notify the City's Purchasing Manager, in writing, of a company name, ownership, or address change for the purpose of maintaining updated City records. The president of the company or authorized official must sign the letter. A letter indicating changes in a company name or ownership must be accompanied with supporting legal documentation such as an updated W-9, documents filed with the state indicating such change, copy of the board of director's resolution approving the action, or an executed merger or acquisition agreement. Failure to do so may adversely impact future invoice payments.

Exhibit B

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information in this section is being disclosed.**

N/A

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☒ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?

☐ Yes ☒ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

Signature of vendor doing business with the governmental entity

12/04/2020

Date

Adopted 8/7/2015

mail to the City. The City of Duncanville shall be named as an "Additional Insured" on all the above insurance.

LIABILITY AND WORKERS' COMPENSATION INSURANCE CERTIFICATION
If requested by the City, vendor shall provide a certificate of insurance demonstrating coverage in compliance with Attachment #1 Contractors and Subcontractors Insurance.

FORM 1295 FILING
A Form 1295 is required to be filed with the Texas Ethics Commission and a copy of it must be submitted to the City before a contract will be executed. DO NOT make your filing until you have been notified that you are being awarded a contract.

QUALIFICATIONS

A List the names that the bidder currently, has, or anticipates operating under, including the names of related companies presently doing business.
Anderson Asphalt & Concrete Paving, LLC

B. List the names of companies, firms or organizations that own any part of your organization.
Anderson Asphalt & Concrete Paving, LLC

C. Years' experience in similar projects: 12

D. In the past ten years, has bidder ever defaulted on a project or failed to complete any work contracted for? No If yes, provide details on a separate sheet.

E. In the past ten years, has bidder ever been terminated from a project it had contracted for?
NO If yes, provide details on a separate sheet.

F. Is the bidder currently in any litigation or contemplating litigation? If yes, provide details on a separate sheet. NO

G. In the past five years, has bidder ever refused to enter into contract for a project for which it was awarded a contract? NO If yes, provide details on a separate sheet.

H. Provide a brief description of bidder's managerial structure including name and title of key personnel. This information may be submitted on a separate sheet.
Pamela Thompson - President , Daryl Butler - General Superintendant,
Cory Henneberg - Project Manager, Mike Jetter - Paving Foreman

I. What trades or services does the bidder ordinarily subcontract out?
Striping, Milling, Testing, Survey,Utilities

Exhibit B

BIDDER QUALIFICATION & INFORMATION FORM

BIDDERS QUALIFICATIONS

The following information must be submitted as part of the bid package and shall be supplied in the following order:

- In order to receive bid award consideration, the bidder shall maintain sufficient resources to fulfill normal City of Duncanville requirements.
- Bidder's background, services provided and number of years in business.
- Bidders shall. The bidder shall demonstrate its ability to secure and perform the services within the delivery requirements specified herein.
- Bidder shall provide a minimum of 3 reference projects performed by the bidder to provide evidence that they are duly qualified and capable to fulfill and abide by the requirements listed herein with the bid. The reference projects shall meet the following criteria:
  - Similar scope to the project. This qualification shall be evaluated and confirmed by the design engineer;
  - Completed within the last three years or currently under construction;
  - Include at least one project as a prime contractor or two projects as a subcontractor performed for a public agency;
  - From separate agencies.

METHOD OF AWARD

Bids will be evaluated based on the lowest responsive and responsible bidder complying with all of the provisions of the solicitation, provided the bid price is reasonable, and it is in the best interest of the City to accept it.

- A responsive bidder is defined to be one who submits a completed bid packet within the stated time deadline and in accordance with the bid specification.
- A responsible bidder is defined to be one who demonstrates via responses to the selection criteria his/her ability to successfully deliver the supplies, equipment, or services being procured.
- The City reserves the right to accept or reject in whole or in part any or all bids received and to make an award on the basis of individual item, combination of items, or overall bid, as it is deemed in the best interest of the City.
- The City also reserves the right to reject the bid of a bidder who has previously failed to perform properly or complete on time agreements of a similar nature.

BID DOCUMENTS

Failure to submit the following items shall be grounds for rejection of a bid as non-responsive to the specifications.

- A completed Bidder's Contact Information Form
- A completed Bidder Reference Form
- A completed Subcontractor Form

BIDDER CONTACT INFORMATION FORM					
Company Name	Anderson Asphalt & Concrete Paving, LLC				
Address	11343 Mathis Street				
City	Dallas	**State**	Texas	**ZIP**	75229
Website	https://www.aacpaving.com/				
How many years has your company been in business?	12				
CONTACT INFORMATION					
First Name	Cory	**Last Name**	Henneberg	**Title**	Project Manager
Email	coryh@aacpaving.com			**Phone**	(972) 310-2259

Exhibit B

BIDDER REFERENCE FORM-ATTACHMENT C

REFERENCE 1					
Client Name	City of Seagoville				
Address	702 N Highway 175				
City	Seagoville	**State**	Texas	**ZIP**	75159
Contact Name	Ladis Barr			**Title**	Director
Email	lbarr@seagoville.net			**Phone**	(972) 567-9572
Project Name	Unit Price Asphalt Repair Contract				
Project Location	Various Streets				
Description of Work Performed by Bidder	Cement Stabilization, Asphalt Paving, Concrete Flatwork				
Contract Value ($)	Annual	**Start Date**	10/19/2019	**End Date**	Ongoing
REFERENCE 2					
Client Name	City of Shady Shores				
Address	101 S. Shady Shores				
City	Shady Shores	**State**	Texas	**ZIP**	76208
Contact Name	Richard Arvizu			**Title**	Engineer
Email	raa@binkleybarfield.com			**Phone**	(972) 644-2800
Project Name	2016 Street Repair Project				
Project Location	Shady Shores Road				
Description of Work Performed by Bidder	Cement Stabilize and Pave				
Contract Value ($)	500,000.00	**Start Date**	12/22/2017	**End Date**	03/01/2018
REFERENCE 3					
Client Name	City of Forney				
Address	101 Main Street				
City	Forney	**State**	Texas	**ZIP**	75126
Contact Name	Rick Sailler			**Title**	Public Works Director
Email	rsailler@cityofforney.org			**Phone**	(972) 564-7351
Project Name	Mill & Overlay Pavement Resurfacing				
Project Location	Various Street in Forney				
Description of Work Performed by Bidder	2" Mill and Overlay				
Contract Value ($)	165,000.00	**Start Date**	08/2019	**End Date**	09/2019

Exhibit B

SAMPLE

Form A.2.

STANDARD CONSTRUCTION CONTRACT

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DALLAS §

THIS CONTRACT is made and entered into on this the day of , 20 20 by and between the (hereinafter referred to as "OWNER") and (hereinafter referred to as "CONTRACTOR"). In consideration of the mutual covenants hereinafter set forth, the OWNER and CONTRACTOR agree as follows:

Article I. Work

The CONTRACTOR shall perform all of the work as specified in the Contract Documents. The work is generally described as follows:

Plans and Specifications prepared by:

All extra work shall be performed as specified or indicated in the Contract Documents; and, at the CONTRACTOR's own cost and expense, the CONTRACTOR shall furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services as may be necessary in order to complete the construction, as described above and in accordance with the Contract Documents unless otherwise agreed to by the OWNER.

Article II. Contract Documents

The Contract Documents may only be altered, amended or modified as provided in the General Conditions. The Contract Documents consist of: this written agreement setting forth the work to be performed; advertisement, if any; instructions to bidders, if any; proposal; addendum; specifications, including the general, special, and technical conditions, provisions, plans, or working drawings; any supplemental changes or agreements pertaining to the work or materials therefor; bonds; the Standard Specifications for Public Works Construction published by the North Central Texas Council of Governments, as amended; and, any additional documents incorporated by reference. These form the Contract Documents and all are as fully a part of the Contract as if attached to this agreement or repeated herein.

Article III. Contract Time

The CONTRACTOR shall perform and complete all the items of work listed and referred to in the Contract Documents within 540 calendar days. All limitations of time set forth herein are material and are of the essence of this Contract.

Article IV. Contract Price

The OWNER shall pay the CONTRACTOR for completion of the work in accordance with the Contract Documents using current funds. Such payments shall be subject to the General and Special Conditions to the Contract, as contained in the Contract Documents.

Article V. Debts

The OWNER may, at its option, offset any amounts due and payable under this Contract against and debt (including taxes) lawfully due to OWNER from CONTRACTOR, regardless of whether the amount due arises pursuant to the terms of this Contract or otherwise and regardless of whether or not the debt due to OWNER has been reduced to judgment by a court.

Article VI. Miscellaneous Provisions

The terms used in this Contract shall have the same meaning as designated in the General Provisions of the Standard Specifications for Public Works Construction, North Central Texas Council of Governments, as amended. The Contract Documents, which constitute the entire agreement between the OWNER and CONTRACTOR, are listed in Article II. No assignment by either party hereto of any rights under or interests in the Contract Documents will be binding on the other party hereto without the written consent of the party sought to be bound. The OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives hereto to the covenants, agreements, and obligations contained in the Contract Documents.

IN WITNESS WHEREOF, the OWNER and CONTRACTOR have executed this Contract in duplicate and on the date aforementioned. All portions of the Contract Documents have been signed or identified by the OWNER and CONTRACTOR.

CONTRACTOR:	**ATTEST:**	**OWNER:**	**ATTEST:**
By:	Printed Name:	By:	Printed Name:
Title:		Title:	

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution to enter into a Joint Election Agreement and Election Services contract between Dallas County and other jurisdictions holding election on May 1, 2021, to be administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **1. Most engaged citizens in America**

STAFF RESPONSIBLE:
Kristin Downs, City Secretary

BACKGROUND/HISTORY:
At the January 19, 2021 City Council meeting, by Resolution 2021-011, the City Council called for an election to be held on Saturday, May 1, 2021. The agreement is with Dallas County and other jurisdictions to hold the election as a Joint Election in accordance with Chapter 271 of the Texas Election Code. The contract agreement provides for the Dallas County Elections Administrator to perform and/or supervise the performance of any or all of the corresponding duties and functions on behalf of the City of Duncanville and other jurisdictions.

At the January 19, 2021 City Council meeting, City Council asked the City Secretary to speak with Dallas County Elections to reduce the City of Duncanville's Vote Centers to the following; Byrd, Reed, Fairmeadows, and the Library. On February 4, 2021 Kristin Downs our City Secretary along with all the entities who plan on holding an Election on May 1, 2021 met with representatives from Dallas County Elections Administration. Several entities voiced their desire to reduce the number of Vote Centers. Dallas County staff stated they cannot provide the reductions and data to the Secretary of State for a court order to reduce the Vote Centers in time for the May 1, 2021. Dallas County Elections does have the City of Duncanville at the top of their list for reductions. Dallas County did indicate that if a private location refused to let Dallas County Elections hold an election at their center, Dallas County would not look for a new location to replace that location.

A final contract from Dallas County Elections Department has yet to be received. The City must authorize entering into the contract by February 26, 2021. The estimated cost to the City of Duncanville is unknown for the May 1, 2021 Joint Election. Dallas County Elections is currently waiting on an approval from Court on the price list and stated they would provide the estimated cost on February 22, 2021 to all entities.

Dallas County Elections Department is currently working on providing a more efficient cost for all entities.

Voter Turnout Comparison for Dallas County Joint Elections

2014	2015	2016	2017	2018	2019	*2020	2021
Registered Voters							
901,265	1,145,988	1,067,080	1,346,338	803,965	1,363,892	1,400,730	1,359,066
Ballots Cast							
47, 532	77,499	59,887	105,901	45,731	134,820	926,518	N/A
Turnout							
5.27%	6.76%	5.61%	7.87%	5.69%	9.88	66.15%	N/A

* The Governor issued a proclamation to consolidate Joint Election to November 3rd.

Election Day will be Saturday, May 1, 2021 with a potential of 468 vote centers.

Dallas County Elections stated at their February 4, 2021 meeting there will be an increase in price for the May 1, 2021 election **(see Attachment 1)** due to the following:

- new equipment utilized and 10% associated cost charge to jurisdictions (new price list pending court approval);
- pay rate increase for poll workers; and
- increased cost associated with the use of PPE.

Attachment 2 shows the costs for all cities involved in the May 1, 2021 Election.

Estimated payment amounts from previous years:

Election Date:	Type:	Total Costs:
May 5, 2018	Joint Election	$20,349.39
June 16, 2018	Runoff Election	$8,200.77
November 6, 2018	Bond Election	$37,125.24
May 4, 2019	Joint Election	$6,569.08
November 3, 2020	Joint Election (May 2020)	$998.79
December 8, 2020	Runoff Election	$11,381.69

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

FUNDING SOURCE:
$42,000.00 is allocated for this expenditure, at the completion of the Election staff will amend the budget to reflect the cost of the May 1, 2021 Election.

Contract Log #:
1424

RECOMMENDATION:
Staff recommends approval of a Resolution to enter into a Joint Election Agreement and Election Services contract between Dallas County and other jurisdictions holding election on May 1, 2021, to be administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

ATTACHMENTS:
Attachment 1 - Letter_City of Dallas_Estimate Explanation_2021-02-24 (002)
Attachment 2 - May 2021 Joint Election Deposit of Funds Detail
Attachment 3 - Resolution No. - 2021-018 - May 1, 2021 Election Contract - with Exhibit

ATTACHMENT 1

DALLAS COUNTY ELECTIONS DEPARTMENT
MICHAEL SCARPELLO, ELECTIONS ADMINISTRATOR

February 24, 2021

Dear participants in the May 1, 2021 Joint Election,

On February 1, 2021, we had the Joint Election Entity meeting for May 1, 2021 Election. During this meeting, we discussed the contract and the cost changes that will be implemented for this election. Some of you had questions relating to the election cost, in this email we hope to address all of your concerns.

The emailed packet will consist of all required contract documents, such as; final contract, contract signature page, estimated cost and the elections services estimate spreadsheet that identifies each political subdivisions estimated cost.

Contained in the attached contract for the May 1, 2021 Joint Election are certain changes related to the formula used to charge election costs to participating jurisdictions. As a result, some jurisdictions have inquired about what legal authority the Dallas County Elections Department (DCED) relied upon to modify the formula. Other jurisdictions have asked why their election costs are so much higher this year than in the past and want an explanation about whether the new formula is equitable for all participating jurisdictions.

Texas Election Code §31.093(a) states "If requested to do so by a political subdivision, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties." Texas Election Code §271.004 states "the expenses of a joint election are allocated as provided by the joint election agreement."

In previous joint elections in Dallas County, DCED allocated election costs using a formula that split the cost of each polling place between all jurisdictions that used that particular polling place. Then, each jurisdiction was charged for the total of all of its full or split polling place costs. That formula was essentially approved by the participating jurisdictions when they signed their contracts with Dallas County prior to the election. For the May 1, 2021 Joint Election, DCED has changed its cost allocation methodology. This change is necessary because the county implemented a plan to use vote centers in lieu of polling places for its elections.

The new formula used for allocating election costs is based on the total cost of the Joint Election, multiplied by the percentage of registered voters in each participating jurisdiction's election territory. This is the same allocation formula used by the majority of Texas counties that have implemented vote centers. Like before, and as prescribed by the Texas Election Code, the County has proposed an allocation methodology and it will be approved if and when a jurisdiction signs the proposed contract.

In order for your jurisdiction to better understand why this year's election costs are higher than in past years, we are providing the following information:

1. In 2019, DCED wanted to utilize a state law that allowed for counties to implement vote centers in place of traditional polling places. To do so, a Vote Center Advisory Committee was formed in the summer of 2019. The Committee recommended that the DCED should open the same number of vote centers as the number of polling places that were opened in previous elections.

1520 Round Table Dr Dallas, Texas 75247 (469) 627-VOTE

ATTACHMENT 1

DALLAS COUNTY ELECTIONS DEPARTMENT
MICHAEL SCARPELLO, ELECTIONS ADMINISTRATOR

The Committee took this cautious approach so that voters would not be disenfranchised. The Committee also recommended that for future elections, the number of vote centers be re-evaluated by the Committee once DCED had more utilization data to analyze. Commissioner's Court approved the Advisory Committee's plan and it was implemented in the November 2019 Election, and again in the 2020 Presidential Election. In that election, the County utilized 468 vote centers.

In planning for the May 1, 2021 Joint Election, DCED would like to reduce the number of vote centers. However, Texas Election Code 43.004 requires that the County utilize all 468 vote centers rather than reducing that number. This number is a significant increase from the 349 traditional polling places that were used in the Joint Election in 2019. This increase in voting locations is expected to increase the overall cost of the election and thus, the costs charged to all participating jurisdictions.

To minimize these expected increases, DCED is doing everything it can to reduce its costs. First, the low expected turnout for this election will allow us to strategically reduce staff and equipment at selected locations. Second, DCED is reviewing and cancelling previously agreed to contracts for equipment and services that aren't necessary. Third, DCED is reviewing and revising various election processes in order to lower the amount of labor to conduct the election. Lastly, DCED is re-convening the Vote Center Advisory Committee in order to begin the evaluation process to determine whether certain underutilized vote centers might be retired. Because this is a long process, potential reductions in the vote center plan will not be implemented for the May 1, 2021 Joint Election but may save taxpayer dollars in future elections.

2. DCED purchased new election equipment in 2019 and 2020 to replace its outdated and insecure equipment. To recapture the cost of these purchases, DCED revised its price list, as prescribed in the Texas Election Code, and will use this price list for the first time in the May 1, 2021 Joint Election. This implementation will result in higher costs for participating jurisdictions than the costs charged in the 2019 Joint Election.

3. In 2020, Commissioners Court acting on DCED's recommendation increased the pay for Election Judges and Clerks from $12 and $10 per hour to $18 and $16 per hour. This increase in hourly wages will result in a significant increase in personnel costs for participating jurisdictions.

Unfortunately, the issues stated above will result in the estimated election costs for jurisdictions being higher than they have been in the past. However, DCED is currently designing significant changes to our internal processes which will cut many expenses. At this point, it is difficult to accurately estimate those cuts so the election cost estimates remain high.

To alleviate the strain on jurisdiction budgets, DCED has made another change to the contract and will only require a 75% deposit to hold your election as opposed to the 100% required in the past. Upon completion of the election and reconciliation of the Joint Election Escrow Account, each entity will receive a final cost detailing any additional monies due or refunds to be returned.

I hope this explanation helps you understand the formula used for allocated election costs, as well as our collective predicament regarding the costs associated with the May 1, 2021 Joint Election. Please let me know if you have any further questions or concerns.

Sincerely,

1520 Round Table Dr Dallas, Texas 75247 (469) 627-VOTE

ATTACHMENT 1

DALLAS COUNTY ELECTIONS DEPARTMENT
MICHAEL SCARPELLO, ELECTIONS ADMINISTRATOR

Michael Scarpello
Dallas County Elections Administrator

CC: Darryl Martin, County Administrator
Gordon Hikel, Interim Deputy Elections Administrator

1520 Round Table Dr Dallas, Texas 75247 (469) 627-VOTE

ATTACHMENT1

Elections Estimated Cost Detail

Dallas County Elections Department

1520 Round Table Drive
Dallas. Texas 75247

MAY 1, 2021 JOINT ELECTION

ESTIMATED COST INVOICE

Subject to Change

REGISTERED VOTERS	Total
Total Number of Registered Voters	1,859,962
Cost Per Registered Voter (without ESF)	**$2.30**
Total Cost	$4,285,255.50
% of Units	100%

EXHIBIT - A

33 Entities
60 EV Locations
468 ED Vote Centers

		Total
Election Total		$4,285,255.50
Exceptional Cost	(to be determined)	$0.00
Election Services Fee (ESF)	10% of Joining Entity's Election Total	$428,525.55
Total Cost		$4,713,781.05
Cost Per Registered Voter (With ESF)		$2.53
Amount of Deposit		
(Overpaid)/Underpaid		

ATTACHMENT1

Elections Estimated Cost Detail

Exp Code	Early Voting	Units	Cost Per Unit	Estimated
POSTAGE				
2180	Printing of EV Mail Ballots (AC)	7,500	$0.43	$3,225.00
2180	EV Mail Ballot Kits (AC)	7,500	$2.62	$19,650.00
2180	EV Mail Bad Mail Kits (AC)	1,500	$3.20	$4,800.00
2170	Postage EV Ballots Mailed **TBD**	7,500	$1.63	$0.00
2170	Postage For Returned Mailed Ballots **TBD**	5,000	$1.21	$0.00
2170	Postage for Non-Returned Mailed Ballots **TBD**	1,400	$1.21	$0.00
2170	Postage Rejected / Incomplete Mail Ballots	100	$1.62	$162.00
EQUIPMENT RENTAL				
7030	Furniture Rental	Various EV Locations		$8,000.00
7040	Model DS200 (tabulator/scanner)	60	$464.10	$27,846.00
7040	ExpressVote Ballot Marking Device Booth	436	$89.50	$39,022.00
7040	ExpressVote Ballot Marking Device	496	$295.00	$146,320.00
7040	Express Vote Printer	201	$62.00	$12,462.00
7040	Provisional Bags	120	$5.00	$600.00
7050	Van / Car Rental	2 24ft trucks for 1 month, 2 Mini vans for 1month		$6,000.00
7211	Sprint/Frontier (Landline Charges)	Use of Service During EV Period		$5,000.00
7213	Cellular Phones	6 Tech Phones		$1,925.00
RENTAL BUILDINGS				
7010	Custodial Charges/Rental Charges	Various Locations		$25,000.00
5590	Security at EV locations	Various Locations		$22,000.00
PERSONNEL				
1020	Election Department Full Time Staff (ST)			$2,000.00
1050	Central Count Full Time Staff (OT)	1 Staff @12days @Various hours @Various Pay Rates		$2,000.00
1050	EV **Clerks** (OT)	various clerks @39 Hours	17.66 p/h	$75,000.00
1050	EV **Judges** (OT)	60 Judges @39 Hours	22.85 p/h	$30,000.00
1050	Election Part-Time Regular (OT)	Various Part-Timers @Various Hours @Various Pay Rates		$2,500.00
1050	Elections Full Time Staff (OT)	Various Staff @Various Days @Various Hours @Various Pay Rates		$16,000.00
1050	Ballot Board Committee (OT)	6 Staff@ 10 days @ var hrs.	17.66 p/h	$1,250.00
1050	Signature Verification Committee (OT)	12 staff@ 12 days @ var hrs.	17.66 p/h	$1,250.00
1050	Ballot Board Judge (OT)	10 days @ var hrs.	22.85 p/h	$2,500.00
1050	Signature Verification Supervisor (OT)	10 days @ var hrs.	17.66 p/h	$2,500.00
1050	EV Mail Part-Time Clerks (OT)	var. people @ various hrs.		$1,500.00
1050	EV Full Time Mail Supervisor (OT)	ff @Various Hours @29.66p/h		$2,500.00
1050	EV Techs (OT)	5 techs @ 39 hrs.	17.66 p/h	$4,000.00
1050	Building Security (OT)	Var. Security Staff @Various Hours @Various Pay Rates		$0.00
1050	Election Full Time Warehouse Staff (OT)	5 Staff @Various Hours @Various Pay Rates		$10,000.00

ATTACHMENT1

Elections Estimated Cost Detail

1050	Warehouse Part-Timers (OT)	var. people @ various hrs.		$3,500.00
1060	EV **Clerks** (ST)	various clerks @ 73 hrs.	11.77 p/h	$200,000.00
1060	EV **Judges** (ST)	60 Judges @ 73 hrs.	15.23 p/h	$68,000.00
1060	EV Judges Delivery (AKA Can Money)	60 @ 1day @ 25.00	$25.00	$1,500.00
1060	EV Election Department PT Regular (ST)	var. people @ various hrs.		$2,500.00
1060	EV Mail Part-Time Clerks (ST)	var. pay @ various Hrs.		$25,000.00
1060	Ballot Board Committee (ST)	6 people@ 10 days @ var hrs.	11.77 p/h	$7,500.00
1060	Signature Verification Committee (ST)	10 days @ var hrs.	11.77 p/h	$7,500.00
1060	Ballot Board Judge (ST)	10 days @ var hrs.	15.23 p/h	$1,500.00
1060	Signature Verification Supervisor (ST)	10 days @ var hrs.	11.77 p/h	$1,500.00
1060	EV Techs (ST)	2 techs @ 73 hrs.	11.77 p/h	$15,000.00
1060	Warehouse Part-Timers (ST)	var. people @ various hrs.		$1,000.00
1111	EV FICA	6.2%		$8,500.00
1112	EV Medicare	1.45%		$5,000.00
1113	EV PARS	1.3%		$4,200.00
1150	EV Retirement Chargeback	13.13%		$12,500.00
5590	EV Temp Employees			$20,000.00
SUPPLY EXPENSE				
2180	Balotar Absentee Mail Ballots 14'' 2 sided (ES&S)	8,000	$0.45	$3,600.00
2180	Sample Ballots hand out for voters 8.5x11in. double sided color paper (AC Printing)	500	$2.1000	$1,050.00
2180	Sample Ballots Large for Posting 11x17in. single side color paper (AC Printing)	60	$1.08	$64.80
2180	Ballot List for Early Voting Locations 8.5x11in. double sided (AC Printing)	0	$3.38	$0.00
2180	List of Declared Write-Ins for EV	1,000	$0.03	$27.00
2180	Official Express Vote Ballots 17"	300,000	$0.11	$31,500.00
2180	EV Quick Operations Guides	61	$5.20	$317.20
2180	Personal Appearance Labels (2 per EV voter In-Per	0	$0.10	$0.00
2880	EV Supplies for Early Voting	Misc./Forms/Binders		$1,000.00
2880	EV Voted Rubber Stamps	350	$1.05	$367.50
2180	Judges Kits	60	$80.00	$4,800.00
SERVICE EXPENSE				
2013	Legal Notice	Legal Notice	$900.00	$10,000.00
5590	ES&S Project Management			$66,000.00
5590	ES&S Ballot Layout and Coding assistance and overseeing	10	$1,650.00	$16,500.00
5590	ES&S Pre Election Mock Election	3	$1,650.00	$4,950.00
5590	ES&S EV Support	2	$1,650.00	$3,300.00
5590	EV IT Services (QNET)			$1,500.00
5590	Print Mail Pro Services for EV Polling Location Change Cards			$0.00
PREPARATION AND TRANSPORTATION OF VOTING EQUIPMENT				
2910	Early Voting Equipment Delivery and Pickup by Warehouse	120	$45.00	$5,400.00
MILEAGE / FUEL				
1080	Warehouse /Elections Mileage		$0.545	$500.00
3095	Mileage for Runners/Gas		$0.545	$2,100.00
	Early Voting Total			**$1,012,688.50**

ATTACHMENT1

Elections Estimated Cost Detail

Exp Code	Election Day	Units / Description	Cost Per Unit	Estimated
EQUIPMENT RENTAL				
2180	ED Judge Kit	468	$80.00	$37,440.00
7030	ED Furniture Rental			$20,000.00
7040	Election Supply Carts (ESC)	936	$295.00	$276,120.00
7040	Model DS200	468	$464.10	$217,198.80
7040	ExpressVote Ballot Marking Device (ADA)	3,276	$295.00	$966,420.00
7040	Express Vote Printer	1,872	$62.00	$116,064.00
7040	ExpressVote Booth	2,808	$89.50	$251,316.00
7040	ED Provisional Bags	468	$5.00	$2,340.00
7040	Regional Site Setup - Modems	10	$150.00	$1,500.00
7050	Truck Rental/Van Rental	Runners /Regional Sites		$8,000.00
7213	Phone Lines/Bulletin Board/Internet access	Tech - Regional Sites - Polling Locations		$13,500.00
RENTAL BUILDINGS				
7010	Location Rental	Various Locations		$41,000.00
5590	Custodial Charges	Various Locations		$60,000.00
PERSONNEL				
1020	Election Department Full Time Staff (ST)	Includes VR WH CC and Admin		$2,500.00
1020	Dallas County Employees (ST)	Regular Pay Rate for Leave		$3,500.00
1020	Traffic Control Officers (10 reg sites)	Election Night & Supply Pickup		$5,500.00
1020	Regional Site Support (10 reg sites)	Election Night & Supply Pickup	$20.00 p/h	$22,000.00
1020	Emergency Response (Election Day)	Election Day - Judges and Clerks	$20.00 p/h	$5,000.00
1020	Phone Bank	Election Day	$20.00 p/h	$3,500.00
1020	ED Techs	30 Election Day	$20.00 p/h	$15,000.00
1020	ED EPB Techs	Election Day	25.00p/h	$9,500.00
1020	Election Day **Clerks**	approx 3276 @ approx 15 hours	$16.00 p/h	$786,240.00
1020	Election Day **Judges**	468 Judges @ 15 hours	$18.00 p/h	$126,360.00
1020	Delivery of Election Returns	468 @ $25.00 each		$11,700.00
1020	Building Security (ST)	Regular Pay Rate for Leave		$200.00
1020	Sheriff Deputies (ST)	Regular Pay Rate for Leave		$30,000.00
1050	Dallas County Employees (OT)	Election Day @ Regional Sites		$3,650.00
1050	Building Security (OT)	Election Day @ Regional Sites		$250.00
1050	Election Department Full Time Staff (OT)	Includes VR WH CC and Admin		$22,500.00
1050	Election Part-Time Regular Admin. (OT)	Various Staff @Various Days @Various Hours @Various Pay Rates		$2,500.00
1050	Sheriff Deputies (OT)	var. deputies var. supervisors var. runners		$5,000.00

ATTACHMENT1

Elections Estimated Cost Detail

1050	Warehouse Part-Timers (OT)	6 Part-Timers @Various Hours @ various rates		$5,500.00
1060	Warehouse Part-Timers (ST)	6 Part-Timers @Various Hours @ various rates		$8,000.00
1110	Social Security			$1,500.00
1111	FICA	6.2%		$5,500.00
1112	Medicare	1.45%		$2,000.00
1113	PARS	1.3%		$125.00
1150	Retirement Chargeback	13.1%		$14,000.00
5590	Temporary Service	Various Temp Agencies		$30,000.00
MILEAGE / FUEL				
1080	Mileage for Deputies	0	$0.580	$3,500.00
3095	Gas	Tech Cars and Trucks		$1,500.00
SERVICE EXPENSE				
5590	ES&S L and A Testing 1 person 2 days	2	$1,650.00	$3,300.00
5590	ES&S Election Day Support (3-Days Technical support, 5 person each election)	15	$1,650.00	$24,750.00
5590	ROBIS (ED Support)	2 Persons Tech Team		$6,000.00
5590	ED IT Services (QNET)			$1,200.00
5590	Print Mail Pro Services for ED Judge/Alt Judge Appt. Letter, Judge/Alt Judge, Bilingual Conf. Cards, Change Cards			$1,500.00
POSTAGE				
2170	Election Paychecks	4,212	$0.55	$2,316.60
PREPARATION & TRANSPORTATION OF VOTING EQUIPMENT				
2910	Atlantic Delivery and Pick-up	800	$36.00	$28,800.00
2910	Delivery and Pick-up (warehouse specials)	0	$22.50	
2910	Delivery and Pick-up (warehouse)	136	$45.00	$6,120.00
SUPPLY EXPENSE				
2180	Official ExpressVote Ballots (ES&S)	500,000	$0.105	$52,500.00
2180	Sample Ballots (AC Printing)	468	$2.10	$982.80
2180	List of Declared Write-Ins for ED (AC Printing)	5,000	$0.03	$135.00
2180	Official Ballot & Seal Certificate (ES&S)	468	$6.35	$2,971.80
2180	Blank Official Ballot and Seal Cert. (ES&S)	20	$6.35	$127.00
2880	Rubber Voting Stamps	2,800	$1.05	$2,940.00
2880	Election Day Supplies			$1,500.00
	Election Day Total			**$3,272,567.00**

ATTACHMENT 2

DALLAS COUNTY DEPOSIT OF FUNDS DETAIL
ELECTION SERVICES ESTIMATE MAY 1, 2021 JOINT ELECTION

Political Subdivision	Registered Voters	Share Percentage	Estimated Cost Per Entity	75% Deposit Due	Final Election Cost	Balance Due or Refund Due
Town of Addison	10,221	0.55%	$25,903.52	$19,427.64		
City of Balch Springs	10,998	0.59%	$27,872.70	$20,904.53		
City of Carrollton	26,219	1.41%	$66,447.93	$49,835.95		
City of Cedar Hill	32,013	1.72%	$81,131.91	$60,848.93		
City of Cockrell	1,542	0.08%	$3,907.96	$2,930.97		
City of Dallas	635,718	34.18%	$1,611,127.25	$1,208,345.44		
City of Desoto	38,445	2.07%	$97,432.80	$73,074.60		
City of Duncanville	23,423	1.26%	$59,361.91	$44,521.43		
City of Farmers Branch	8,889	0.48%	$22,527.77	$16,895.83		
City of Garland	122,031	6.56%	$309,268.37	$231,951.28		
City of Grand Prairie	60,136	3.23%	$152,405.23	$114,303.92		
City of Hutchins	2,224	0.12%	$5,636.38	$4,227.28		
City of Irving	105,106	5.65%	$266,374.62	$199,780.97		
City of Lewisville	371	0.02%	$940.24	$705.18		
City of Richardson	47,264	2.54%	$119,783.17	$89,837.38		
City of Rowlett	36,503	1.96%	$92,511.11	$69,383.33		
City of Sachse	11,022	0.59%	$27,933.52	$20,950.14		
City of Seagoville	7,197	0.39%	$18,239.66	$13,679.75		
City of Sunnyvale	5,504	0.30%	$13,949.02	$10,461.77		
City of Wilmer	2,047	0.11%	$5,187.80	$3,890.85		
Carrollton Farmers Branch	61,790	3.32%	$156,597.03	$117,447.77		
Coppell ISD	32,506	1.75%	$82,381.34	$61,786.01		
Dallas ISD	62,219	3.35%	$157,684.27	$118,263.20		
DeSoto ISD	40,766	2.19%	$103,315.01	$77,486.26		
Duncanville ISD	43,413	2.33%	$110,023.42	$82,517.56		
Ferris ISD	77	0.00%	$195.14	$146.36		
Garland ISD	161,139	8.66%	$408,381.44	$306,286.08		
Grand Prairie ISD	10,009	0.54%	$25,366.24	$19,024.68		
Highland Park ISD	24,498	1.32%	$62,086.33	$46,564.74		
Irving ISD	10,787	0.58%	$27,337.95	$20,503.47		
Lancaster ISD	6,808	0.37%	$17,253.80	$12,940.35		
Mesquite ISD	86,815	4.67%	$220,018.96	$165,014.22		
Richardson ISD	132,262	7.11%	$335,197.23	$251,397.92		
Totals	1,859,962	100.00%	$4,713,781.05	$3,535,335.79		

Total Registered Voters 1,859,962

Total Estimated Cost $ 4,713,781.05

ESTIMATED COST ATTACHMENT "A" Prepared by T. Smith 2/24/2021

RESOLUTION NO. 2021-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, TO ENTER INTO A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BETWEEN DALLAS COUNTY AND OTHER JURISDICTIONS HOLDING ELECTION ON MAY 1, 2021, TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS ADMINISTRATOR IN ACCORDANCE WITH SUBCHAPTER D OF CHAPTER 31 AND CHAPTER 271 OF THE TEXAS ELECTION CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has ordered a general election to be held on Saturday, May 1, 2021; and

WHEREAS, the City of Duncanville and the other jurisdictions holding elections on May 1, 2021, desire to hold the election jointly in accordance with Chapter 271 of the Texas Election Code; and

WHEREAS, the City of Duncanville and the other jurisdictions holding elections on May 1, 2021, desire to contract with the Dallas County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code.

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

SECTION 1. The City Manager is authorized to enter into a Joint Election Agreement and Election Services Contract attached hereto and incorporated herein as Exhibit "A", between the City of Duncanville and Dallas County for the Duncanville General Election to be held on May 1, 2021, in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code, as provided.

SECTION 2. The contract provides for the Elections Administrator to perform or supervise the performance of any or all of the corresponding duties and functions that the Elections Administrator performs in connection with a county-wide election.

SECTION 3. The contract provides that the Election Administrator may contract with third parties for election services and supplies and pay the claims for those election expenses from funds deposited by the City and other contracting jurisdictions in an election services contract fund in the county treasury established for this election.

SECTION 4. The Elections Administrator will provide the City Secretary with an itemized list of estimated election expenses to be paid from the election services contract fund prior to execution of the contract, and will provide an itemized list of actual election expenses to be paid from the election Services Contract fund no later than the 120th day after the date of the election.

SECTION 5. The Finance Director is hereby authorized to pay the Dallas County Treasurer an amount not to exceed $42,000.00 for both the general and runoff election; the required deposit will be made on February 26, 2021 as the City's estimated share of the costs of the May 1, 2021 Joint Election.

SECTION 6. The contract will provide that in the event a runoff election is necessary, the Elections Administrator will provide the City Secretary with an itemized list of additional estimated election expenses to be deposited in the election services contract fund after authorization by the City Council, and that the Elections Administrator will continue to perform or supervise the performance of election duties and functions necessary for the proper administration of the runoff election.

SECTION 7. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Home Rule Charter of the City of Duncanville.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

EXHIBIT A

ELECTION SERVICES CONTRACT ("Election Services Contract" or "Contract")
BETWEEN
DALLAS COUNTY ON BEHALF OF THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
AND

Town Of Addison (TOA)
City Of Balch Springs (COBS)
City Of Carrollton (COC)
City of Cedar Hill (COCH)
City Of Cockrell Hill (COCkH)
City of Combine (COCB)
City of Coppell (COCP)
City of Dallas (COD)
City Of Desoto (CODe)
City Of Duncanville (CODu)
City Of Farmers Branch (COFB)
City Of Garland (COG)
City Of Grand Prairie (COGP)
City Of Hutchins (COH)
City Of Irving (COI)
City of Lewisville (COLw)
City of Richardson (COR)
City Of Rowlett (CORw)
City Of Sachse (COSa)
City of Seagoville (COS)
Town of Sunnyvale (COSv)
City of Wilmer (COW)
Carrollton-Farmers Branch ISD (CFBISD)
Coppell ISD (CpISD)
Dallas ISD (DISD)
DeSoto ISD (DeISD)
Duncanville ISD (DuISD)
Ferris ISD (FISD)
Garland ISD (GISD)
Grand Prairie ISD (GPISD)
Highland Park ISD (HPISD)
Irving ISD (IISD)
Lancaster ISD (LISD)
Mesquite ISD (MISD)
Richardson ISD (RISD)

FOR THE CONDUCT OF A JOINT ELECTION
TO BE HELD SATURDAY, MAY 1, 2021
TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT

EXHIBIT A

1) STATUTORY AUTHORITY FOR AND PARTIES TO THIS ELECTION SERVICES CONTRACT

a) Michael Scarpello is the duly appointed County Elections Administrator ("Elections Administrator") of Dallas County, Texas ("County") and the Department Head of the Dallas County Elections Department ("DCED"). As such, Michael Scarpello is the County's Voter Registrar and the Election Officer of Dallas County, Texas and is authorized by Subchapter D of Chapter 31 of Title 3 and Chapter 271 of Title 16 of the Texas Election Code to enter into this Election Services Contract ("Election Services Contract" or "Contract") with the contracting authorities of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract. DCED acts at the direction of the Elections Administrator. The County Elections Administrator, DCED and the Participating Political Subdivisions together may be referred to collectively as "Parties" or individually as "Party."

b) The contracting authorities of the Participating Political Subdivisions that are participating in this Election Services Contract are listed on the face page of this agreement and in "Attachment F" of this Election Services Contract and are hereby participating with each other in this Joint Election to be held in Dallas County, Texas on **Saturday, May 1st, 2021** under Chapter 271 of Title 16 of the Texas Election Code ("Joint Election"); and are hereby contracting with the Elections Administrator of Dallas County, Texas to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code. The Participating Political Subdivisions acknowledge that they are participating in this Joint Election with each other to the extent that they have candidates and/or propositions on the ballot in this Joint Election. The terms and conditions of this Elections Services Contract also apply to any run-off election or re-count related to this Joint election, unless otherwise agreed in writing.

c) The Elections Administrator will coordinate, supervise, and handle all aspects of administering this Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this Election Services Contract. Each contracting authority of each Participating Political Subdivision will pay its share of the Election Costs to the Elections Administrator for the equipment, supplies, services, and administrative costs outlined in this Election Services Contract. The Elections Administrator will administer the election; however, each Participating Political Subdivision will be responsible for the duties directly administered by the Participating Political Subdivision. Pursuant to Texas Election Code §§ 31.093, and 31.098, the Elections Administrator may enter into a contract to furnish the election services requested within this Election Services Contract.

d) If applicable and in the event a runoff election is necessary, the date of the runoff for this Joint election would be Saturday June 5, 2021. This Elections Services Contract and its terms will be automatically extended to cover the Joint Runoff Election, unless a Participating Political Subdivision states in writing **on or before Tuesday May 4, 2021** that it does not wish to participate in a joint runoff election contemplated herein. DCED will provide each Participating Political Subdivision to which this Section 1(d) applies an estimated cost required to be deposited into a special and separate Joint Runoff Election

account. The funds must be deposited no later than five (5) days after the Joint Runoff Election's estimated figures are received from DCED.

2) **ATTACHMENTS** The following attachments are hereby incorporated into this Election Services Contract as if set forth herein in their entirety. The Participating Political Subdivisions acknowledge that the following attachments are subject to reasonable changes by the Dallas County Elections Administrator before, during, and after Election Day and any runoff election(s), if any runoff election(s) are required by law to be held.

   a) **"Attachment A"** is an itemized list of the estimated election expenses for this Joint Election and the amounts that each Participating Political Subdivision must deposit with the Dallas County Elections Department. It also includes the Deposit Detail for each entity. The Elections Administrator will amend "Attachment A" to reflect the changing estimates of election expenses that are caused by changing circumstances and by the withdrawal of Participating Political Subdivision(s), if any, from this Election Services Contract.

   b) **"Attachment B"** is a list of the early voting polling places for this Joint Election.

   c) **"Attachment C"** is a list of the Election Day polling places ("Vote Center(s)") for this Joint Election.

   d) **"Attachment D"** is a list of the people that the Dallas County Elections Administrator will appoint as deputy early voting clerks for this Joint Election.

   e) **"Attachment E"** is a list of the presiding election judges and alternate election judges for Election Day for this Joint Election.

   f) **"Attachment F"** is a list of the Participating Political Subdivisions that will be holding elections in Dallas County election precincts or partial election precincts and the number of registered voters in each of those election precincts or partial election precincts. "Attachment F" will be amended if any of the Participating Political Subdivisions withdraw from this Election Services Contract. "Attachment F" will be amended to reflect the number of registered voters in each election precinct and partial election precinct as of the statutory deadline April 1, 2021 for voters to submit applications to register to vote or changes of address in this Joint Election. In this Election Services Contract, the phrase "election precinct" is synonymous with the phrase "voting precinct."

   g) **"Attachment G"** is a list of the Participating Political Subdivisions & Ballot Details

   h) "**Attachment H**" will contain, for each Participating Political Subdivision, the full name of the person serving as a point of contact, the physical address, the mailing address, a facsimile number, and an email address. "Attachment H" will be amended if any of the Participating Political Subdivisions withdraw from this Election Services Contract.

   i) Within five (5) business days after any of the foregoing attachments are amended by the Elections Administrator, the Elections Administrator will send each Participating Political Subdivision an amended version of the amended attachment by email to the email

address provided by each Participating Political Subdivision in "Attachment F."

3) **LEGAL DOCUMENTS**

a) Each Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, notices, and other documents that are required by, or of, their governing bodies. Each Participating Political Subdivision must send the Elections Administrator a copy of any election order, resolution, or notice related to this Joint Election within three (3) business days of publishing, adopting, or ordering it. Such documents can be sent to the attention of: **Michael Scarpello, Elections Administrator at 1520 Round Table Drive, Dallas, Texas 75247; or, emailed to Michael.Scarpello@dallascounty.org. Alternately, these documents may be sent to: Danielle Grant, Central Counting Station Manager, at Danielle Grant at Danielle.Grant @dallascounty.org**

b) Each Participating Political Subdivision is responsible for having its own election orders, resolutions, notices, or official ballot wording translated into the Spanish language.

c) **Always copy Michael.Scarpello@dallascounty.org on all communications related to legal documents and question regarding this election.**

4) **VOTING SYSTEMS**

a) Each Participating Political Subdivision agrees that, during this Joint Election, voters will cast their ballots on the following voting systems, that are approved by the Texas Secretary of State in accordance with the Texas Election Code and the Texas Administrative Code: the ES&S ExpressVote Universal Voting System Ballot Marking Devices ("BMD(s)"), and the ES&S DS200 Digital Vote Center Scanner ("Tabulators"). Each of these systems are accessible to voters with physical disabilities ("ADA Terminals"). **On March 16, 2021, beginning at 10:00 A.M.**, until completed, at the County Elections Department at 1520 Round Table Drive, Dallas, Texas 75247, the Elections Administrator will test the BMDs and Tabulators used for counting ballots at the central counting station. At least 48 hours before the date and hour of each test, the Elections Administrator will publish a newspaper notice with the date, hour, and place of the testing. The Elections Administrator will establish regional collection sites within the county and a central counting station to receive and tabulate the regular ballots that are cast in this Joint Election and receive the provisional ballots.

b) The Elections Administrator will provide BMDs, Tabulators, and any other necessary equipment for this Joint Election. For Early Voting and on Election Day, the Elections Administrator will allocate voting election voting equipment to all of the Voting Centers and polling places in amounts reasonably anticipated to be sufficient for the anticipated turnout of voters. Each Election Day Vote Center will have at least one (1) Tabulator and at least four (4) BMD machines.

c) The itemized list of the estimated election expenses for this Joint Election are in "Attachment A," which includes, but may not be limited to the number of BMDs, Tabulators, and any other necessary equipment.

5) **POLLING PLACES/VOTE CENTERS**

a) The Elections Administrator will select and arrange for the use of and payment for all of the early voting polling places listed in "Attachment B" and the Election Day Vote Centers listed in "Attachment C" subject to the approval of each Participating Political Subdivision. Polling locations identified in Attachments "B" and "C" cannot be changed by a Participating Political Subdivision, but the Elections Administrator may consider changes requested by a Participating Political Subdivision. The Elections Administrator will finalize the polling places/Vote Centers as soon as possible before this joint election.

b) Whenever possible, previously used polling places/Vote Centers that voters are accustomed to using will be used for the election precincts and partial election precincts in this Joint Election; however, the Participating Political Subdivisions acknowledge that sometimes previously used polling places/Vote Centers are not available or appropriate for every election. Accessibility under the Americans with Disabilities Act is an important consideration for all polling places/Vote Centers in this Joint Election.

c) In accordance with Section 43.007(o) of the Texas Election Code, the Elections Administrator will post a notice at each countywide voting center of the four nearest countywide voting center locations by driving distance. The Participating Political Subdivisions shall be responsible for any notices required under Section 43.062 of the Texas Election Code.

6) **PRESIDING ELECTION JUDGES, ALTERNATE PRESIDING ELECTION JUDGES, ELECTION CLERKS, AND OTHER ELECTION DAY PERSONNEL**

a) The Participating Political Subdivisions are responsible for the appointment of the presiding election judges and alternate election judges listed in "Attachment E" for each Vote Center/polling place listed in "Attachment C" subject to the eligibility requirement found in the Texas Election Code Subchapter C, Chapter 32 and Subchapter A, Chapter 83. The Parties acknowledge that approval of the this Election Services Contract by the Participating Political Subdivisions shall constitute approval and appointment of the Judges and Alternate Judges listed in "Attachment E" by the Participating Political Subdivisions. The Elections Administrator will be responsible for the administration of the of the election judges listed in "Attachment E".

b) **[This provision is intentionally deleted]**.

c) If a person appointed as a presiding election judge or alternate election judge becomes ineligible to serve as such in this Joint Election, then the Election Administrator will appoint a replacement presiding election judge or alternate election judge, amend "Attachment E" accordingly, and send each Participating Political Subdivision the amended "Attachment E" by email within five (5) business days.

d) If a person is unable or unwilling to serve as a presiding election judge or an alternate election judge, then the Elections Administrator will name a replacement presiding election judge or send each Participating Political Subdivision the amended "Attachment E" by email within five (5) business days.

e) The Elections Administrator will provide county training programs, in keeping with Section 32.114 of the Texas Election Code, for all of the presiding election judges, alternate election judges, and election clerks for this Joint Election. The presiding election judges are responsible for notifying the alternate presiding judge and the election clerks for the presiding election judge's polling place/Vote Center of the time and place of each training session. Pursuant to Section 32.114(b), the training programs will be open to the public free of charge.

f) To serve in this Joint Election, each presiding election judge and alternate election judge must have attended an election judge training session, a training session regarding the court rulings and the applicability of the mandatory Voter ID law, and an Election Equipment training session taught by the Elections Administrator for this Joint Election within the last 6 months. New judges and election clerks that have not attended a mandatory Voter ID Law training session taught by the Elections Administrator for this Joint Election may not serve in this Joint Election. The Elections Administrator will also provide training regarding safety procedures pertaining to COVID-19.

g) The Elections Administrator will notify the Participating Political Subdivisions by email and post on the DCED's website the dates, times, and locations of training classes and labs for both Early Voting and Election Day Workers.

h) To comply with the Federal Voting Rights Act of 1965, as amended, all polling places/Vote Centers are required to have interpreter assistance. If a presiding election judge of such a polling location/Vote Center is not bilingual and is unable to hire a bilingual election clerk, the Elections Administrator may recommend an individual to provide interpreter assistance. If the Elections Administrator is unable to recommend an individual to provide interpreter assistance for such a polling place/Vote Center, the Elections Administrator will notify the Participating Political Subdivision and request assistance in identifying an interpreter. In the event that a bilingual election clerk is hired by the Elections Administrator for a polling place/Vote Center required to have interpreter assistance, the bilingual clerk will be paid according to a rate set by the Elections Administrator. The Elections Administrator will charge that expense to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract. A Participating Political Subdivision may pay more money to a bilingual clerk than the rate set by the Elections Administrator, however that expense will be borne by that Participating Political Subdivision individually and that extra expense will not be

charged to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract.

i) The Elections Administrator will notify all of the presiding election judges and alternate election judges about the eligibility requirements of Subchapter C of Chapter 32 of Title 3 of the Texas Election Code and Section 271.005 of the Texas Election Code. The Elections Administrator will take the necessary steps to insure that all of the presiding election judges and alternate election judges appointed to serve during this Joint Election are eligible to serve and qualified to serve in this Joint Election. Under Section 32.031 of the Texas Election Code, the presiding election judge for each polling place/Vote Center shall appoint the election clerks to assist the presiding election judge in the conduct of the election at the polling place/Vote Center served by the presiding election judge on Election Day.

j) The presiding election judges are responsible for picking up election supplies at the time and place determined by the Elections Administrator, which will be set forth in the letter to the presiding election judges requesting service for this election. Payments for the presiding election judge will be specified in "Attachment A."

k) Any Participating Political Subdivision electing to pay their election workers for attending a training class or lab must bear that expense separately from the funds deposited into this Joint Election account.

l) The Elections Administrator will employ and or contract for other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of services, supplies and equipment assistance during the period of Early Voting and on Election Day, and for the efficient tabulation of ballots at the central counting station and regional sites. Part-time personnel will be paid an amount specified in "Attachment A." Part-time personnel working in support of the administration of the Election, including Central Counting Station, and regional sites on election night will receive pay for at least four (4) hours, minimum call for service, regardless of the actual hours worked.

7) **SUPPLIES AND PRINTING**

a) The Elections Administrator will obtain and distribute all of the election supplies and election printing necessary for this Joint Election, including, but not limited to, all forms, signs, maps for redistricting, and other materials used by the presiding election judges and clerks at the polling places/Vote Centers.

b) The Elections Administrator will provide maps, if necessary, instructions, and other information that the presiding election judges need to conduct this Joint Election.

c) Each Participating Political Subdivision must deliver a list to the Elections Administrator of candidates and propositions for their elections. The list must be in English and Spanish. The list must include the ballot positions for the candidates and the propositions. The list must include the correct spelling of each candidate's name and the precise wording of all of the propositions. The Elections Administrator will email each Participating Political

Subdivision a Microsoft Word format form for their use to create the required list. As soon as possible after each Participating Political Subdivision has determined its ballot positions for the candidates and propositions in its election, the Participating Political Subdivision must email the completed Microsoft Word format form to the Elections Administrator. The Elections Administrator will use these electronic forms received from the Participating Political Subdivisions to create the ballot styles for this Joint Election. The Elections Administrator will deliver the proposed ballots to the Participating Political Subdivisions for approval. Each Participating Political Subdivision will be responsible for proofreading the proposed ballots and notifying the Elections Administrator of any corrections that are required for their particular ballots. The Elections Administrator is responsible for implementing the corrections made by the Participating Political Subdivisions to their ballots and then producing the ballots for this Joint Election.

8) **OPTICAL SCAN CARD BALLOTS**

a) The Elections Administrator will have ballots to cover approximately **fifty percent (50%)** of the total number of registered voters in Dallas County. The ballots will be allocated according to the approximate voter turnout for comparable elections in the areas near each polling location/Vote Center.

b) Additional ballots will be available for Early Voting by Mail and for use on Election Day to respond to any polling place/Vote Center that requests additional ballots and printed on an a needed basis. Cost per ballot will be forty-five cents (.45¢).

9) **RETURNS OF ELECTIONS**

a) The Participating Political Subdivisions will establish a central counting station to receive and tabulate ballots cast in this Joint Election under Chapter 127 of Title 8 of the Texas Election Code.

b) The Participating Political Subdivisions hereby, in accordance with Sections 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Central Count Station Manager:	**Michael Scarpello**, Dallas County Elections Administrator
Tabulation Supervisor:	**Danielle Grant**, Central Count Station Manager
Assistant Tabulation Supervisor:	**Angelica Munoz** Central Count Station Lead Clerk
Presiding Judge:	**TBA**, Appointed by Participating Political Subdivisions

Alternate Presiding Judge: **TBA,** Appointed by Participating Political Subdivisions

c) The Central Count Station Manager or her representative will deliver timely, cumulative reports of the election results as Vote Centers are tabulated. The Central Count Station Manager will be responsible for releasing cumulative totals and Vote Center election returns from the election to the Participating Political Subdivisions, candidates, press, and the general public by the distribution of hard copies or electronic transmittals (where accessible). The Elections Administrator will operate an election result center to release election results in the **Dallas County Elections Operations Facility, 1520 Round Table Dr., Dallas, Texas 75247**.

d) The Elections Administrator will link any Participating Political Subdivision's website to DCED's website. Participating Political Subdivisions that want such website linkage should deliver their website address to the Tabulation Supervisor at DCED.

e) The Elections Administrator will prepare the unofficial canvass report after all Vote Centers have been counted, and will email a copy of the unofficial canvass to each Participating Political Subdivision as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but in no event no later than **May 7, 2021** All Participating Political Subdivisions will be responsible for the official canvass of their respective elections.

f) The Elections Administrator will be responsible for conducting the post-election manual recount, unless the Texas Secretary of State grants a waiver under Section 127.201 of the Texas Election Code. If no such waiver is given, the Elections Administrator will provide notice and copies of the recount to each Participating Political Subdivision and the Secretary of State's Office. Each Participating Political Subdivision must notify the Elections Administrator if such a waiver has been granted or denied as soon as possible, but no later than five (5) calendar days before Election Day.

10) ELECTION EXPENSES

a) The Participating Political Subdivisions agree to share the costs of administering this Joint Election as specified in "Attachment A." The Election Administrator will charge a general supervisory fee not to exceed ten (10%) percent of the total cost of this Joint Election as authorized by Section 31.100 of the Texas Election Code. In no event will the ten (10%) percent general supervisory fee be refunded to any Participating Political Subdivision. If the ballot, candidates, or propositions supplied by the Participating Political Subdivision are changed after their initial programming and/or printing by the Elections Administrator due to a court order from a court of competent jurisdiction, the affected Participating Political Subdivision(s) agrees to pay all expenses associated with re-printing and re-programming the ballots pursuant to a court order including expenses for expedited services and "Attachment A" will be amended by the Election Administrator.

b) Allocation of costs among the Participating Political Subdivisions will be according to a formula based on the total cost of the Joint Election multiplied by the Participating Political Subdivision's percentage of the total current, and active registered voters for the Joint Election ("Election Costs"). Any Participating Political Subdivision that requests additional Vote Centers/polling locations, equipment, or a different combination of precincts in polling places/Vote Centers that exceeds the Election Costs will be billed directly for any excess expenditures (e.g. supplies, equipment, personnel, etc.). **The cost of any special request from a Participating Political Subdivision, which is not agreed upon by all Participating Political Subdivisions, will be borne by the Participating Political Subdivision making the special request.**

c) The expenses for early voting by mail and personal appearance will be paid by each Participating Political Subdivision as set forth in "Attachment A."

d) The Elections Administrator will determine the final election expenses to the extent practicable within one hundred and eighty (180) business days after the final canvass of this Joint Election or the runoff election, if any. The Elections Administrator will provide each Participating Political Subdivision with a final, written accounting of all money that was deposited into, and payments that were made from, the Joint Election account(s) maintained by the Dallas County Elections Department for this Joint Election and the runoff election, if any.

e) If the Elections Administrator requires additional money to perform its obligations under this Election Services Contract, then the Elections Administrator will bill each Participating Political Subdivision using the same method used to determine each Participating Political Subdivision's required deposit in "Attachment A" of this Election Services Contract ("Final Bill"). The Participating Political Subdivision shall pay the Final Bill within thirty (30) days of receipt except for any amount the Participating Political Subdivision files a timely good faith dispute under Section 17 of this Election Services Contract. After all of the expenses of this Joint Election are paid and disputes, if any, resolved, any monies that remain in the account maintained by the Dallas County Elections Department for this Election Services Contract will be refunded to the Participating Political Subdivisions (the "Refund") as soon as practicable.

11) DEPOSIT OF FUNDS

a) Attachment A: Cost Audit details the cost and expenses anticipated for this election; Participating Political Subdivisions will initially receive an estimate cost audit. The Final Bill will be distributed as soon as all cost and expenses for the election can be determined. Each Participating Political Subdivision hereby agrees to deposit with the Dallas County Elections Department seventy five (75%) percent of the full balance of money listed for their entity in "**Attachment A: Deposit of Funds Detail**" of this Election Services Contract by the first deposit due date of (on or before) **Friday, March 12, 2021** . The Dallas County Elections Department will place the money deposited by the Participating Political Subdivisions in a Joint Election account.

b) The deposit of funds by each Participating Political Subdivision is an express condition precedent to the participation of each Participating Political Subdivision in this Election Services Contract. A Participating Political Subdivision may seek an extension from the Elections Administrator as to the due date for the deposit of funds. Such an extension must be sought in writing and prior to due date for such deposit by the Participating Political Subdivision. Any decision(s) made by the Elections Administrator will be provided in writing to the Participating Political Subdivision. The Elections Administrator, however, shall not be required to grant an extension for the deposit of funds by a Participating Political Subdivision. For any Participating Political Subdivision that fails to deposit the total amounts specified in "Attachment A" by the dates specified in this Election Services Contract or any extension granted by the Elections Administrator, the Elections Administrator will be relieved from the responsibility to perform under this Election Services Contract for such Participating Political Subdivision.

c) The Elections Administrator will only draw money from this Joint Election account to pay for election expenses that are included in "Attachment A" to this Election Services Contract and for other expenses that the Participating Political Subdivisions agree to in writing.

d) If a Participating Political Subdivision withdraws completely from this Joint Election by **February 22, 2021**, then the Elections Administrator will refund (as soon as practicable) that Participating Political Subdivision's deposit, less any money already expended before the withdrawal and less the general supervisory fee authorized by Section 31.100 of the Texas Election Code. In the event of a partial withdrawal from this Joint Election, deposits will not be refunded to the Participating Political Subdivisions.

e) The Elections Administrator will not make partial refunds to a Participating Political Subdivision if any candidate(s) or propositions do not appear on the ballot for that Participating Political Subdivision.

f) Deposits should be made out to Dallas County Elections Department and delivered within the mandatory time frame to:

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

In the "memo" section of check place Election Escrow Account: 91468

12) RECORDS OF THE ELECTION

a) The Elections Administrator is hereby appointed the general custodian of the voted ballots and all election records of this Joint Election to the extent authorized by Sections 31.094, 31.095, 31.096, and 31.097 of the Texas Election Code.

b) Access to the election records will be available to each Participating Political Subdivision as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the **Dallas County Elections Department, 1520 Round Table Drive,**

Dallas, Texas 75247 at any time during normal business hours. The Elections Administrator will ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container. However, access to election records that contain confidential information that must be redacted pursuant to federal or state law may be provided at the offices of the Civil Division of the Criminal District Attorney's Office of Dallas County, Texas at 411 Elm Street, 5th Floor, Dallas, Texas.

c) Pursuant to Section 66.058 of the Texas Election Code, the Elections Administrator will retain the election records at the Elections Administrator's main offices and Elections Warehouse for **sixty (60) days** after the date of this Joint Election. **Sixty (60) days** after the date of this Joint Election, the Elections Administrator will arrange for transport of this Joint Election's records to the Dallas County Record Storage facility. This Joint Election's records will then become the responsibility of Dallas County Record Storage for the remainder of the **twenty-two (22) month** preservation period. Dallas County Record Storage will be responsible for the destruction of this Joint Election records after the preservation period. The Participating Political Subdivisions agree the Elections Administrator may destroy the records from this Joint Election after the **twenty-two (22)** month preservation period without further notice to the Participating Political Subdivisions, unless the events in Section 12 (d) occur.

d) The Participating Political Subdivisions must notify the Elections Administrator in writing within three (3) business days after any official or employee of any Participating Political Subdivision becomes aware of any election contest in connection with this Joint Election. In accordance with Section 1.013 of the Texas Election Code, the election records must be preserved until any election contest is completed and a judgment, if any, becomes final. Also, the election records will be maintained by the Elections Administrator if there is an active criminal investigation, proceeding, or a pending request for public information, related to the election records until such investigation, proceeding, or request for public information is finally concluded.

e) The Participating Political Subdivisions acknowledge and agree that the Elections Administrator reserves the right to intervene in any election contest or litigation in connection with this Joint Election in order to preserve any available remedies at law, and to preserve the Elections Administrator's obligations under this Contract and the Texas Election Code.

f) The Elections Administrator will provide each Participating Political Subdivision records that indicate the jurisdictional boundaries of each Participating Political Subdivision. Each Participating Political Subdivision will have until February 12, 2021 to verify in writing that the jurisdictional boundaries provided by the Elections Administrator are correct.

13) EARLY VOTING

a) Under Sections 31.094 and 271.006 of the Texas Election Code, the Participating Political Subdivisions hereby appoint the Elections Administrator to be the early voting clerk for all of the political subdivisions participating in this Joint Election. The deputy early voting

clerks that will be appointed by the Elections Administrator are listed in "Attachment D."

b) **[This provision is intentionally deleted]**

c) Any qualified voter for this Joint Election may vote early by personal appearance at the main early voting polling place or at one of the early voting branch polling places listed in Attachment B. Early voting will be conducted as follows: **Monday, April 19, 2021 through Friday, April 23, 2021 from 8:00 am to 5:00 pm; Saturday, April 24, 2021 from 8:00 am to 5:00 pm; Sunday, April 25, 2021 from 1:00 pm to 6:00 pm; Monday, April 26 through Tuesday, April 27, 2021 from 7:00 am to 7:00 pm.**

d) All requests for early voting ballots by mail that are received by a Participating Political Subdivision must be transported by runner on the day of receipt to the Dallas County Elections Department, Elections Operations Facility at 1520 Round Table Drive, Dallas, Texas 75247 for processing. Persons voting by mail must send their voted ballots to the Dallas County Elections Department.

e) All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed under Subchapter A of Chapter 87 of the Texas Election Code. Each Participating Political Subdivision may appoint one member to the Early Voting Ballot Board and will prepare a list notifying DCED of the appointee's name, telephone number, mailing address, and email address, if any, no later than **February 26, 2021**. The Participating Political Subdivisions agree to appoint Chaka Terrell as the presiding judge of the early voting ballot board. A list of Early Voting Ballot Board members will be furnished to each Participating Political Subdivision no later than **March 26, 2021**.

f) A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each Participating Political Subdivision.

g) The presiding judge of the Early Voting Ballot Board shall deliver notices of rejected ballots in compliance with Section 87.0431, Texas Election Code.

14) CRIMINAL BACKGROUND CHECKS

The Elections Administrator, her agent or assignee will conduct a criminal background check (in accordance with statutory requirements) of any person who is expected to or scheduled to serve or work in this Joint Election. Any person that does not satisfactorily pass the criminal background check will be ineligible to serve or work in this Joint Election. Failure to obtain a criminal background check does not release the participating entity's obligation to pay for service rendered in good faith.

15) ELECTION REPORTS

During the early voting period for this Joint Election, the Elections Administrator will deliver daily reports to each Participating Political Subdivision of the Early Voting Location Turnout Totals and Early Voting Roster. The day after the early voting period ends, the Elections Administrator will deliver to each Participating Political Subdivision, a Daily Early Voting Roster by Vote Center report that includes the entire Early Voting period. Pursuant

to the Texas Election Code Section 87.121, the Elections Administrator will deliver these election reports by website posting, e-mail, or facsimile.

16) WITHDRAWAL FROM CONTRACT

a) No deposits will be refunded after the deadline to withdraw from this Election Services Contract has passed.

b) In order to withdraw from this Election Services Contract, a Participating Political Subdivision must deliver to the Elections Administrator any certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.

c) The Elections Administrator will bill any Participating Political Subdivision that withdraws from this Election Services Contract for any expenses incurred prior to the Elections Administrator receiving copies of the certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.

d) If there are any withdrawals from this Joint Election**,** within ten (10) business days after the deadline for Participating Political Subdivisions to make declarations under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code, said deadline being **February 22, 2021,** the Elections Administrator will amend the attachments to this Election Services Contract as appropriate and provide updated copies of the amended attachments to all of the remaining Participating Political Subdivisions.

e) The general supervisory fee authorized by Section 31.100 of the Texas Election Code will not be refunded.

17) AUDITING AND PROHIBITION ON WITHHOLDING OF DEPOSITS

a) The Dallas County Auditor will conduct a review of the deposits and expenditures related to this Election Services Contract before the Final Bill or Refund is submitted to the Participating Political Subdivisions. Refunds will be submitted as soon as practicable.

b) The Participating Political Subdivisions may request a financial audit of the Final Bill or Refund or dispute the Final Bill or Refund under this Section, if: 1) the Final Bill exceeds ten percent (10%) of the amount of the Participating Political Subdivision's initial deposit as required in "Attachment A" to this Election Services Contract; or 2) the accounting accompanying the Refund is ten percent (10%) less than the amount the Participating Political Subdivision determines, should be refunded, after its good faith review. The request for a financial audit or dispute must be done in accordance with Section 17 (d) below.

c) Should the events in Section 17 (b) occur, in lieu of an audit or dispute, the Participating Political Subdivision may make a request that the Elections Administrator ask the Dallas County Auditor to review the cost allocation methodology for the Participating Political Subdivision's Final Bill or Refund ("Review Request"). Participating Political Subdivisions must submit a Review Request to the Elections Administrator within five (5) business days of receipt of the Final Bill or the Refund, whichever is later. The Review Request must set

forth, in detail, the basis for any challenge to the Final Bill or Refund. Corrections to the Participating Political Subdivision's Final Bill or the Refund, based on a Review Request, will be determined at the sole discretion of the Elections Administrator. A Review Request does not extend the timeframe in Section 17(d).

d) Should the circumstances giving rise to an audit or dispute in Section 17 (b) occur, the Participating Political Subdivision may send a formal written notice of dispute of the Final Bill or Refund ("Dispute Notice") to the Elections Administrator. This Dispute Notice must be received by the Elections Administrator no later than thirty (30) calendar days from the date the Participating Political Subdivision receives the Final Bill or Refund. This Dispute Notice must provide: 1) an itemization of the disputed charge(s) by the Participating Political Subdivision; 2) the basis for the dispute; 3) the methodology showing how the Participating Political Subdivision arrived at the amount disputed; and 4) documentation in support thereof. The Participating Political Subdivision will have no right to withhold any undisputed amounts set forth in this Election Services Contract or reflected in the Final Bill. Payment of undisputed amounts in the Final Bill must be made by the Participating Political Subdivision as set forth in Section 10 (e) of this Election Services Contract.

e) Failure of the Participating Political Subdivision to submit a timely Dispute Notice, as set forth in Section 17(d), shall waive any and all disputes, claims, or challenges to the Final Bill or Refund by the Participating Political Subdivision. The entire amount of the Participating Political Subdivision's Final Bill shall be due immediately; or, any estimated refund amounts will become final.

f) If the Participating Political Subdivision files a timely Dispute Notice in compliance with Section 17(d), the Participating Political Subdivision will have the right to conduct a good faith financial audit ("Financial Audit") for the deposits and expenditures related to this Elections Services Contract. In conducting the Financial Audit, the Participating Political Subdivision will have no greater right to demand access to or copies of the County's governmental or election records than those rights specified in the Texas Election Code and the Texas Public Information Act. The cost of any Financial Audit conducted by the Participating Political Subdivision shall be borne by the requesting Participating Political Subdivision and may not be paid for with funds deposited with the Dallas County Elections Department under this Election Services Contract. Further, the Participating Political Subdivision conducting the Financial Audit shall pay the Elections Administrator the reasonable costs for time expended and copies provided in order to perform the Financial Audit. If the Financial Audit identifies overcharges by the Elections Administrator of more than ten percent (10%) of the initial deposit amount required by "Attachment A", the Elections Administrator will review and assess the findings of the Financial Audit and will negotiate, in good faith, to resolve any disputes for overcharges with the Participating Political Subdivision. The Elections Administrator shall not be bound by the findings or recommendations of the Participating Political Subdivision's Financial Audit. The financial records will be retained at the County Election Administrator's office until the conclusion of the Financial Audit and resolution of all outstanding audit disputes.

g) In the event the representatives of the Participating Political Subdivision and the Elections Administrator cannot agree on the amount of the disputed Final Bill as set forth in this Section, then the Parties may agree to submit to non-binding mediation. If mediation is acceptable to both parties to resolve a dispute concerning the disputed Final Bill, the Parties will agree to use a mutually agreed-upon mediator. Unless the Parties come to a written agreement at mediation, the mediation will not constitute a final and binding resolution of the dispute.

h) The Participating Political Subdivision acknowledges that the practical effect of the Participating Political Subdivision withholding undisputed funds that are required under this Election Services Contract would result in breach of this Elections Services Contract and the other Participating Political Subdivisions' taxpayers subsidizing the withholding Participating Political Subdivision's election expenses.

18) NOTICE

Any addendum to, change/modification of, clarification of, and/or withdrawal from this contract requires written notice provided on the Dallas County Form, "Elections Services Contract Change Forms". Whenever this Election Services Contract requires any consent, approval notice, request or demand, it must be in writing to be effective and must be delivered to the party intended to receive it as shown below:

Address for notice to the Elections Administrator:
Michael Scarpello
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, Texas 75247
(214) 819-6334 telephone
(214) 819-6301 facsimile

and, to the physical addresses and facsimile numbers for notice to the Participating Political Subdivisions are in "Attachment F" to this Election Services Contract.

19) LIABILITY FOR NEGLIGENCE

ALL PARTIES TO THIS ELECTION SERVICES CONTRACT AGREE TO BE RESPONSIBLE, IN ACCORDANCE WITH APPLICABLE STATE OR FEDERAL LAW, EACH FOR THEIR OWN NEGLIGENT ACTS OR OMISSIONS, OR OTHER TORTIOUS CONDUCT IN THE COURSE OF PERFORMANCE OF THIS ELECTION SERVICES CONTRACT WITHOUT WAIVING ANY SOVEREIGN IMMUNITY, GOVERNMENTAL IMMUNITY, STATUTORY IMMUNITY, OR OTHER DEFENSES AVAILABLE TO THE PARTIES UNDER FEDERAL OR STATE LAW. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES. ALL PARTIES AGREE THAT ANY SUCH LIABILITY OR DAMAGES OCCURRING DURING THE PERFORMANCE OF THIS ELECTION SERVICES CONTRACT CAUSED BY THE JOINT OR COMPARATIVE NEGLIGENCE OF THE

PARTIES, OR THEIR EMPLOYEES, AGENTS OR OFFICERS WILL BE DETERMINED IN ACCORDANCE WITH COMPARATIVE RESPONSIBILITY LAWS OF TEXAS, BUT ONLY TO THE EXTENT SUCH LAWS ARE APPLICABLE TO THE PARTY.

TO THE EXTENT PERMITTED BY LAW, IF LEGAL ACTION IS FILED AGAINST A PARTY TO THIS ELECTION SERVICES CONTRACT, THAT PARTY SHALL BE SOLELY RESPONSIBLE FOR THEIR OWN RESPECTIVE COSTS AND DEFENSE OF THAT SUIT.

20) CHOICE OF LAW

This Election Services Contract will be governed and interpreted by the laws of the State of Texas.

21) VENUE AND JURISDICTION

The courts of the State of Texas and the United States of America that are physically located in Dallas, Dallas County, Texas are the exclusive jurisdiction and venue for any lawsuit, cause of action, temporary restraining order, temporary injunction, injunction, petition for extraordinary relief, mandamus, or any other legal proceeding or claim arising out of the performance of this Election Services Contract.

22) SEVERABILITY

If any term of this Election Services Contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms of this Election Services Contract will remain in full force and effect and will in no way be affected, impaired, or invalidated.

23) ENTIRE CONTRACT

This Election Services Contract, including any exhibits or attachments, contains the entire agreement between the Elections Administrator and the Participating Political Subdivisions concerning the duties required by this Election Services Contract. The Elections Administrator of Dallas County, Texas and each Participating Political Subdivision hereby expressly warrant and represent that they are not relying on any promises or agreements that are not contained in this Election Services Contract concerning any of the terms in this Election Services Contract. Except otherwise specified in this Election Services Contract, no modification, amendment, novation, renewal, or other alteration of this Election Services Contract shall be effective unless mutually agreed upon in writing and executed by the Parties hereto.

24) GENDER AND HEADINGS

In this Election Services Contract, words in the singular number include the plural, and those in the plural include the singular. Words of any gender also refer to any other gender. Headings in this Election Services Contract are terms of inclusion, not exclusion.

25) RELATIONSHIP OF PARTIES

The Participating Political Subdivisions, including their agents, or employees, are independent contractors and not an agent, servant, joint enterpriser, joint venturer, or

employee of the County Elections Administrator, the County or DCED, and are responsible for their own acts, forbearance, negligence and deeds, and for those of their agents, or employees in conjunction with the performance of services covered under this Election Services Contract. The Participating Political Subdivisions represent that they have, or will secure at their own expense, all personnel and consultants required in performing the Services herein. Such personnel and consultants shall not be employees of or have any contractual relationship with the County, the County Elections Administrator, or DCED.

26) FORCE MAJEURE

No Party shall be in default or responsible for delays or failures in performance resulting from causes beyond its control. Such causes include but are not limited to acts of God, fire, storm, flood, earthquake, natural disaster, pandemic, epidemic, nuclear accident, strike, air traffic disruption, lockout, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any Party delayed by force majeure shall as soon as reasonably possible give the other Party written notice of the delay. The Party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the Party delayed shall immediately give the other Parties written notice thereof and shall resume performance under this Election Services Contract as soon as practicable. The date of delivery or of performance shall be extended for at least a minimum time period equal to the time lost by reason of the delay.

27) DEFAULT/CUMULATIVE RIGHTS/MITIGATION.

It is not a waiver of default if the non-defaulting Party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Election Services Contract are cumulative, and no Party's use of any right or remedy will preclude or waive its right to any other remedy. These rights and remedies are in addition to any other rights the Parties may have by law, statute, ordinance or otherwise. All Parties have a duty to mitigate damages.

28) CONTRA PROFERENTEM

The legal doctrine of contra proferentem will not apply to this Election Services Contract. Consequently, any ambiguity that may exist in this Election Services Contract will not be construed against the Party who drafted this Election Services Contract.

29) ORDER OF PRECEDENCE

Any inconsistencies in this Election Services Contract will be resolved by reviewing and considering this Election Services Contract and Attachments A through G to this Election Services Contract together in context with each other.

30) SIGNATORY WARRANTY

The Elections Administrator of Dallas County, Texas and all of the contracting authorities of all of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract represent that each has the full right, power and authority to enter into

and perform this Election Services Contract in accordance with all of its terms and conditions, and that the execution and delivery of this Election Services Contract has been made by authorized representatives of the Participating Political Subdivisions to validly and legally bind the Participating Political Subdivisions to all terms, performances, and provisions set forth in this Election Services Contract.

31) COUNTERPARTS.

This Election Services Contract may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

WITNESS HEREOF, the parties hereto have executed in triplicate originals this Election Services Contract on this 2nd day of March 2021. ("Effective Date")

RECOMMENDED AND APPROVED:

_____
MICHAEL SCARPELLO
COUNTY ELECTIONS ADMINISTRATOR
DALLAS COUNTY, TEXAS

APPROVED AS TO FORM*

_____
James R. Palomo
ASSISTANT DISTRICT ATTORNEY,
DISTRICT ATTORNEY
DALLAS COUNTY CRIMINAL ATTORNEY'S OFFICE, CIVIL DIVISION

*By law, the Criminal District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACCEPTED TO AND AGREED TO BY THE CITY OF DUNCANVILLE:

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution authorizing an amendment to an existing purchase agreement for a new annual purchase amount up to $125,000.00 with Olson Electric, Inc. for electrical installation, maintenance, repair services, and parts for various City departments.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Tracy R Beekman - IT Director
Sheila Baker, MPA - Purchasing Manager

BACKGROUND/HISTORY:
The Request for Quote RFQ0-21-020 was advertised using the Public Purchase bidding notification system on April 14, 2020, and Black Chamber of Commerce, Hispanic Chamber of Commerce, Regional Hispanic Contractors, Black Contractors Association, North Texas Regional Certification Agency, 93 Historically Utilized Business (HUB) vendors from the State of Texas Centralized Master List, were notified via email. The City received four (4) completed quotes and one (1) non-responsive quote prior to bid closing on April 17, 2020. Environmental Lighting Service and Olsen Electric were the lowest responsible responsive quotes. During the initial award, Environmental Lighting Services has not participated in providing services to the City of Duncanville.

POLICY EXPLANATION:
On April 17, 2020, Request for Quote RFQt-20-020 was awarded to Olson Electric, Inc. a Duncanville, Texas-based company, and Environmental Lighting Service a Grand Prarie, Texas-based company for electrical installation, maintenance, repair service, parts, and other associated equipment on an as-needed basis over a four year period. The authorization projected the expenditure in the first year to be $50,000.00 which underestimated the need for COVID19 purchases, and other upcoming Citywide projects. City departments have budgeted sufficient funds for these purchases. Future years' expenditures are projected to be $125,000.00 each renewal year.

FUNDING SOURCE:
Departmental Annual Budgets

Contract Log #:
1494

RECOMMENDATION:
Staff recommends approval of a Resolution, authorizing an amendment to an existing purchase agreement for a new annual purchase amount up to $125,000.00 with Olson Electric, Inc. for

electrical installation, maintenance, repair services, and parts for various City departments. During the initial award, Environmental Lighting Services has not participated in providing services to the City of Duncanville therefore Purchasing recommendation is to award the amendment to Olsen Electric, Inc.

ATTACHMENTS:
Resolution No. - 2021-016 - Amendment of existing purchase agreement increase with Olson Electric - Pdf

RESOLUTION NO. 2021-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING AN AMENDMENT TO AN EXISTING PURCHASE AGREEMENT FOR A NEW ANNUAL PURCHASE AMOUNT UP TO $125,000.00 WITH OLSON ELECTRIC, INC. FOR ELECTRICAL INSTALLATION, MAINTENANCE, REPAIR SERVICES, AND PARTS FOR VARIOUS CITY DEPARTMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has an existing contract with Olson Electric in the amount of $75,000.00 via RFQt-20-010 for Electrical Installation, Maintenance, Repair Services, and Parts for various City Departments; and

WHEREAS, utilization of this contract has exceeded what was anticipated for Fiscal Year 2021; and

WHEREAS, it is desired to continue the partnership with Olson Electrical, a City of Duncanville based company, for all electrical work done in the City.

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

SECTION 1. the City Council of the City of Duncanville, Texas hereby approves an amendment to the existing purchase agreement from for a new annual purchase amount up to $125,000.00 with Olson Electric, Inc. for electrical installation, maintenance, repair services and parts for various City departments.

SECTION 2. the City council of the City of Duncanville, Texas hereby authorizes the City Manager or designee to execute the necessary documents and/or payments.

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 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Owner:	**City of Duncanville, Dallas County, Texas**			Bidders Name & Address Oloson Electrial Dunvanville, X 75116		Bidders Name & Address MRK Electrical		Bidders Name & Address Enviromental Lighting Grand Prairie, TX		Bidders Name & Address CEC acilities Irving, TX 75061	
Project:	**BID TITLE-ELECTRICAL INSTALLATION REPAIR MAINTENANCE AND PARTS** **Request for Quote (RFQt)20-020**			972-709-4799 Phone Fax		817-401-7841 Phone Fax		800-940-5448 Phone Fax		817-945-9593 Phone Fax	
Bid Opens	April 17, 2020										
Item #	**Est. Qty.**	**Unit**	**Description**	**Unit Bid Price**	**Total Bid Extension**	**Unit Bid Price**	**Total Bid Extension**	**Unit Bid Price**	**Total Bid Extension**	**Unit Bid Price**	**Total Bid Extension**
1	1	HR	Over Time Charge for Master Electrician	$ 120.00	$ 120.00	$ 150.00	$ 150.00	$ 120.00	$ 120.00	$ 120.00	$ 120.00
2	1	HR	Weekend Charge for Master Electrician	$ 120.00	$ 120.00	$ 138.50	$ 138.50	$ 120.00	$ 120.00	$ 120.00	$ 120.00
3	1	HR	Holiday Charge for Master Electrician	$ 160.00	$ 160.00	$ 138.50	$ 138.50	$ 120.00	$ 120.00	$ 240.00	$ 240.00
4	1	HR	Labor Charge for licensed Master Electrician	$ 80.00	$ 80.00	$ 87.50	$ 87.50	$ 120.00	$ 120.00	$ 80.00	$ 80.00
5	1	HR	Labor Charge for licensed Journeyman Electrician	$ 60.00	$ 60.00	$ 75.00	$ 75.00	$ 90.00	$ 90.00	$ 80.00	$ 80.00
6	1	HR	Over Time Charge for Journeyman Electrician	$ 97.50	$ 97.50	$ 108.75	$ 108.75	$ 100.00	$ 100.00	$ 120.00	$ 120.00
7	1	HR	Weekend Charge for Journeyman Electrician	$ 97.50	$ 97.50	$ 108.75	$ 108.75	$ 100.00	$ 100.00	$ 120.00	$ 120.00
8	1	HR	Holiday Charge for Journeyman Electrician	$ 130.00	$ 130.00	$ 125.00	$ 125.00	$ 100.00	$ 100.00	$ 240.00	$ 240.00
9	1	HR	Labor Charge for Electrician's Helper	$ 55.00	$ 55.00	$ 35.00	$ 35.00	$ 45.00	$ 45.00	$ 40.00	$ 40.00
10	1	HR	Electronic Underground Tracing/Hr	$ 120.00	$ 120.00	$ 150.00	$ 150.00	$ 25.00	$ 25.00	$ 80.00	$ 80.00
11	1	HR	Over Time Charge for Electrician's Helper	$ 82.50	$ 82.50	$ 47.50	$ 47.50	$ 55.00	$ 55.00	$ 60.00	$ 60.00
12	1	HR	Weekend Charge for Electrician's Helper	$ 82.50	$ 82.50	$ 47.50	$ 47.50	$ 55.00	$ 55.00	$ 60.00	$ 60.00
13	1	HR	Holiday Charge for Electrician's Helper	$ 110.00	$ 110.00	$ 47.50	$ 47.50	$ 55.00	$ 55.00	$ 120.00	$ 120.00
14	1	HR	Lift 20'/day by the hour	$ 120.00	$ 120.00	$ 43.75	$ 43.75	$ 50.00	$ 50.00	$ -	$ -
15	1	HR	Lift 30'/day by the hour	$ 120.00	$ 120.00	$ 62.25	$ 62.25	$ 65.00	$ 65.00	$ -	$ -
16	1	HR	Bucket Truck 30'	$ 120.00	$ 120.00	$ 62.25	$ 62.25	$ 20.00	$ 20.00	$ 115.00	$ 115.00
17	1	HR	Bucket Truck 40'	$ 450.00	$ 450.00	$ 90.62	$ 90.62	$ 20.00	$ 20.00	$ 115.00	$ 115.00
18	1	HR	Bucket Truck 60'	$ 450.00	$ 450.00	$ 90.20	$ 90.20	$ 30.00	$ 30.00	$ -	$ -
19	1	Hr	Rappelling Service /Hr	$ 150.00	$ 150.00	$ 175.00	$ 175.00	$ 250.00	$ 250.00	$ 80.00	$ 80.00
20	1	HR	Electronic Underground Tracing/Hr	$ 120.00	$ 120.00	$ 175.00	$ 175.00	$ 25.00	$ 25.00	$ 80.00	$ 80.00
21	1	HR	Standard Service Call with service truck and Labor:	$ 120.00	$ 120.00	$ 160.00	$ 160.00	$ 135.00	$ 135.00	$ 80.00	$ 80.00
22	1	HR	**Extended one (1) man dervice call after 1st hour:**	$ 120.00	$ 120.00	$ 150.00	$ 150.00	$ 90.00	$ 90.00	$ 80.00	$ 80.00
23	1	HR	**Additional electricians on call**	$ 55.00	$ 55.00	$ 85.00	$ 85.00	$ 90.00	$ 90.00	$ 80.00	$ 80.00
26	1	HR	**Electrical Design**	$80.00	$ 80.00	$ 150.00	$ 150.00	$ 100.00	$ 100.00	$ 125.00	$ 125.00
			Bid Total		**$ 3,220.00**		**$ 2,503.57**		**$ 1,980.00**		**$ 2,235.00**
			Materials/Pars Cost Plus_____Percent	20%		25%		**20%**	20%	**15%**	20%
			Equipment Rentals Cost Plus _____Percent	20%		20%		15%	15%	15%	15%

REQUEST FOR QUOTATIONS
Purchasing Division
203 E Wheatland Rd
Duncanville Texas 75116, Fax: 972--780-5077

RFQUOTE NO:	**20-020**
QUOTE FOR:	**Electrical Installation Maintenance, Repairs Services and Parts**
BID OPENING DATE:	**FRIDAY, APRIL 17, 2020 3:30 P.M.**
PURCHASING MANAGER	**SHEILA BAKER** **EMAIL: sbakker@duncanville.com**

INSTRUCTIONS TO BIDDERS

Quotes are solicited for furnishing the merchandise, supplies, services and/or equipment set forth. Completed Quote must be received in the Purchasing Division, 200 Texas Street, Fort Worth, Texas 76102 by the above "quote deadline." **Quotes may be submitting electronically (email) or faxed to 972-780-5077, addressed to the above, City of Duncanville and have the bid number and opening date clearly marked on the fax cover page.** Late quotes will not be considered for award unless bidders are notified otherwise. Quotes may be withdrawn at any time prior to the official opening by written notification. Quotes may not be altered, amended or withdrawn after the official opening.

- Your quote must be submitted on this form.
- Freight and all other delivery charges shall be included in the unit price(s) bid.
- The City is exempt from Federal Excise and State Sales Tax, therefore, tax must not be included in the quote price.

Items quoted must meet or exceed City of Duncanville Specifications; however, The City of Duncanville may consider and accept alternate bids if specified herein when most advantageous to the City. The City reserves the right, however, to hold to City Specifications and to determine "or equal" status. The City reserves the right to accept or reject in part or whole any quote submitted, and to waive any technicalities for the best interest of the City.

The undersigned agrees, if the quote is accepted, to furnish any and all items upon which prices are offered, at the price(s) and upon the terms and conditions contained in the specifications. The period for acceptance of this proposal will be _____ calendar days (90 calendar days unless a different period is inserted by the bidder) after opening date.

Will agreement be available for Cooperative Agreement use? (See Section 6,) Yes____ No____

City of Duncanville Standard Terms and Conditions Shall Apply

Company Name
& Address (Please write legibly).

Olson Electric Service Inc.

802 Gemini E Duncanville TX

Telephone no. (AC 972) 709-4999

Fax no. (972) 709-4909

Name Gary Olson

Signature Gary Olson 4/17/2020

Title & Date President

E-mail Address Gary@olson-electric.com

QUOTE EVALUATION
The quote award shall be based on, but not necessarily limited to, the following factors:

1. Unit Price
2. Total Quote Price
3. Terms and Discounts
4. Delivery Date
5. Results of Testing Samples
6. Special Needs and Requirements of the City
7. Past experience with product/service
8. Vendor's past performance
9. City's evaluation of the Vendor's responsibility
10. Demurrage charges, freight costs and mileage
11. Estimated cost of supplies, maintenance, storage
12. Estimated Surplus value

RFQt#20-020

BID SOLICITATION

BID OPENING DATE AND TIME
04/17/2020 3:30 pm

DATE: 04-13-2020

Vendor Name:
Street Address
City, ST ZIP Code
Phone

ITEM	DESCRIPTION	UNIT PRICE	LINE TOTAL
	The City of Duncanville (City) seeks bids for from qualified vendors to provide all materials, parts and labor for Electrical Installation Maintenance, Repair Services and Parts. The term of the Agreement shall be for one-year (1) period, with four (4) options to renew for additional one-year periods		
1	Over Time Charge for Master Electrician	HR	$120.00
2	Weekend Charge for Master Electrician	HR	$120.00
3	Holiday Charge for Master Electrician	HR	$160.00
4	Labor Charge for licensed Master Electrician	HR	$80.00
5	Labor Charge for licensed Journeyman Electrician	HR	$ 60.00
6	Over Time Charge for Journeyman Electrician	HR	$ 97.50
7	Weekend Charge for Journeyman Electrician	HR	$ 97.50
8	Holiday Charge for Journeyman Electrician	HR	$130.00
9	Labor Charge for Electrician's Helper	HR	$55.00
	Subtotal		
		TOTAL	
		TOTAL	

ITEM	DESCRIPTION	UNIT PRICE	LINE TOTAL
10	Electronic Underground Tracing/Hr	HR	$120.00
11	Over Time Charge for Electrician's Helper	HR	$ 82.50
12	Weekend Charge for Electrician's Helper	HR	$ 82.50
13	Holiday Charge for Electrician's Helper	HR	$110.00
14	Lift 20'/day by the hour	HR	$120.00
15	Lift 30'/day by the hour	HR	$120.00
16	Bucket Truck 30'	HR	$120.00
17	Bucket Truck 40' Minimum	3 HR	$450.00
18	Bucket Truck 60' Minimum	3 HR	$450.00
19	Rappelling Service /Hr	HR	$150.00
	Subtotal		
		TOTAL	
		TOTAL	

RFQT-20-020

ITEM	DESCRIPTION	UNIT PRICE	LINE TOTAL
20	Electronic Underground Tracing/Hr	HR	$120.00
21	Standard Service Call with service truck and Labor:	HR	$120.00
22	Extended one (1) man service call after 1st hour:	HR	$120.00
23	Additional electricians on call	HR	$ 55.00
24	Materials/Pars Cost Plus 20 Percent		
25	Equipment Rentals Cost Plus 20 Percent		
26	Electrical Design	HR	$ 80.00
	Subtotal		
		TOTAL	
		TOTAL	

Term of Payment Net 30 Company: Olson Electric Service Inc.

Signature _____

Name and Title Gary Olson President

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

Olson Electric Service Inc

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information in this section is being disclosed.**

Sheila Baker

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☒ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?

☐ Yes ☒ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

None

4

Signature of vendor doing business with the governmental entity

4/17/2020

Date

Adopted 8/7/2015

ATTACHMENT B – VENDOR CONTACT INFORMATION

Vendor's Name: Dealers Electric Supply
Vendor's Local Address: 1107 Cedar Ridge Duncanville TX 75137
Phone: 972-709-0025 Fax:
Email: RTRIMB@dealerselectrical.com

Name of persons to contact when placing an order or billing questions:
Name/Title Crawford Electric
Phone: 214-932-3910 Fax: 972-869-0533
Email: ~~Crawfordelectric~~

Name/Title Breaker Broker
Phone: 817.461-9441 Fax:
Email: Charles@breakers

Name/Title City Signs
Phone: 214 826-4475 Fax: 214 826-4722
Email: Waitshope@aol.com

Gary Olson — Gary Olson — 4/17/2020
Signature — Printed Name — Date

ATTACHMENT C - REFERENCE SHEET

Please complete and return this form with your bid.

The Vendor shall furnish references for at least three (3) recent customers to whom products and/or services have been provided that are similar to those required by this solicitation. The City will be the sole judge of references. Please use additional sheets.

1. Company's Name: Quanex Building Products
   Name of Contact: Ken Kostick
   Title of Contact: Project Manager
   Present Address: 303 Sunset Way SE, Ste 201
   City, State, Zip Code: Tumwater, WA 98501
   Telephone Number: (306) 304-3305 Fax Number ( )
   Email: Ken.Kostick@quanex.com

2. Company's Name: American Leather
   Name of Contact: Willie Palomo
   Title of Contact: Facilities Manager
   Present Address: 4501 Mountain Creek Pkwy
   City, State, Zip Code: Dallas TX 753236
   Telephone Number: (972)814-0840 Fax Number ( )
   Email: wpalomo@americanleather.com

3. Company's Name: City of Duncanville
   Name of Contact: Dennis Souter
   Title of Contact: Facilities Manager
   Present Address: 203 E. Wheatland Rd
   City, State, Zip Code: Duncanville, TX 75116
   Telephone Number: (214)435-2303 Fax Number ( )
   Email: dsouter@duncanville.com

NO BID SHEET

If your firm has chosen not to submit a bid for this procurement, please complete this form and submit to:

Sheila Baker, Purchasing Manager
Purchasing Division
City of Duncanville, 203 E Wheatland Rd
Duncanville, Texas 76115
Fax No. 972-780-5077
E-mail address: sbaker@duncanville.com

Please check the items that apply:

- ☐ Do not sell the item(s) required.
- ☐ Cannot be competitive.
- ☐ Cannot meet the Specifications highlighted in the attached Bid.
- ☐ Cannot provide Insurance required.
- ☐ Cannot provide Bonding required.
- ☐ Cannot comply with Indemnification requirements.
- ☐ Job too large.
- ☐ Job too small.
- ☐ Do not wish to do business with the City.
- ☐ Other reason. _____

_____

Company Name:

_____

Authorized Officer or Agent Signature:

_____

Telephone: (_____) _____ FAX Number: (_____) _____

HOW TO REGISTER WITH THE CITY OF DUNCANVILLE

The City of Duncanville in a two-step process for vendors. Vendors are required to register with The City of Duncanville and Public Purchase. There are no costs or fees associated with participating the City of Duncanville's web-based bidding service.

- Visit WWW.DUNCANVILLE.COM
- Top of the page select Departments Scroll to the purchasing and select
- Under Documents select City of Duncanville New Vendor Package complete the packet and return to sbaker@duncanville.com or you may fax to 972-780-5077.

For any changes/edits to your vendor profile please email the vendor registration administrator at PurchasingBSO@fortworthtexas.gov

The City of Duncanville prefers to make vendor payments by direct deposit to vendors' checking/savings accounts. The direct deposit process is called Automated Clearing House Transfer (ACH). Advantages of ACH are:

HOW TO REGISTAR ON PUBLIC PURCHASE WEBSITE

Plans and Specifications, Contract Documents, and Bid and Proposal forms are available online at https://www.publicpurchase.com/gems/duncanville,tx/buyer/public/publicInfo free of charge. Contractors will be required to register with Public Purchase. Allow up to 24 hours for new Public Purchase accounts to become active.

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution authorizing the first renewal option of IFB-19-005 Janitorial Services for Duncanville Fieldhouse, and a contract increase in the amount of $24,000.00 for a new annual amount up to $93,500.00 with D&A Building Services, Inc.

FY 2018 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **5. Grow Duncanville (Culture, Sports, Technology)**
  - **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
Sheila Baker, Purchasing Manager

BACKGROUND/HISTORY:
The Duncanville City Council approved an annual term bid for janitorial services at the Duncanville Fieldhouse with D&A Building Services located in Dallas, Texas at its November 20, 2018 regular meeting. The bid was for a two-year term with two one-year renewal options available. If approved, this will be the first of the annual renewals following the initial two-year term.

The highlights of the two-year term bid include:

- Terms – two years
- Renewals – Two (2) one-year renewal options available
- Termination – standard "without cause" termination included in bid's standard terms and conditions
- Termination – with cause by City for default
- Estimated 70,941 square feet (Gymnasiums 50,401 SF) of janitorial cleaning coverage
- Day Porter Custodian services available for day to day service provision at the City's request
- Includes all labor, equipment, and janitorial supplies (i.e. paper towels, chemicals, etc.)
- Includes daily cleaning of gymnasium floors (including around and under bleachers)

The janitorial services include the provision of labor, equipment and all janitorial paper products, chemicals, and supplies to furnish janitorial services for the Duncanville Fieldhouse. The scope of work, per prescribed frequencies of seven days per week includes, but is not limited to: nightly emptying and servicing of all waste receptacles; nightly cleaning of all common areas in the office area; nightly dusting and cleaning of furniture; nightly cleaning, mopping and sanitizing of all restrooms; cleaning of the exterior areas; twice per year cleaning of interior windows; daily litter and trash removal in bleacher areas in both gyms; and daily "spot" mop cleaning of all gymnasiums.

The additional $24,000.00 in annual expenses is directly related to daytime porter service required for large events. The number of programs and events requiring porter service has increased steadily over the years and having on-going janitorial services during these events is critical in keeping the facility clean and trash-free for our visitors. The cost of the porter services is fully supported by additional fees charged to the event holders, so this cost is 100% supported by additional fee revenues.

POLICY EXPLANATION:
This project was bid in compliance with Texas municipal purchasing statutes and was awarded to the lowest responsive responsible bidder for an initial two-year term with options to renew for two (2) additional one (1) year terms. Contracts award and renewals exceeding $50,000.00 requires council approval.

FUNDING SOURCE:
Funds are available in the Fieldhouse Fund (Administrative) budget for this expenditure.

Contract Log #:
1500

RECOMMENDATION:
Staff recommends approval of a Resolution authorizing the first renewal option of IFB-19-005 Janitorial Services for Duncanville Fieldhouse, and a contract increase in the amount of $24,000.00 for a new annual amount up to $93,500.00 with D&A Building Services, Inc.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2018-102R - Fieldhouse Janitorial Services
SAMS-D&A BUILDING SERVICES INC.-2021

RESOLUTION NO. 2018-102R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE FIRST RENEWAL OPTION OF IFB-19-005 JANITORIAL SERVICES FOR DUNCANVILLE FIELDHOUSE, AND A CONTRACT INCREASE IN THE AMOUNT OF $24,000.00 FOR A NEW ANNUAL AMOUNT UP TO $93,500.00 WITH D&A BUILDING SERVICES, INC.; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is required to provide janitorial services at the Duncanville Fieldhouse within the City of Duncanville; and

WHEREAS, the City has obtained competitive sealed bids and recommends the award of the bid to the best value in the unit amounts bid as needed as per IFB# 19-005; and

WHEREAS, the City Council of the City of Duncanville, Texas, desires to award the bid to D&A Building Services, Inc located in Dallas, Texas in the unit amounts bid as needed and authorize the execution of the necessary documents to procure said services.

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

SECTION 1. That the City Council of the City of Duncanville does hereby award the one-year term renewal to D&A Building Services, Inc for janitorial services at the Duncanville Fieldhouse, in the amount of $93,500.00.

SECTION 2. That the City Council of the City of Duncanville hereby authorizes the City Manager, or her designee, to execute the appropriate and necessary documents and/or purchase orders.

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 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

EXHIBIT A

DUNCANVILLE
The Perfect Blend of Family, Community and Business.

FINANCE DEPARTMENT
P.O. Box 380280
Duncanville, TX 75138-0280
www.duncanville.com

CITY OF DUNCANVILLE
CONTRACT RENEWAL NOTICE

November 19, 2020

D&A Building Services Inc
Attn: Antonio Espinel
13637 N. Central Expwy, Unit D20
Dallas, TX 75243
antonio@dabuildingservices.com

Re: NOTICE OF CONTRACT RENEWAL
Janitorial Services for Duncanville Fieldhouse
19-005 (THE "Contract")
Renewal Term No 1: November 20, 2020-November 19, 2021

The above reference contract will expire on November 19, 2020. Pursuant to the Contract, contract renewals are the sole option of the City. This letter is to inform you that the City is exercising its rights to renew Contract 19-005 for the **first option to renew** for a one-year period, which began immediately upon the expiration of the current term and will end November 19, 2021. All other terms and conditions of Contract 19-005 remain unchanged.

Please return this signed acknowledgement letter, along with a copy of your current insurance certificate if applicable, to sbaker@duncanville.com acknowledging receipt of the Notice of Contract Renewal.

Should you have any questions, please contact me at (972) 780-5058.

Sincerely,
Sheila Baker

Sheila Baker
Purchasing Manager

D&A Building Services Inc

Signature 11/20/20
Date

Albert Sarabasa, President/CEO
Printed Name Title

City of Duncanville, Texas

Paul Frederiksen, Interim City Manager

EXHIBIT A

Agreement to Renew Contract

Contract Renewal #1
Janitorial Service for Duncanville
Fieldhouse
City of Duncanville Agreement IFB-19-005

By executing this document, contractor verifies:

1) That it desires to exercise the renewal option under the same terms, conditions, and pricing, beginning November 20, 2020 through November 19, 2021;

2) that it does not boycott Israel, and agrees that during the term of this Contract will not boycott Israel as that term is defined in Texas Government Code Section 808.001, as amended;

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

City of Duncanville, Texas	**D&A Building Services Inc.,**
Owner	Contractor
_____	_____
Signature	Signature
_____	Albert Sarabasa
Printed Name	Printed Name
_____	President/CEO
Title	Title

SAM Search Results
List of records matching your search for :

Search Term : D & A Building Services, Inc.*
Record Status: Active

ENTITY	D & A Building Services, Inc.	Status: Active
DUNS: 183844331	+4:	CAGE Code: 1CVN3 DoDAAC:
Expiration Date: 10/05/2021	Has Active Exclusion?: No	Debt Subject to Offset?: No
Address: 321 Georgia Ave		
City: Longwood	State/Province: FLORIDA	
ZIP Code: 32750-4315	Country: UNITED STATES	

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, BG21 Rifle-Resistant Body Armor Grant Program, to provide funding for the Police Department, to purchase nine sets of rifle-resistant body armor for Police Officers, with a total grant value of $16,650.00.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Robert D. Brown, Jr., Chief of Police
Matthew Stogner, Lieutenant

BACKGROUND/HISTORY:
The BG21 Rifle-Resistant Body Armor Grant Program is administered by the Office of the Governor, Criminal Justice Division (CJD) to equip law enforcement officers at risk of shootings with rifle-resistant body armor. In response to the July 7th, 2016 shooting of police officers in Dallas, Texas, Senate Bill 12 was passed during the 85th Legislature Regular Session. On May 27th, 2017, Governor Abbott signed Senate Bill 12 into law which authorized the CJD of the Governor's Office to create a grant program to assist agencies in the purchase of rifle-resistant body armor. CJD's overall goal is to increase the safety of Texas law enforcement officers and prevent further loss of life in active shooter situations.

POLICY EXPLANATION:
The Department is authorized 61 sworn officer positions. The funds from this grant would allow the Department to be reimbursed for the purchase of nine sets of rifle-resistant body armor needed to equip officers with increased safety and to prevent the further loss of life in active shooter situations.

FUNDING SOURCE:
Funds will be budgeted in Fiscal Year 2021 if grant is received. $16,650.00 will be funded as cost reimbursement from the grant with no cash or in-kind match required.

Contract Log #:
1492

RECOMMENDATION:
Staff recommends approval of a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, BG21 Rifle-Resistant Body Armor Grant Program, to provide

funding for the Police Department, to purchase nine sets of rifle-resistant body armor for Police Officers, with a total grant value of $16,650.00.

ATTACHMENTS:
Resolution No. - 2021-015 - Rifle-Resistant Body Armor - Pdf

RESOLUTION NO. 2021-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING AN APPLICATION ACCEPTANCE FOR AND RECEIPT OF A GRANT FROM THE TEXAS OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, BG21 RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO PURCHASE NINE SETS OF RIFLE RESISTANT BODY ARMOR FOR POLICE OFFICERS, WITH A TOTAL GRANT VALUE OF $16,650.00; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE AUTHORIZATION TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT.

WHEREAS, the City Council for the City of Duncanville finds it in the best interest of the citizens of the City of Duncanville that the Rifle Resistant Body Armor Grant Program be operated for the Fiscal Year 2021; and

WHEREAS, the City Council for the City of Duncanville agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City Council for the City of Duncanville wishes to designate the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

SECTION 1. That the City Council for the City of Duncanville authorizes the City Manager or his designee to submit an application and accept the Grant to the Office of the Governor, Texas Criminal Justice Division (CJD), to provide Rifle Resistant Body Armor to its officers through the grant for the Fiscal Year 2021 in the amount of $16,650.00.

SECTION 2. That the City Council for the City of Duncanville assures the awarded funds will be returned to the Office of the Governor, Texas Criminal Justice Division (CJD), in full in the event of loss or misuse of the CJD funds from such grant.

SECTION 3. That the City Council for the City of Duncanville authorizes the City Manager, as the authorized official, to execute all documents in regard to the request

and grant funds, which includes the authorization to apply for, accept, reject, alter or terminate the grant.

SECTION 4. That the City Council for the City of Duncanville agrees and directs the City of Duncanville will comply with other rules set by the Criminal Justice Division of the office of the Governor of Texas applicable to said grant.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, BG22 Rifle-Resistant Body Armor Grant Program, to provide funding for the Police Department, to purchase eighteen (18) sets of rifle-resistant body armor for Police Officers, with a total grant value of $33,300.00.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Robert D. Brown, Jr., Chief of Police
Matthew Stogner, Lieutenant

BACKGROUND/HISTORY:
The BG22 Rifle-Resistant Body Armor Grant Program is administered by the Office of the Governor, Criminal Justice Division (CJD) to equip law enforcement officers at risk of shootings with rifle-resistant body armor. In response to the July 7th, 2016 shooting of police officers in Dallas, Texas, Senate Bill 12 was passed during the 85th Legislature Regular Session. On May 27th, 2017, Governor Abbott signed Senate Bill 12 into law which authorized the CJD of the Governor's Office to create a grant program to assist agencies in the purchase of rifle-resistant body armor. CJD's overall goal is to increase the safety of Texas law enforcement officers and prevent further loss of life in active shooter situations.

POLICY EXPLANATION:
The Department is authorized 61 sworn officer positions. The funds from this grant would allow the Department to be reimbursed for the purchase of eighteen (18) sets of rifle-resistant body armor needed to equip officers with increased safety and to prevent the further loss of life in active shooter situations. As law enforcement officers, we train for active shooter situations and it is reassuring to know that when it is needed, we have the equipment to use during those same situations.

FUNDING SOURCE:
Funds will be budgeted in Fiscal Year 2022 if grant is received. $33,300.00 will be funded as cost reimbursement from the grant with no cash or in-kind match required.

Contract Log #:
1495

RECOMMENDATION:
Staff recommends approval of a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, authorizing the receipt of a grant from the Texas Office of the

Governor, Criminal Justice Division, BG22 Rifle-Resistant Body Armor Grant Program, to provide funding for the Police Department, to purchase nine sets of rifle-resistant body armor for Police Officers, with a total grant value of $33,300.00.

ATTACHMENTS:
Resolution No. - 2021-019 - BG22 RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM - Pdf

RESOLUTION NO. 2021-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING AN APPLICATION ACCEPTANCE FOR AND RECEIPT OF A GRANT FROM THE TEXAS OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, BG22 RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO PURCHASE EIGHTEEN (18) SETS OF RIFLE RESISTANT BODY ARMOR FOR POLICE OFFICERS, WITH A TOTAL GRANT VALUE OF $33,300.00; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE AUTHORIZATION TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT.

WHEREAS, the City Council for the City of Duncanville finds it in the best interest of the citizens of the City of Duncanville that the Rifle Resistant Body Armor Grant Program be operated for the Fiscal Year 2022; and

WHEREAS, the City Council for the City of Duncanville agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City Council for the City of Duncanville wishes to designate the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

SECTION 1. That the City Council for the City of Duncanville authorizes the City Manager or his designee to submit an application and accept the Grant to the Office of the Governor, Texas Criminal Justice Division (CJD), to provide Rifle Resistant Body Armor to its officers through the grant for the Fiscal Year 2022 in the amount of $33,300.00.

SECTION 2. That the City Council for the City of Duncanville assures the awarded funds will be returned to the Office of the Governor, Texas Criminal Justice Division (CJD), in full in the event of loss or misuse of the CJD funds from such grant.

SECTION 3. That the City Council for the City of Duncanville authorizes the City Manager, as the authorized official, to execute all documents in regard to the request

and grant funds, which includes the authorization to apply for, accept, reject, alter or terminate the grant.

SECTION 4. That the City Council for the City of Duncanville agrees and directs the City of Duncanville will comply with other rules set by the Criminal Justice Division of the office of the Governor of Texas applicable to said grant.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March, 2021.

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:

TITLE:
Consider a Resolution authorizing the application acceptance for and receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, Justice Assistance Grant Program, to provide funding for the Police Department, to purchase one Roboteam Individual Robotic Intelligence System – Long Range (IRIS LR) that will be used and in support of the Police Department's Special Operations Unit, with a total grant value of $39,000.00.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Robert D. Brown, Jr., Chief of Police
Matthew Stogner, Lieutenant

BACKGROUND/HISTORY:
The Edward Byrne Memorial Justice Assistance Grant (JAG) is administered by the U.S. Department of Justice. Each year, law enforcement agencies across the United States receive funding from the JAG that is used for improvements in the criminal justice system such as purchasing equipment, hiring additional personnel, or funding crime-control programs.

POLICY EXPLANATION:
The funds from this grant would allow the Department to be reimbursed for the purchase of one Roboteam Individual Robotic Intelligence System – Long Range (IRIS LR). This robot will precede the SWAT officers during searches of suspect(s) inside structures, thereby increasing officer safety.

FUNDING SOURCE:
Funds will be budgeted in Fiscal Year 2022 if grant is received. $39,000.00 will be funded as cost reimbursement from the grant with no cash or in-kind match required.

Contract Log #:
1496

RECOMMENDATION:
Staff recommends authorizing the application acceptance for and receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, Justice Assistance Grant Program, to provide funding for the Police Department, to purchase one Roboteam Individual Robotic Intelligence System – Long Range (IRIS LR) that will be used and in support of the Police Department's Special Operations Unit, with a total grant value of $39,000.00.

ATTACHMENTS:

Attachment 1 - Resolution No. - 2019-082R1 - Edward Byrne Memorial Justice Assistance Grant Program (JAG) Funding - ROBOTEAM

RESOLUTION NO. 2019-082R1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE APPLICATION ACCEPTANCE FOR AND RECEIPT OF A GRANT FROM THE TEXAS OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, JUSTICE ASSISTANCE GRANT PROGRAM FOR A ROBOTEAM INDIVIDUAL ROBOTIC INTELLIGENCE SYSTEM – LONG RANGE (IRIS LR) THAT WILL BE USED FOR AND IN SUPPORT OF THE POLICE DEPARTMENT'S SPECIAL OPERATIONS UNIT, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO PURCHASE ONE ROBOTEAM INDIVIDUAL ROBOTIC INTELLIGENCE SYSTEM – LONG RANGE (IRIS LR) WITH A TOTAL GRANT VALUE OF $39,000.00; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE AUTHORIZATION TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT.

WHEREAS, the City Council for the City of Duncanville finds it in the best interest of the citizens of the City of Duncanville that the Justice Assistance Grant Program be operated for the Fiscal Year 2022; and

WHEREAS, the City Council for the City of Duncanville agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City Council for the City of Duncanville wishes to designate the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

SECTION 1. That the City Council for the City of Duncanville authorizes the City Manager or his designee to submit an application and accept the Grant to the Office of the Governor, Texas Criminal Justice Division (CJD), Justice Assistance Grant Program to provide one (1) Roboteam Individual Robotic Intelligence System – Long Range (IRIS LR) to its officers through the grant for the Fiscal Year 2022 in the amount of $39,000.00.

SECTION 2. That the City Council for the City of Duncanville assures the awarded funds will be returned to the Office of the Governor, Texas Criminal Justice Division (CJD), in full in the event of loss or misuse of the CJD funds from such grant.

SECTION 3. That the City Council for the City of Duncanville authorizes the City Manager, as the authorized official, to execute all documents in regard to the request and grant funds, which includes the authorization to apply for, accept, reject, alter or terminate the grant.

SECTION 4. That the City Council for the City of Duncanville agrees and directs the City of Duncanville will comply with other rules set by the Criminal Justice Division of the office of the Governor of Texas applicable to said grant.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March, 2021.

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 - 02 Mar 2021

TITLE:
Consider a Resolution authorizing the acceptance of the North Central Texas Council of Governments and FY20 Homeland Security Grant-State Homeland Security Program (SHSP) for night vision units that will be used for an in support of the police department's special operations unit, to provide funding for the police department to purchase ten-night vision units, with a total grant value of $15,272.09.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

STAFF RESPONSIBLE:
Robert D. Brown, Jr.
Lieutenant Matthew Stogner, SWAT Commander

BACKGROUND/HISTORY:
The Law Enforcement Terrorism Prevention Grant is administered by the Office of the Governor, State Homeland Security Grant Division (SHSP) to support state, tribal and local preparedness activities that address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists.

In 2019, City Council approved a Resolution (2019-001) for this grant in the amount of $42,000.00. In 2020, we received partial funding in the amount of $26,727.91. Those funds along with asset forfeiture funds were used to purchase four-night vision units. In 2020, the police department completed the SHSP grant for the remaining funds of $15,272.09 and were approved. The police department will use the $15,272.09 plus funds from asset forfeiture to order ten additional night vision units, which will finalize this order and provide each officer on the SWAT team a night vision unit.

POLICY EXPLANATION:
Funds will be budgeted in Fiscal Year 2021 if grant is received. The State Homeland Security Program (SHSP) Grant provides money for Police Departments in support of National Incident Management System (NIMS) Typed Teams. The Police Department grant request is for $15,272.09 to purchase ten-night vision units that will be used by and in support of the Department's Special Operations Unit. The State Homeland Security Program (SHSP) Grant Program does not require any cash match; however, the Police Department will assume maintenance costs of the units.

FUNDING SOURCE:
Office of the Governor, State Homeland Security Program (SHSP); no cash match required.

Contract Log #:
1497

RECOMMENDATION:
Staff recommends authorizing the acceptance of the North Central Texas Council of Governments and FY20 Homeland Security Grant-State Homeland Security Program (SHSP) for night vision units that will be used for an in support of the police department's special operations unit, to provide funding for the police department to purchase ten-night vision units, with a total grant value of $15,272.09.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2019-001R - FY20 State Homeland Security Program (SHSP) Night Vision

RESOLUTION NO. 2019-001R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND FY20 HOMELAND SECURITY GRANT-STATE HOMELAND SECURITY PROGRAM (SHSP) FOR NIGHT VISION UNITS THAT WILL BE USED FOR AND IN SUPPORT OF THE POLICE DEPARTMENT'S SPECIAL OPERATIONS UNIT, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO PURCHASE TEN-NIGHT VISION UNITS, WITH A TOTAL GRANT VALUE OF $15,272.09; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE AUTHORIZATION TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT.

WHEREAS, the City Council for the City of Duncanville finds it in the best interest of the citizens of the City of Duncanville that the FY20 State Homeland Security Program (SHSP) be operated for the Fiscal Year 2021; and

WHEREAS, the City Council finds that this grant does not require matching funds on behalf of the applicant; the City would be requesting grant funds for the purchase of the night vision goggles; and

WHEREAS, the City Council for the City of Duncanville agrees that in the event of loss or misuse of the State Homeland Security Grant Division funds, the City Council assures that the funds will be returned to the Office of the Governor, Homeland Security Grants Division in full; and

WHEREAS, the City Council for the City of Duncanville wishes to designate the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

SECTION 1. That the City Council for the City of Duncanville authorizes the City Manager or her designee to accept the Office of the Governor, State Homeland Security Program (SHSP), to provide ten-night vision goggles to be used for and in support of the Police Department's Special Operations Unit, through the grant for the Fiscal Year 2021 in the amount of $15,272.09.

SECTION 2. That the City Council for the City of Duncanville assures the awarded funds will be returned to the Office of the Governor, State Homeland Security Grants Division (SHSP), in full in the event of loss or misuse of the SHSP funds from such grant.

SECTION 3. That the City Council for the City of Duncanville authorizes the City Manager, as the authorized official, to execute all documents in regard to the request and grant funds, which includes the authorization to apply for, accept, reject, alter or terminate the grant.

SECTION 4. That the City Council for the City of Duncanville agrees and directs the City of Duncanville will comply with other rules set by the State Homeland Security Grants Division of the office of the Governor of Texas applicable to said grant.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Conduct a Public Hearing and consider an Ordinance repealing and replacing the Zoning Ordinance and Zoning Map.

NA

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

STAFF RESPONSIBLE:
Bryan G. Ramey, II, P.E., Director of Public Works
Andrew Ruegg, Interim City Planner

BACKGROUND/HISTORY:
In October 2017, the City of Duncanville adopted their first Comprehensive Plan to provide a framework for future development decisions and to set the direction for change. A primary action item for implementing the Comprehensive Plan was the development of a zoning ordinance diagnostic and zoning ordinance revision to align the zoning with the vision set forth in the Comprehensive Plan.

The City last initiated a major update of the Zoning Ordinance in 1998 and completed the update in 2002. The last major update was completed by Public Works staff with substantial input from the Planning and Zoning Commission. At that time, the updates were focused on district names, uses, and standards such as setbacks, minimum dwelling unit sizes, and maximum building height. Some properties were rezoned at that time to reflect new zoning districts such as the Mixed-Use District and others were rezoned to conform to the development pattern of the area at that time.

In 2002, the update was performed without the benefit of a Comprehensive Plan or Planning staff. The ordinance confirmed existing uses but did not contemplate future development nor followed an overall vision for certain areas of the City. The zoning ordinance update from 2002 did not address many of the issues facing the City today such as redevelopment, infill properties, and residential revitalization. New uses and changing technologies have evolved substantially since the last zoning ordinance update furthering the need to review and address the zoning ordinance for the present day.

City Council approved funding in the FY18-19 budget to authorize the hiring of a consultant to assist with the zoning ordinance rewrite. Freese and Nichols was selected after an RFQ and interview process. The goal of the City was to engage the community and stakeholders in a participatory process to build consensus for the zoning ordinance update around the vision established in the adopted Comprehensive Plan.

In February 2019, the Zoning Ordinance Update process was kicked off with a Community Open House to introduce and provide a roadmap of the process. The update process included three primary goals: to update and correct outdated regulations, address redevelopment, and align with the vision established in the Comprehensive Plan.

The process included extensive public engagement through community meetings and stakeholder interviews, a diagnostic review of the existing zoning ordinance, and development of a solutions outline. The project culminated in the development of a zoning code that addresses redevelopment and aligns with the Comprehensive Plan. The update is intended to be more user-friendly than the existing zoning code by utilizing more graphics and simplified language to improve usability for internal and external stakeholders and provide more flexible zoning processes to account for unique development scenarios.

The scope of the Zoning Ordinance Update is only applicable to the existing zoning ordinance regulations and development standards such as screening and landscaping, parking, and building design and the reclassification of certain zoning districts to consolidate into more generalized districts as needed. Additionally, the official zoning map is proposed to be updated to include an industry standard color-scheme to create more user-friendly visuals. This update does not change other sections of the Duncanville City Code.

Planning and Zoning Commission

The Zoning Ordinance Update was presented to the Planning & Zoning Commission on February 8, 2021. After discussion, a motion was made to recommend approval of the Zoning Ordinance Update revisions and City Zoning Map revisions to the City Council. The vote was unanimous 7-0 in favor.

POLICY EXPLANATION:

City Council approval is required to update the Zoning Ordinance and Map.

FUNDING SOURCE:

N/A

Contract Log #:

NA

RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the Zoning Ordinance Update and Zoning Map revisions to replace the existing Zoning Ordinance and Zoning Map.

ATTACHMENTS:

Attachment 1 -ZOU Press Release Jan2021 final
Attachment 2 - PZ Minutes - February 8 2020 draft_AREdit
Attachment 3 - Ordinance No. - 2395 - Repealing Appendix A, Zoning and Map and Replacing with Chapter 23, Comprehensive Zoning Ordinance - w/Exhibits

ATTACHMENT 1

Advertise 3 times –

Sunday, January 31, 2021
Sunday, February 7, 2021
Sunday, February 28, 2021

Notice of Public Hearing Zoning Ordinance Update:
Virtual Public Meetings set for
Planning and Zoning Meeting on February 8 at 7:00 p.m. and
City Council Meeting on March 2 at 7:00 p.m.

City of Duncanville Requests Community Input on Zoning Ordinance Update

The City of Duncanville began reviewing the zoning ordinance in February 2019 with a community open house, online survey, and stakeholder interviews. Since that time, City Council, City Staff, the Planning & Zoning Commission and the City's consultant team have collaborated to develop a revised draft of the zoning ordinance.

The zoning ordinance establishes regulations for:

- The land-use types that are allowed in various zoning districts;
- The minimum lot size, width, and depth;
- The maximum building height and minimum setbacks from property lines;
- The minimum amount of parking required for each use type and general design requirements for parking areas;
- The minimum amount of landscaping required for developments;
- The placement and the maximum size and number of accessory structures that can be located on a property; and
- The procedures for addressing nonconforming uses and structures.

The zoning map designates the zoning districts that apply to properties throughout the City. The new zoning ordinance will combine some existing districts. The draft ordinance is available for review on the website below.

For more information, please visit Duncanville.com or https://clients.freese.com/duncanvillezoning.
The meeting is being hosted in partnership with the consultant Freese and Nichols, Inc., which has offices around the country and throughout the State.

A public hearing will be held before the Planning & Zoning Commission on Monday, February 8, 2021, at 7:00 p.m., and before the City Council on Tuesday, March 2, 2020, at 7:00 p.m., in a virtual conference projected from City Hall, 203 E. Wheatland Road, Duncanville, Texas, to hear and consider the revised zoning ordinance update for the City of Duncanville. The purpose of the replat is to update and correct outdated regulations, address redevelopment, and align the ordinance with the vision established in the Comprehensive Plan and remove regulatory barriers for redevelopment.

The City Council of the City of Duncanville will hold a public hearing on Tuesday, March 2, 2021, in a virtual conference projected from City Hall, 203 E. Wheatland Road, to consider the recommendations of the Planning and Zoning Commission regarding this request.

ATTACHMENT 1

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

As an interested citizen, you may attend the public hearing, or you may send your contact information and comments to either the City Secretary or to Athena Seaton, Interim Secretary of the Planning and Zoning Commission, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

Athena Seaton
Interim Secretary, Planning and Zoning Commission



ATTACHMENT 2

PLANNING AND ZONING COMMISSION
VIRTUAL MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, FEBRUARY 8, 2021 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, February 8, 2021, at 7:00 p.m. via videoconferencing with the following present:

Planning and Zoning Commission Members:

Greg Zylka	Chairman
Betty Culbreath	Vice-Chairman
Eric Pena	Commissioner
Jana McBroom	Commissioner
George Turner	Commissioner
Elias Rodriguez	Commissioner
Richard Shaw	Commissioner

Also present:

Daniel Harrison, Freese & Nichols
Erica Craycraft, Freese & Nichols
Robert Hager, City Attorney
Greg Ramey, Director of Public Works
Jackie Culton, Assistant Director of Public Works
Andrew Ruegg, Interim City Planner

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, the Planning and Zoning Commission for the City of Duncanville, Texas will conduct the Planning and Zoning Commission Regular Meeting by video conference at 7:00 pm on Monday, February 8, 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 (COVID19) pandemic.

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

To submit public comments, email aseaton@duncanville.com and title the email "Public Comment – February 8". All public comments submitted by 4pm on Monday, February 8, 2021 will be provided to the Planning and Zoning commissioners and entered into the record for the February 8, 2021 Planning and Zoning Commission Regular Meeting.

Please register for Duncanville Planning & Zoning Commission – Meeting 2/8/2021 on February 8, 2021 at 7:00 PM CDT at:

Unapproved

ATTACHMENT 2

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_Cmwia2C_SGOkAkHBYZ0T9A

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

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

The meeting convened via videoconferencing and was called to order at 7:10 p.m. by Chairman Zylka.

Item No. 1 – Receive Public Comments
Due to recent changes in state legislation, public comments have been added to the agendas of all boards and commissions subject to the Open Meetings Act, with time allocated at the beginning of each meeting. Comments are limited to two minutes per speaker.

James Orenstein (1802 Rocky Creek Dr, Duncanville, TX 75137) commented that Duncanville should investigate the best current practices for solar panels and include solar photovoltaics into the zoning code. He referenced NCTCOG Go Solar Texas program and the City of Cedar Hill solar panel system within their zoning ordinance.

Item No. 2A – Approval of meeting minutes for a regular meeting on January 11, 2021

Commissioner Turner made a motion as seconded by Commissioner Culbreath to approve the minutes. The vote was unanimous 7-0 in favor.

Item No. 2B – Approval of special meeting minutes for a joint meeting with City Council on January 11, 2021

Commissioner Pena made a motion as seconded by Commissioner Shaw to approve the minutes. The vote was unanimous 7-0 in favor.

Item No. 3 - Conduct a public hearing (2021-01) and consider approval of a plat request of Billy Duckworth, Applicant, representing Diana Hernandez, Owner, to replat Winona Gardens Addition, Unit No. 2, Lot 23, Block 5, City of Duncanville, Dallas County, Texas, more commonly known as 102 N Royal Oak Drive, Duncanville.

Andrew Ruegg presented background information regarding the plat of the property.

The public hearing opened at 7:22pm.
No comments were presented.

Commissioner Turner made a motion to close the public hearing at 7:24 pm with motion seconded by Commissioner Rodriguez. The vote was unanimous 7-0 in favor.

Unapproved

ATTACHMENT 2

Discussion followed regarding the existing structure and verification of property lines to ensure both properties are in accordance with the existing residential zoning district.

Commissioner Culbreath made a motion, seconded by Commissioner McBroom to approve the plat. The vote was unanimous 7-0 in favor.

Item No. 4 – Conduct a public hearing to consider approval of a Zoning Ordinance Update and Zoning Map for the City of Duncanville with possible revisions to:

a. ARTICLE I GENERAL PROVISIONS
b. ARTICLE II ZONING DISTRICTS
c. ARTICLE III LAND USES
d. ARTICLE IV DEVELOPMENT STANDARDS
e. ARTICLE V DEVELOPMENT REVIEW BODIES
f. ARTICLE VI ZONING PROCEDURES
g. ARTICLE VII DEFINITIONS

Daniel Harrison, Freese and Nichols, gave a brief presentation on the Zoning Ordinance update including opportunities for public input within the process.

Andrew Ruegg, Interim City Planner, commented on the need for the revision to assist city staff (internal) and the public (external). The revision will remove some of the ambiguity within the existing zoning ordinance and provide more flexible procedures for end-users.

Greg Ramey, Director of Public Works, commented on the long process to produce the product and that the revision will help with development of the city.

The public hearing opened at 7:53pm.
Mari Vega (611 Oriole Blvd 1004, 75116) commented that the Zoning Ordinance looked solid and sensical.

Commissioner Culbreath made a motion to close the public hearing at 7:55pm with motion seconded by Commissioner Pena. The vote was unanimous 7-0 in favor.

No discussion followed.

Commissioner Pena made a motion, seconded by Commissioner Shaw to approve the Zoning Ordinance Update revisions and Zoning Map revisions for the City of Duncanville. The vote was unanimous 7-0 in favor.

Item No. 4 – Adjourn
Being no further business, the meeting adjourned at 7:58 p.m.

_____ _____
Athena Seaton, Interim Secretary Greg Zylka, Chairman

Unapproved

ORDINANCE NO. 2395

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCE OF THE CITY OF DUNCANVILLE BY REPEALING IN ITS ENTIRETY APPENDIX A, ZONING AND MAP THEREOF, AND REPLACING WITH A NEW CHAPTER 23, COMPREHENSIVE ZONING ORDINANCE, PROVIDING FOR GENERAL PROVISIONS, [PROVIDING FOR ZONING DISTRICTS, PROVIDING FOR USES WITHIN EACH DISTRICT AND ADOPTING A COMPREHENSIVE USE CHART, PROVIDING FOR DEVELOPMENT STANDARDS, PROVIDING FOR DEVELOPMENT REVIEW BODIES, PROVIDING FOR ZONING PROCEDURES, PROVIDING FOR DEFINITIONS, PROVIDING FOR RE ADOPTION OF THE ZONING MAP, PROVIDING FOR PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND ($2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Duncanville, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has the authority to adopt a comprehensive Zoning Ordinance and map regulating the location and use of buildings, structures, and land for business, industry, residence and other purposes, and to amend said ordinance and said map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of the City of Duncanville deems it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this Ordinance should be passed, promulgated and enforced; and

WHEREAS, the City's Planning and Zoning Commission has recommended the regulations as herein contained after public hearing, as required by law; and

WHEREAS, the City Council has given published notice and held public hearings with respect to the adoption of this Comprehensive Zoning Ordinance, as required by law; and

WHEREAS, the Planning and Zoning Commission and City Council considered, among other things, the character of zoning districts created hereunder and their peculiar suitability for the particular uses allowed herein.

WHEREAS, the Planning and Zoning Commission and City Council of the City of Duncanville, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the City Council is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended as provided herein;

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

SECTION 1. That the Code of Ordinance, Appendix A, Zoning and Map thereof is thereof is hereby repealed in its entirety and replaced by a new Chapter 23, 'Comprehensive Zoning Ordinance' which shall hereinafter read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference as set forth in full.

SECTION 2. That all provisions of the ordinances of the City of Duncanville in conflict with the provisions of this ordinance be and the same are hereby repealed and all ordinances not so in conflict shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, Appendix A, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

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 hereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. The zoning regulations and districts as herein established, have been made in accordance with a comprehensive plan, for the purpose of promoting health, safety, morals and the general welfare of the City of Duncanville; they have been designed, among other things to lessen congestion in the streets, to secure safety from fire, panic and other

dangers, to provide adequate light and purse air; to avoid undue concentration of population and to facilitate adequate provisions for transportation, water, sewerage, schools, parking areas and other public requirements.

SECTION 7. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrase, clauses, sentences, paragraphs, and sections of this ordinance, since they would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8. This ordinance sha be published in one issue of the official newspaper of the City by publishing the caption and the penalty clause of this Ordinance at least once in the official newspaper of the City of Duncanville.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance, as the law in such cases provides.

DULY RESOLVED AND ADOPTED by the City Council of Duncanville, Texas, on the 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

IN THE ZONE

THE DUNCANVILLE ZONING ORDINANCE

February 24, 2021

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Note that this copy of the zoning ordinance reflects the regulations as of **XXXXX**. For the most recent regulations, including any amendments following adoption, please visit www.municode.com.

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Article 1. General Provisions

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Section 1.01. Enacting Clause
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Section 1.04. Compliance Required
Section 1.05. Zoning District Map
Section 1.06. Zoning Upon Annexation
Section 1.07. Interpretation
Section 1.08. Penalties
Section 1.09. Fees
Section 1.10. Severability

Section 1.01. Enacting Clause

This ordinance is hereby enacted and adopted as the Zoning Ordinance for the City of Duncanville, Texas.

Section 1.02. Purpose

A. Implementation of the Comprehensive Plan

The zoning regulations and districts established in this Zoning Ordinance have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, and general welfare of the City. The zoning regulations and districts have been designed to achieve the following purposes:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population; and
7. Facilitate the adequate provision of transportation, water, wastewater, schools, parks, and other public requirements.

B. Zoning Ordinance Considerations

The zoning regulations and districts have been made with reasonable consideration for, among other things, the character of the districts, a district's peculiar suitability for the particular uses specified, conserving the value of buildings and encourage the most appropriate use of land through the City consistent with the Comprehensive Plan.

Section 1.03. Effective Date

The effective date of this ordinance shall be **XXXXXXX**.

Section 1.04. Compliance Required

All land, buildings, structures or appurtenances thereon located within the City of Duncanville, which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the Zoning Ordinance prescribed for the zoning district in which such land or building is located.

A. Zoning Required for Platting

The Planning and Zoning Commission shall not approve any plat of any subdivision within the City limits until the area covered by the proposed plat shall have been zoned by the City Council.

B. Creation of a Building Site

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, tract, or lot has been created by compliance with one of the following conditions:

1. Approved Plat

The lot or tract is a part of a plat of record, properly approved by the Planning and Zoning Commission and filed in the plat records of Dallas County, Texas.

2. Existing Plots, Tract or Lots

The plot, tract, or lot has frontage upon a dedicated street and was separately owned prior to the effective date of this Zoning Ordinance or prior to annexation into the City, whichever is applicable, in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with the above clauses.

C. Certificate of Occupancy

1. No building hereafter erected, converted, or structurally altered shall be used, occupied, or changed in use and no land may be used or shall any basic change of use of land or structure be made until a Certificate of Occupancy shall have been issued by the Building Official stating that the building or proposed use of land or building complies with the provisions of this Zoning Ordinance and other building laws of the City.

2. A Certificate of Occupancy shall be applied for jointly with the application for a building permit and will be issued within 10 days after completion of the erection, alteration, or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Zoning Ordinance.

3. A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of this Zoning Ordinance. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

Section 1.05. Zoning District Map

A. Original Map and Copies

Two original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and the attestation of the City Secretary and shall be filed and maintained as follows:

1. City Secretary

One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.

2. City Planner

One copy shall be filed with the City Planner and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy, and enforcing the Zoning Ordinance.

3. Reproductions or Electronic Versions

Reproductions or electronic versions for information purposes may, from time to time, be made of the official Zoning District Map.

B. Boundaries

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map. Said map being a part of this Zoning Ordinance as fully as if the same were set forth herein in detail. The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts shown on the official Zoning District Map, the following rules shall apply:

1. Centerlines

Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

3. City Limit Lines

Boundaries indicated as approximately following City limits shall be construed to follow such City limits.

4. Parallel or Extension Lines

Boundaries indicated as parallel to or extensions of centerlines, lot lines, or City limits as indicated above shall be so construed. Distances not specifically indicated on the original Zoning District Map shall be determined by the scale of the map.

5. Street Vacations

Whenever any street, alley, or other public-way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the City Council shall take action to assign zoning to the vacated area.

6. Interpretation of Zoning District Boundaries

   Where physical features existing on the ground are in conflict with those shown on the Zoning District Map, or in other circumstances not covered by **1.** through **5.** above, the Zoning Board of Adjustment shall interpret the district boundaries and require its inclusion on the Zoning District Map.

Section 1.06. Zoning Upon Annexation

A. Zoning Upon Annexation Required

   The Planning and Zoning Commission and City Council shall assign permanent zoning to annexed land.

B. Concurrent but Separate Actions

   Proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.).

Section 1.07. Interpretation

A. Restrictiveness

   Where the regulations in this Zoning Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards shall govern.

B. Abrogation of Private Agreement

   These Zoning Ordinance regulations do not abrogate any easement, covenant or other private agreement.

C. Cumulative Effect

   These Zoning Ordinance regulations are cumulative and may impose additional limitations upon all other laws and ordinances previously passed or that may be passed in the future on any subject matter set forth in these regulations.

Section 1.08. Penalties

In accordance with Texas Local Government Code Chapter 54. Enforcement of Municipal Ordinances, the City is authorized enforce these regulations and may issue a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, that may not exceed two thousand dollars ($2,000).

Section 1.09. Fees

All application fees shall be paid in accordance with the City's Fee Schedule, as adopted and may be amended by the City Council.

Section 1.10. Severability

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of the Zoning Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Zoning Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Article 2. Zoning Districts

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Section 2.02. Zoning District Equivalency
Section 2.03. Residential Zoning Districts
Section 2.04. Nonresidential Zoning Districts
Section 2.05. Special Zoning Districts

Section 2.01. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development and uses within them, and to establish regulations regarding the physical character and intensity of development to protect the public health, safety, and welfare.

B. Zoning Districts Established

The City of Duncanville is hereby divided into zoning districts. The use, height, and area regulations are uniform within each district. All land within the City limits shall be classified into one of the zoning districts listed in **Table 2.01.1. Zoning Districts**.

Table 2.01.1. Zoning Districts

Residential Zoning Districts	Nonresidential Zoning Districts
SF-43 Estate Single-Family Residential District	NOR Neighborhood Office/Retail District
SF-13 Single-Family Residential District	LOR Local Office/Retail District
SF-10 Single-Family Residential District	GOR General Office/Retail District
SF-7 Single-Family Residential District	C Commercial District
TF-7 Duplex Residential District	I Industrial District
MF-14 Multi-Family Residential District	**Special Zoning Districts**
MF-21 Multi-Family Residential District	DD, Downtown Duncanville District

Section 2.02. Zoning District Equivalency

Table 2.02.1 identifies zoning districts adopted in previous ordinances and the regulations that now apply to those districts.

Table 2.02.1. Zoning District Equivalency

Previous Zoning District	Current Zoning District
"R-3.0 Estate" Single-Family Dwelling District	SF-43 Estate Single-Family Residential District
"R-3.0" Single-Family Dwelling District	SF-13 Single-Family Residential District
"R-2.6" Single-Family Dwelling District	
"R-2.2" Single-Family Dwelling District	SF-10 Single-Family Residential District
"R-1.8" Single-Family Dwelling District	
"R-1.4" Single-Family Dwelling District	SF-7 Single-Family Residential District
"D" Duplex Dwelling District	TF-7 Duplex Residential District
"D-I A" Duplex Dwelling District	
"D-1B" Duplex Dwelling District	
"A-2" Apartment-2 District	MF-14 Multi-Family Residential District
"A" Apartment Dwelling District	MF-21 Multi-Family Residential District
"NO" Neighborhood Office District	NOR Neighborhood Office/Retail District
"NR" Neighborhood Retail District	
"LR-2" Local Retail-2 District	LOR Local Office/Retail District
"GO" General Office District	GOR General Office/Retail District
"GR" General Retail District	
"C-1" Light Commercial District	C Commercial District
"C-2" Heavy Commercial District	
"I-1" Light Industrial District	I Industrial District
"1-2" Heavy Industrial District	
"MU-1" Mixed Use District	LOR Local Office/Retail District
"MU-2" Mixed Use District	
“DD” Downtown Duncanville District	DD, Downtown Duncanville District
"PD" Planned Development	PD, Planned Development District
"PD-2" Planned Development-2	

Section 2.03. Residential Zoning Districts

A. SF-43 Estate Single-Family Residential District

1. Purpose

The SF-43 Estate Single-Family Residential District is intended for residential areas with more rural settings and larger lots. This district is also intended to protect areas that may be unsuitable for development because of physical constraints, or potential health or safety hazards such as flooding, as well as providing preservation of natural open space areas.

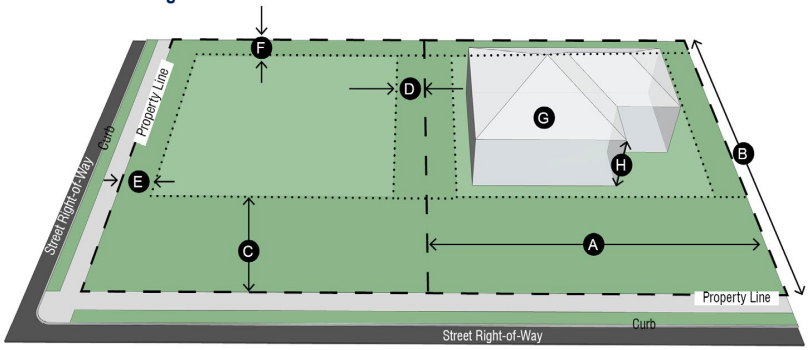
2. Regulations

a. **Figure 2.03.1. SF-43 Dimensional Standards**

b. **Table 2.03.1. SF-43 Other Applicable Standards**

Table 2.03.1. SF-43 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
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Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.1. SF-43 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
1 acre	200’	100’	50’	30’	50’	50’	20%	3 stories	2,500 SF

B. SF-13 Single-Family Residential District

1. Purpose

The SF-13 Single-Family Residential District is intended primarily for suburban style single-family dwellings and related recreational and educational facilities normally required to provide an orderly and attractive residential area. Civic institutions may be appropriate if compatible in size and operation with the surrounding residential area. This district is intended to be defined and protected from the encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

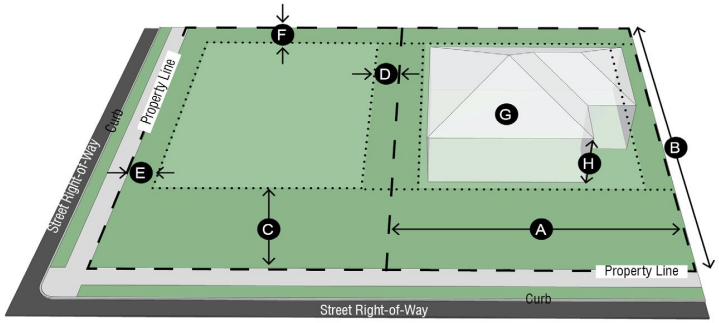
2. Regulations

a. **Figure 2.03.2. SF-13 Dimensional Standards**

b. **Table 2.03.2. SF-13 Other Applicable Standards**

Table 2.03.2. SF-13 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.2. SF-13 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
13,000 SF	90’	120’	30’	7.5’	10’	10’	50%	3 stories	2,000 SF

C. SF-10 Single-Family Residential District

1. Purpose

The SF-10 Single-Family Residential District is intended primarily for suburban style single-family dwellings and related recreational and educational facilities normally required to provide an orderly and attractive residential area. Civic institutions may be appropriate if compatible in size and operation with the surrounding residential area. This district is intended to be defined and protected from the encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

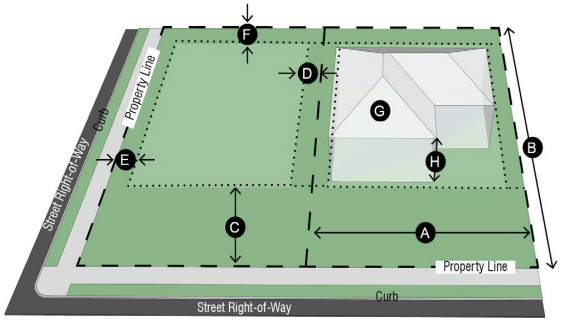
2. Regulations

a. **Figure 2.03.3. SF-10 Dimensional Standards**

b. **Table 2.03.3. SF-10 Other Applicable Standards**

Table 2.03.3. SF-10 Other Applicable Standards
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Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.3. SF-10 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
10,000 SF	75’	100’	25’	7.5’	10’	10’	50%	2½ stories	1,800 SF

D. SF-7 Single-Family Residential District

1. Purpose

The SF-7 Single-Family Residential District is intended primarily for urban style single-family dwellings and related recreational and educational facilities normally required to provide an orderly and attractive residential area. Civic institutions may be appropriate if compatible in size and operation with the surrounding residential area. This district is intended to be defined and protected from the encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

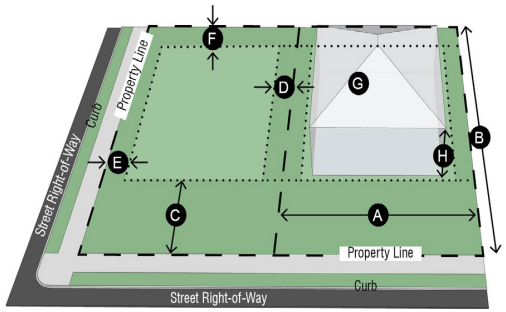
2. Regulations

a. **Figure 2.03.4. SF-7 Dimensional Standards**

b. **Table 2.03.4. SF-7 Other Applicable Standards**

Table 2.03.4. SF-7 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.4. SF-7 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
7,000 SF	65’	100’	25’	5’	10’	10’	50%	2½ stories	1,400 SF

E. TF-7 Duplex Residential District

1. Purpose

The TF-7 Duplex Residential District is intended to promote quality duplex and townhome residential development. Individual ownership of the two family or duplex unit is encouraged. This district may include neighborhoods consisting entirely of duplexes, or, when in accordance with the intent of the Comprehensive Plan, may provide a transition district between lower density residential areas and more intense residential, nonresidential areas, or major roadways.

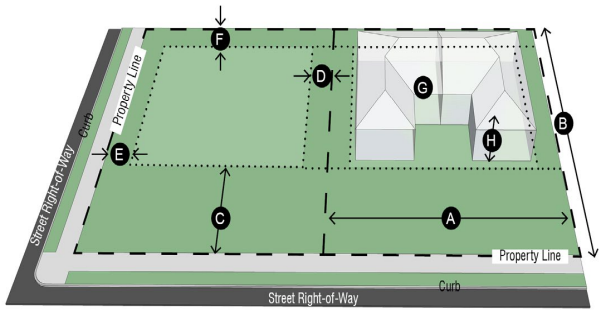
2. Regulations

a. **Figure 2.03.5. TF-7 Dimensional Standards**

b. **Table 2.03.5. TF-7 Other Applicable Standards**

Table 2.03.5. TF-7 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.5. TF-7 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
7,000 SF	60’	100’	25’	5’	10’	10’	50%	2½ stories	1,000 SF for single-family 1,600 SF for combined duplex

F. MF-14 Multi-Family Residential District

1. Purpose

The MF-14 Multi-Family Residential District is intended to meet the needs for medium and high density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

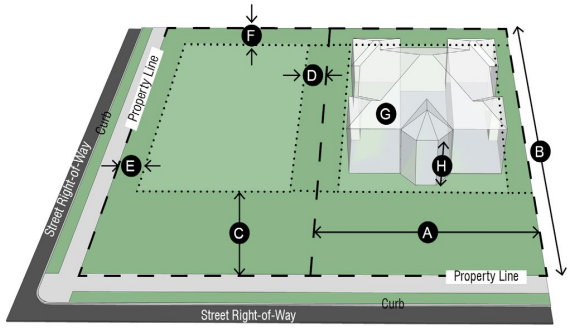
2. Regulations

a. **Figure 2.03.6. MF-14 Dimensional Standards**

b. **Table 2.03.6. MF-14 Other Applicable Standards**

Table 2.03.6. MF-14 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.6. MF-14 Dimensional Standards



Max. Dwelling Units Per Acre (DUA)	Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area (Avg.)
14 DUA	14,000 SF for multi-family	60’	100’	30’	10’	15’	30’	60%	2 stories	800 SF avg 450 SF smallest unit

G. MF-21 Multi-Family Residential District

1. Purpose

The MF-21 Multi-Family Residential District is intended to meet the needs for the highest density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

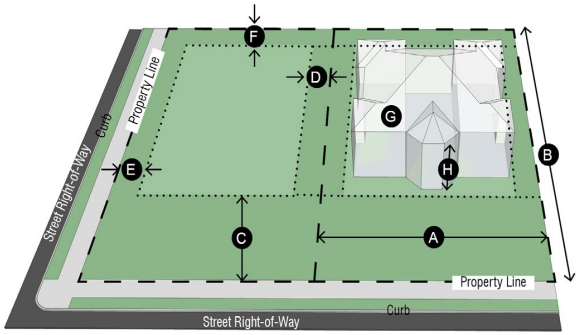
2. Regulations

a. **Figure 2.03.7. MF-21 Dimensional Standards**

b. **Table 2.03.7. MF-21 Other Applicable Standards**

Table 2.03.7. MF-21 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
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Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.03.7. MF-21 Dimensional Standards



Max. Dwelling Units Per Acre (DUA)	Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
21 DUA	16,000 SF	60’	110’	30’	10’	15’	30’	60%	3 stories	800 SF avg 450 SF smallest unit

Section 2.04. Nonresidential Zoning Districts

A. NOR Neighborhood Office/Retail District

1. Purpose

The NOR Neighborhood Office/Retail District is established to create a flexible district for low intensity office and professional uses, and also to serve as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, freestanding structures, and neighborhood oriented personal service establishments. Permitted uses should be compatible with adjacent residential areas. This district can be used as a transition district between residential uses and more intense uses.

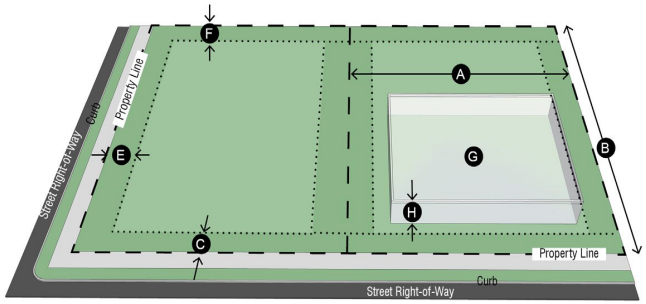
2. Regulations

a. **Figure 2.04.1. NOR Dimensional Standards**

b. **Table 2.04.1. NOR Other Applicable Standards**

Table 2.04.1. NOR Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.1. NOR Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
6,000 SF	60’	100’	30’	10’	30’	25’	50%	1 story	5,000 SF

B. LOR Local Office/Retail District

1. Purpose

The LOR Local Office/Retail District is established to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Pad site development is also allowed in this zoning district. These areas shall utilize landscape and screening requirements. This district should be located along or at the intersections of major collectors or thoroughfares to accommodate higher traffic volumes.

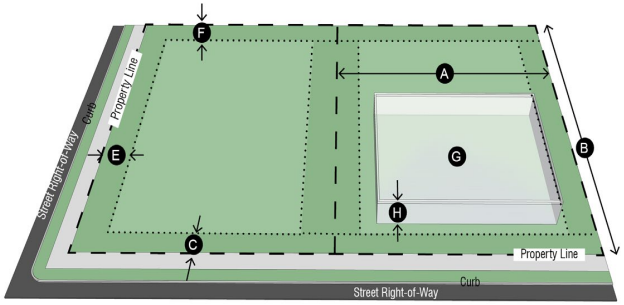
2. Regulations

a. **Figure 2.04.2. LOR Dimensional Standards**

b. **Table 2.04.2. LOR Other Applicable Standards**

Table 2.04.2. LOR Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.2. LOR Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
10,000 SF	70’	100’	25’	25’ 0’ when adjacent to other retail and other nonres. uses	25’	25’	40%	2 stories	40,000 SF

C. GOR General Office/Retail District

1. Purpose

The GOR General Office/Retail District is established to provide for the development of regional-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Pad site development is also allowed in this zoning district. These areas shall utilize landscape and screening requirements. This district should be located along or at the intersections of major collectors or thoroughfares to accommodate higher traffic volumes.

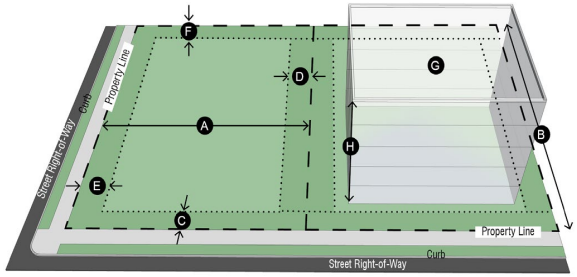
2. Regulations

a. **Figure 2.04.3. GOR Dimensional Standards**

b. **Table 2.04.3. GOR Other Applicable Standards**

Table 2.04.3. GOR Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.3. GOR Dimensional Standards



Min Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
10,000 SF	70'	100'	25'	0'	25'	25'	50%	4 stories	-

D. C Commercial District

1. Purpose

The C Commercial District is intended to provide a centrally located and convenient location for service and commercial related establishments, and other heavy commercial uses. The uses envisioned for the district typically utilize larger sites and/or have operational characteristics that are incompatible with residential zoning or uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

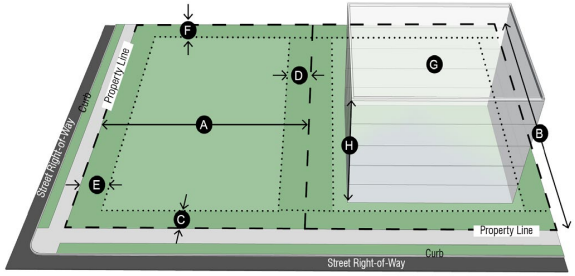
2. Regulations

a. **Figure 2.04.4. C Dimensional Standards**

b. **Table 2.04.4. C Other Applicable Standards**

Table 2.04.4. C Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.4. C Dimensional Standards



Min Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
7,000 SF	60’	100’	20’	15’	20’	15’	60%	Determined by Res Proximity Slope	-

E. I Industrial District

1. Purpose

The I Industrial District is intended to provide for heavy industrial manufacturing uses with accompanying open storage and supporting commercial uses. The uses permitted in the district should not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located and should produce no noise exceeding the average intensity of noise of street traffic, as stated in performance standards, at that point and provided that such use does not create fire hazards on surrounding property.

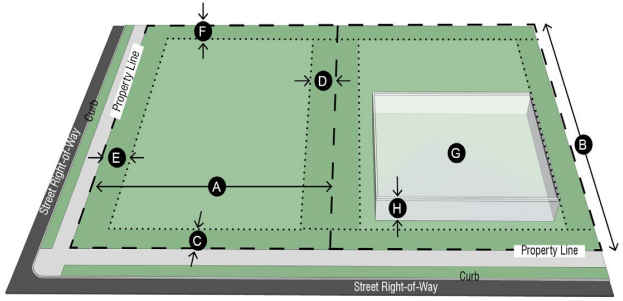
2. Regulations

a. **Figure 2.04.5. I Dimensional Standards**

b. **Table 2.04.5. I Other Applicable Standards**

Table 2.04.5. I Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.5. I Dimensional Standards



Min Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
7,000 SF	60'	100'	25'	15'	25'	20'	70%	Determined by Res Proximity Slope	-

Section 2.05. Special Zoning Districts

A. DD, Downtown Duncanville District

1. Purpose

The purpose of the DD, Downtown Duncanville District is to support a pedestrian-oriented, mixed-use urban development environment, with convenient access to rail transit, shopping, employment, housing, and neighborhood retail services. The intent is to revitalize Duncanville's Main Street to be the center of life in the community. Therefore, an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; promoting a more functional and attractive community through the use of recognized principles of urban design; and allowing property owners flexibility in land use, while prescribing a high level of detail in building design and form are encouraged by the Downtown Duncanville District. This district is intended to implement the vision laid out in the Downtown Duncanville Master Plan including maximizing development opportunities in the vicinity of the future rail transit stop at Center Street. Specifically, the zoning district will guide the private development decisions on a market-based approach with flexibility in use and density.

2. Regulations

Table 2.05.1. DD Other Applicable Standards

Table 2.05.1. DD Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle
Section 4.11. DD, Downtown Duncanville District Requirements

B. PD, Planned Development District

1. Purpose

The PD, Planned Development District is intended to permit new or innovative concepts in land utilization not permitted by other zoning districts in these regulations. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, the PD district procedures are established herein to ensure against misuse of increased flexibility.

2. Regulations

Unless specifically modified by the PD ordinance, the PD shall comply with all standards of this Zoning Ordinance.

a. **Section 6.06. Planned Developments**

b. **Table 2.05.2. PD Other Applicable Standards**

Table 2.05.2. PD Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Article 3. Land Uses

Article Table of Contents:

Section 3.01. Uses Permitted by District
Section 3.02. Classification of New and Unlisted Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations

Section 3.01. Uses Permitted by District

A. Land and buildings in each of the zoning districts may be used for any of the specified uses in **Section 3.03. Permitted Use Chart**.

B. See **Section 7.02. Land Use Terms** for definitions of land use classifications.

Legend for Permitted Use Chart	
●	Use is permitted in district indicated
○	Use is permitted in district upon approval of a Specific Use Permit (SUP)
	Use is prohibited in district indicated

Section 3.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:

A. City Planner Classification as a Similar Use

The new or unlisted use will be referred to the City Planner to determine whether the new or unlisted use should be classified as a similar existing use.

B. Zoning Text Amendment for New or Unlisted Use

If the City Planner is unable to classify the new or unlisted use as similar to an existing use, the use shall be processed as a Zoning Text Amendment, which requires a recommendation from the Planning and Zoning Commission and approval from the City Council to amend the Permitted Use Chart.

C. Factors for Consideration

The determination shall be based on findings in relation to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, amount of noise, odor, fumes, light, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities.

Section 3.03. Permitted Use Chart

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Residential Uses																	
Assisted Living Facility						●	●			●							1 : 2 beds
Boarding House						○	○	○	○	○	○	○	○	○		Section 3.04.A.1	1 : 1 bedroom
Child Care Home (≤6 Children)	●	●	●	●	●	●	●										Based on dwelling
Child Care Home (≥7 Children)	○	○	○	○	○	○	○										Based on dwelling
Community Home for Persons with Disabilities	●	●	●	●	●	●	●									Section 3.04.A.2	1 : bedroom
Halfway House						○	○				○						1 : bedroom
HUD-Code Manufactured Home	○																See Section 4.04.B.3
Industrialized Home	●	●	●	●	●											Section 3.04.A.3	See Section 4.04.B.3
Live-Work Unit						●	●	●	●	●			●	●	●		See Section 4.04.B.3
Mixed-Use Development						○	○		●	●			●	●	●	Section 3.04.A.4	Based on individual uses
Multiple-Family Dwelling						●	●								●	Section 3.04.A.5	Studio | 1 : unit 1-2 BR | 2 : unit 3+ BR | 0.5 : add'l BR over 2 + Guest | 1 : 10 units
Patio Home/Zero Lot Line Home				●	●										○	Section 3.04.A.6	See Section 4.04.B.3
Single Family Detached	●	●	●	●	●										●		See Section 4.04.B.3
Townhome					●	●	●								●	Section 3.04.A.6	See Section 4.04.B.3
Two-Family Dwelling					●	●									●	Section 3.04.A.6	See Section 4.04.B.4
Accessory and Incidental Uses																	
Accessory Dwelling Unit	●	●	●	●											●	Section 3.04.B.1	1 : dwelling
Basketball or Tennis Court	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○		Site analysis required

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Carport	○	○	○	○	○	○	○										N/A
Drive-Thru									○	●	●					Section 3.04.B.2	N/A
Fuel Pumps									○	○	●	●				Section 3.04.B.3	N/A
Funeral Home, Crematory											○						N/A
Home Occupation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Section 3.04.B.4	N/A
Outdoor Display, Permanent										○	○	○				Section 3.04.B.5	N/A
Outdoor Display, Temporary								○	○	○	○	○	○	○	○	Section 3.04.B.6	N/A
Outside Storage											●	●				Section 3.04.B.7	N/A
Short-Term Rental	○	○	○	○	○	○	○	○	○	○			●	●	●	Section 3.04.B.8	N/A
Wind Energy Turbine	○	○	○	○	○	○	○									Section 3.04.B.9	N/A
Educational, Institutional, Public, and Special Uses																	
Adult Day Services						○	○	○	●	●							1 : 400 + 1 : employee
Art Gallery and Museum								○	●	●	●	●	○	○	○		1 : 300
Cemetery or Mausoleums	●	●	●														N/A
Chemical Dependency Facility							○				○						1 : 2 patients
Child Care Facility, Children's Home										○	○						1 : 7 children
Child Care Facility, Daycare						○	○	○	●	●						Section 3.04.C.1	1 : 400 + 1 : employee
Community Center, Public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Driving School									○	●	●						1 : 300
Library							●	●	●	●	●	●		●	●		1 : 500
Local Utility Distribution Lines	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Lodge or Civic Club									○	○	○						1 : 200
Medical, Clinic or Office									●	●	●		●	●			1 : 400
Medical, Emergency Room										○	●						N/A

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Medical, Hospital										●	●	●		●	●		1.5 : bed
Medical, Rehab Care (without Live-in)								○	●	●	●						1 : 400
Medical, Urgent Care Facility							○	○	●	●	●		●	●	○		1 : 400
Place of Worship	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		Non-Fixed Seats | 1 : 150 or Fixed Seats | 1 : 4 seats
Public Facility, Use, or Utility	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Radio or Television Broadcasting without Tower	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		1 : 400
Research and Development Laboratory (Life Sciences)										○	●	●					1 : 500
Research and Development Laboratory (Technology)								○	○	●	●	●	○	○			1 : 500
School, Business, Trade, or Vocational								●	●	●	●	●	○	○			1 : 3 students + 1 : classroom
School, College or University	○	○	○	○	○	○	○	●	●	●	●	●	○	○			1 : 3 students + 1 : classroom
School, Primary or Secondary (Private)	○	○	○	○	○	○	○	●	●	●	●	●	○	○		Section 3.04.C.2	Ele./Middle | 2 : classroom Senior High | 8 : classroom
School, Primary or Secondary (Public)	○	○	○	○	○	○	○	●	●	●	●	●	○	○		Section 3.04.C.2	Ele./Middle | 2 : classroom Senior High | 8 : classroom
Wireless Communication Tower	○	○	○	○	○	○	○	●	●	●	●	●	●	●	●	Section 3.04.C.3	1 space
Recreational and Entertainment Uses																	
Amusement, Indoor							○	○	●	●	●	●	●	●	○		1 : 300
Amusement, Outdoor (Permanent)										●	●	●	○	○			1 : 3 patrons
Amusement, Outdoor (Temporary)									○	○	○	○	○	○			1 : 3 patrons
Banquet or Event Center									○	○	●		○	○			Non-Fixed Seats | 1 : 150 or Fixed Seats | 1 : 4 seats
Country Club	○	○	○	○	○	○	○	●	●	●	●	●					9 : hole + 1 : 150 of clubhouse/rooms
Park, Private	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Park, Public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Theater, Indoor Only								○	●	●	●	●	○	○	○		1 : 4 seats
Theater, Performing Arts									●	●	●	○	○	○	○		1 : 4 seats

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Retail and Service Uses																	
Adult-Oriented Uses												●				Section 3.04.E.1	1 : 300
Appliance Rental and Repair								○	○	●	●	○					1 : 400
Art Instruction Studio								○	●	●	●	○	●	●	○		1 : 300
Art Studio								○	●	●	●	○	●	●	○		1 : 400
Bail Bond Business										○	○						1 : 300
Bar (≥75% Alcohol Sales)								○	●	●			○	○	○	Section 3.04.E.2	1 : 200
Credit Access Business												●					1 : 300
Feed Store									○	○	○	●					1 : 300
Financial Institution								○	●	●	●		●	●	●		1 : 300
Food Truck Park								○	○	○	○	○	○	○		Section 3.04.E.3	Site analysis required
Funeral Home								○	○	●	●						1 : 50 sq. ft. of service or slumber rooms
Grocery, Local Scale								○	●	●			●	●	●		1 : 300
Grocery, Neighborhood Scale								●	●	●			●	●			1 : 300
Grocery, Regional Scale									○	●							1 : 400 1 : 500 if larger than 60,000 sq. ft.
Gym and Fitness Facilities									○	●	●	●	●	●	●		1 : 300
Hookah Lounge																Section 3.04.E.4	N/A
Nursery, Retail								●	●	●			●	●			1 : 5,000 of outdoor storage area + 1 : 200 of sales or office space
Nursery, Wholesale										○	○	●					1 : 5,000 of outdoor storage area + 1 : 200 of sales or office space
Pawn Shop										●	●						1 : 300
Personal Care Service Shop								●	●	●			●	●	●		1 : 200, minimum of 5 spaces
Plumbing Shop										●	●	●					1 : 400
Postal Mart								●	●	●	●		●	●	●		1 : 400

EXIBIT A

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Print Shop								○	○	○	○	●	○	○			1 : 400
Professional Office, Local Scale								○	●	●			●	●			1 : 400
Professional Office, Neighborhood Scale								●	●	●			●	●	●		1 : 300
Professional Office, Regional Scale									○	●							1 : 500 1 : 600 if larger than 40,000 sq. ft.
Recycle Collection Point											●	●					N/A
Restaurant, Limited Seating								●	●	●	●		●	●	●		1 : 400
Restaurant, Seated Service								●	●	●	●		●	●	●		1 : 200
Retail, Convenience Store								○	●	●	●		○	○	○		1 : 300
Retail, Convenience Store with Restaurant								○	●	●	●		○	○	○		1 : 300
Retail, Local Scale								○	●	●			●	●	○		1 : 300
Retail, Neighborhood Scale								●	●	●			●	●	●		1 : 200
Retail, Regional Scale									○	●				●			1 : 400 1 : 500 if larger than 50,000 sq. ft.
Retail, Sundry								○	○	○	○		○	○		Section 3.04.E.5	1 : 200
Seasonal Sales								○	○	○	○	○	○	○	○		Subject to City determination
Sign Printing									○	●	●	●					1 : 200 of customer floor area, minimum of 5 spaces
Tattoo or Piercing Studio											●						1 : 400
Tobacco, CBD, or Vape Shop											●					Section 3.04.E.6	1 : 300
Commercial and Industrial Uses																	
Alcohol Production, Macro												●					Office | 1 : 400 Production area | 1 : 1,000
Alcohol Production and Tasting/Tap Room, Micro with Food Sales								○	●	●	●	●	●	●			Office | 1 : 400 Production area | 1 : 1,000 Tasting/tap room | 1 : 200
Alcohol Production and Tasting/Tap Room, Micro without Food Sales									○	●	●	●	●	●			Office | 1 : 400 Production area | 1 : 1,000 Tasting/tap room | 1 : 200

● = Permitted ○ = SUP

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Animal Services, No Outside Pens								○	○	●	●		○	○			1 : 400
Animal Services with Outside Pens										○	○	●					1 : 400
Bed & Breakfast	○	○	○	○	○												1 : rented bedroom
Building Materials Sales										○	○	●					1 : 1,000 of site used for sales/storage
Cabinet Shop										○	●	●					1 : 300
Commercial, General										○	●	●					1: 350
Contractor & Storage Yard											○	●					1 : 1,000 of site used for sales/storage
Extermination Business										○	○	●					1:350
Furniture Repair Shop										●	●						1 : 400
Heavy Equipment Sales											○	●					Office | 1 : 400 Showroom | 1 : 500
Hotel, Full Service									○	○	●						1.1 : guest room + 1 : 8 seats for meeting room/restaurant
Hotel, Limited Service											○						1.1 : guest room
Hotel, Select Service										○	●						1.1 : guest room + 1 : 8 seats for meeting room/restaurant
Laundry, Commercial											○	●					1 : 800
Laundry, Dry Cleaning Drop-Off/Pick-Up								●	●	●	●		●	●	●		1 : 400
Laundromat									●	●	●						1 : 400
Machine and Welding Shop											○	●					1 : 2 employees or 1 : 1,000, whichever is greater
Manufactured/Mobile Homes Sales (On Site)											○						1 : 200 of office space
Manufacturing, Production, and Processing, Heavy												●					Office | 1 : 400 Warehouse | 1 : 1,000
Manufacturing, Production, and Processing, Light											●	●					Office | 1 : 400 Warehouse | 1 : 1,000
Sign Manufacturing										●	●	●					1 :1,000 with a minimum of 5 spaces
Storage of Topsoil, Earth, Clay, Stone Extraction	●										●	●					1 : employee, but no less than 1 : 1,000

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Warehouse, Self Storage										○	○	●					4 spaces located outside the security gates and accessible to the public
Warehouse, Storage or Sales											○	●					Office | 1 : 400 Warehouse | 1 : 1,000
Wholesale Center											○	●					Office | 1 : 400 Warehouse | 1 : 1,000
Automobile and Transportation Uses																	
Auto Dealership (Inside Only)									○	●	●	●					1 : 500
Auto Dealership, New and Used									○	○	●	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Auto Dealership, Used Only											○	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Auto Repair and Services, Major											○	●				Section 3.04.G.1	1 : 375
Auto Repair and Services, Minor (No Outside Storage)									○	●	●	●					1 : 375
Auto Storage and Rental										○	○	●					1 : 1,000
Boats, Campers, & Recreation Vehicles Sales											○	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Bus and Truck Storage and Rental											○	●					1 : 1,000 + Storage for all vehicles
Car Wash											●					Section 3.04.G.2	Wash bays + 5 queue spaces
Car Wash, Inside Only										●	●						1 : 200
Fuel Station, Standalone									○	●	●	●				Section 3.04.G.3	N/A
Hauling Services											○	●					1 : 300
Parking Lot										●	●	●	○	○	○		N/A
Passenger Pick-Up and Drop-Off Point								○	○	○	○	○	○	○	○		N/A
Passenger Terminal								○	○	○	○	○	○	○	○		Subject to City determination
Truck Dealership											○	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Truck Repair											○	●					1 : 2 employees or 1 : 1,000, whichever is greater

Section 3.04. Additional Use Regulations

The following requirements correspond to each use as designated within the "Additional Regulations" column of **Section 3.03. Permitted Use Chart**.

A. Residential Uses

1. Boarding House Standards

a. Application Information

Specific Use Permit applications shall include, but not limited to, the following information:

(1) Number of permanent occupants

(2) Maximum number of temporary occupants

(3) Total square feet of dwelling unit

(4) Number of bedrooms

(5) Total square feet of sleeping rooms

(6) Number of restrooms

(7) Total square feet of kitchen

(8) Total square feet of living and/or dining areas

(9) Maximum number of vehicles, and

(10) On-site responsible party and contact information.

b. Living Area

(1) Each bedroom in a dwelling unit occupied by one person shall contain 70 square feet of floor area, and that each bedroom occupied by more than one person shall contain at least 60 square feet of floor area for each occupant thereof.

(2) Bedrooms shall be proportional to bathrooms and living areas in single family residential structures such that for every two rooms used in the structure as a bedroom there shall be at least: (A) one full bathroom (containing a commode, a sink and a shower or bathtub); and (B) one living area. As used in this section, the term "living area" means a room of at least 120 square feet in size, other than:

(a) An unfinished garage or basement; or,

(b) A room used as bedroom, bathroom or kitchen.

c. Spacing

No Boarding House shall locate within one thousand six hundred (1,600) feet of another Boarding House. The measurement is taken in a straight, direct line from one property to another.

d. Parking

The amount of on-site parking shall not exceed the parking required by **Section 3.03. Permitted Use Chart** by more than three (3) spaces.

e. Inspections

All Boarding Houses shall require an interior and exterior inspection of the property prior to the issuance of a Certificate of Occupancy and annually thereafter by the Building Official, Building Inspector, and Code Enforcement Officials.

2. Community Home for Persons with Disabilities Standards

a. Application Information

Applications for a Community Home for Persons with Disabilities shall include, but not limited to, the following information:

(1) Current State license information, and

(2) On-site responsible party and contact information.

b. Spacing

In accordance with Section 123.008 of the Human Resources Code, no Community Home for Persons with Disabilities shall locate within one-half mile of another Community Home for Persons with Disabilities.

c. Parking

The amount of on-site parking shall not exceed the parking required by **Section 3.03. Permitted Use Chart** by more than three (3) spaces.

d. Inspections

All Community Homes shall require an interior and exterior inspection of the property prior to the issuance of a Certificate of Occupancy and annually thereafter by the Building Official, Building Inspector, and Code Enforcement Officials.

3. Industrialized Home Standards

a. The industrialized home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.

b. The industrialized home conforms to all applicable zoning standards for the respective zoning district.

c. The industrialized home has a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent County certified tax appraisal roll;

d. The industrialized home has exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located;

e. The industrialized home complies with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

f. The industrialized home is securely fixed to a permanent foundation.

4. Mixed-Use Development Standards

a. Build-To Zone

(1) At least seventy-five (75) percent of the front façade shall be located within five (5) feet from the required front yard setback.

(2) For corner lots, at least seventy-five (75) percent of the exterior side façade shall be located within five (5) feet from the required side yard setback.

b. Building Articulation

See requirements in **Section 4.03. Design Standards**.

c. Required Fenestration

(1) Ground floor shall be fifty (50) percent to seventy-five (75) percent doors and/or windows.

(2) Upper floors shall be twenty-five (25) percent to fifty (50) percent doors and/or windows (measured between 3' to 9' above each finished floor).

d. Building Entrance

(1) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(2) Architectural elements shall indicate a clear entry point.

e. Parking

(1) Off-street parking shall be calculated based on the uses within the development. Shared parking provisions may be utilized to reduce the number of required spaces.

(2) No off-street parking shall be located in front of the building façade.

f. Uses

(1) At least seventy-five (75) percent of the first story of the structure shall be used for nonresidential use(s). The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

(a) If a one-story structure exists on the property, one hundred (100) percent of the structure shall be occupied for nonresidential use(s) only.

(2) Drive-through features for the transaction of business are prohibited.

5. Multiple-Family Dwelling Standards

   a. Building Articulation

      See requirements in **Section 4.03. Design Standards**.

   b. Recreation Space

      (1) All multiple-family developments with twenty (20) dwelling units or more shall devote not less than eight (8) percent of the gross development area to recreational facilities, generally in a central location. In large developments (two acres or larger), these may be decentralized.

      (2) Recreation areas include space for community buildings and community uses, such as adult recreation, child play areas, dog parks, picnic areas, and swimming pools, but do not include vehicle parking, commercial, maintenance, and utilities areas.

6. Patio Home/Zero Lot Line Home, Townhome, and Two-Family Dwelling Standards

   See **Section 4.02. Modified Dimensional Standards** for exceptions to the dimensional standards.

B. Accessory and Incidental Uses

1. Accessory Dwelling Unit Standards

   a. No more than one (1) Accessory Dwelling Unit for the purpose of a living quarters shall be permitted on a lot.

   b. No more than one (1) household family unit shall occupy an Accessory Dwelling Unit at a time.

   c. The homeowner must live on the property.

2. Drive-Thru Standards

   a. A Drive-Thru window is not automatically included with any use. A Drive-Thru must be allowed as an accessory use to utilize a Drive-Thru window.

   b. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

3. Fuel Pumps Standards

   See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

4. Home Occupation Standards

   a. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home Occupation. No sign, advertisement or display may be used to indicate the presence of a Home Occupation in the structure.

   b. The Home Occupation shall be clearly incidental and subordinate to the home's use for residential purposes. Not more than five hundred (500) square feet or ten (10) percent of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the Home Occupation.

   c. The address of the dwelling may not appear in any advertisement.

   d. Any persons employed must be a member of the occupant's immediate family and reside on the premises where the home occupation takes place.

   e. No Home Occupation may utilize equipment other than that designed for residential use or which would be detrimental to or distract from the use of the premises as a residence.

   f. The Home Occupation will not cause an increase in traffic volume in the neighborhood. No more than five (5) patrons may be on the premises at one time.

   g. No equipment shall be used that creates offensive noises, vibration, sound, smoke, dust, odors, heat, glare, x-rays, or electrical disturbances to radio or television instruments.

   h. Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post, United Parcel Service or similar delivery trucks.

   i. No traffic shall be generated by a Home Occupation in greater volume than normally expected in a residential neighborhood, and any need for parking must be accommodated within the required off-street parking for the residence or along the street frontage for the lot.

   j. No Outside Storage shall be permitted in conjunction with a Home Occupation.

5. Outdoor Display, Permanent Standards

   a. Outdoor Display, Permanent areas shall not be located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.

   b. Outdoor Display, Permanent areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

   c. Outdoor Display, Permanent areas must be contained within the property and shall not extend into the right-of-way.

   d. Outdoor Display, Permanent items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

   e. Outdoor Display, Permanent is permitted only as an accessory use and is not a permitted principal use.

6. Outdoor Display, Temporary Standards

   a. Outdoor Display, Temporary areas shall not be located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.

   b. Outdoor Display, Temporary shall not occupy any of the parking spaces that are required by this Zoning Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two (2) displays per calendar year.

   c. Outdoor Display, Temporary areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

   d. Outdoor Display, Temporary must be contained within the property. Outdoor Display, Temporary areas shall not extend into the right-of-way without written permission from the City.

   e. Outdoor Display, Temporary items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

   f. Outdoor Display, Temporary is permitted only as an accessory use and is not a permitted principal use.

7. Outside Storage Standards

   a. Outside Storage shall not be located in the front yard.

   b. See Section 4.07.C.6 Outside Storage Screening for screening requirements.

8. Short-Term Rental Standards

   a. The applicant must obtain a Short-Term Rental permit from the City and provide proof of ownership of the residence.

   b. The applicant must demonstrate to the satisfaction of the City Planner that the unit and property do not have any outstanding issues related to taxes or building, electrical, plumbing, fire, health, housing, police, planning, noise, or code enforcement provisions.

   c. The applicant must submit a report to the City Planner each January that indicates the following:

      (1) The number of nights the unit was rented as a Short-Term Rental in the previous year;

      (2) Proof of payment of Hotel Occupancy Tax is submitted to the City in accordance with Chapter 18 Article II of the City's Code of Ordinances; and

      (3) Proof of current property insurance.

      (4) If the applicant has failed to meet one of these requirements, the City shall provide ten (10) calendar days of notice to comply.

   d. The City retains the right to suspend or remove a property from the registry. Once a property has been removed from the registry, the property shall not be added to the registry for at least one (1) year.

   e. Suspension or removal shall be at the discretion of the City Planner for reasons including, but not limited to, the following:

      (1) The applicant has given false or misleading information during the application process;

      (2) There has been a violation of any of the terms, conditions, or restrictions of this subsection;

      (3) The applicant has failed to pay the Hotel Occupancy Tax in the timely manner; or

(4) The location has received three (3) complaints from the neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.

f. Continued operation of a Short-Term Rental following suspension or removal from the registry shall be considered a violation of this Zoning Ordinance.

9. Wind Energy Turbine Standards

a. General Standards

(1) Wind Energy Turbines are permitted only in the rear yard.

(2) The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.

(3) Wind Energy Turbines shall not be illuminated, nor may they bear any signs or advertising.

(4) Wind Energy Turbines must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.

(5) All wiring serving Wind Energy Turbines must be underground.

(6) Noise produced by Wind Energy Turbines may not exceed 55 dBA measured at the property line.

(7) Wind Energy Turbines must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.

(8) A finish (paint/surface) must be provided for the Wind Energy Turbine that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

(9) The diameter of the area swept by the rotors may not exceed twelve (12) feet.

b. Freestanding Systems – Additional Standards

(1) Wind Energy Turbines may be mounted on a tower detached from other structures on the lot.

(2) The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.

(3) Freestanding systems measured from the top blade may not exceed forty-five (45) feet in height.

(4) Support structures for freestanding systems must be unclimbable from the ground to a height of at least fifteen (15) feet.

(5) A maximum of one (1) freestanding Wind Energy Turbine shall be allowed per lot.

c. Roof-Mounted Systems – Additional Standards

(1) Wind Energy Turbines may be mounted on the roof of a structure as an appurtenance.

(2) Roof-mounted systems measured from the top blade may not be more than five (5) feet over the maximum allowed height for the structure.

(3) A maximum of one (1) roof-mounted Wind Energy Turbine shall be allowed per lot.

(4) Before any roof-mounted system is mounted, the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the City Engineer prior to the mounting of the system.

C. Educational, Institutional, Public, and Special Uses

1. Child Care Facility, Daycare Standards

   See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

2. School, Primary or Secondary (Private) or School, Primary or Secondary (Public) Standards

   See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

3. Wireless Communication Tower Standards

   See **Section 4.12. Wireless Telecommunication Regulations**.

D. Recreational and Entertainment Uses

None.

E. Retail and Service Uses

1. Adult-Oriented Uses Standards

   Adult-Oriented Uses must maintain a minimum separation distance of one thousand (1,000) feet from any residential district, any structure used as a residence, any place of worship, school, hospital, park or playground, or any other Adult-Oriented Uses.

2. Bar (≥75% Alcohol Sales) and Uses with ≥75% Alcohol Sales Standards

   a. No establishment that derives seventy-five (75) percent or more of its revenue from the sale of alcohol for on-premise consumption shall be located is within three hundred (300) feet of a place of worship, school, or hospital except as provided by the Texas Alcoholic Beverage Code. The City Planner shall use subdivision plats to verify the distance requirements have been met. If a dispute exists, it shall be the applicant's responsibility to engage the services of a Professional Surveyor to determine the separation distance.

   b. Standards included in Article XX. – Sale of Alcoholic Beverages of the City's Code of Ordinances shall apply.

3. Food Truck Park Standards

   a. All mobile vendors must have valid required health inspection permits from the City.

   b. Applications for a Food Truck Park shall include the following:

      (1) A detailed site plan showing the location and dimensions of the park area, locations of all proposed mobile vendors, landscaping, building setbacks, vehicle parking, areas for sitting and/or dining, barriers, utility connection locations, and restroom locations;

      (2) Written permission from the land owner to use the site (unless the applicant is the land owner);

      (3) A copy of all required health inspection permits;

      (4) Proposed hours of operation;

      (5) Shared use agreement for restroom facilities (if applicable), as noted by **d** below.

   c. Food Truck Park sites are considered a parking lot; therefore, all surfaces must be paved and include the required landscaping outlined in **Section 4.08 Landscape Requirements**.

   d. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.

   e. Electrical, water, and wastewater connections shall be provided.

   f. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking lots.

   g. Food Truck Park sites shall be defined by curbs (i.e., continuous curb cuts are prohibited) to confine ingress and egress to defined access points to ensure the safety of pedestrians within the park.

   h. A barrier shall be located between any vehicular areas and the customer service areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments.

   i. Drive-thrus are not permitted in conjunction with a Food Truck Park.

j. Signage is allowed on the mobile vendor vehicle itself but no detached signage is allowed.

k. A waste receptacle is required for every mobile vendor and waste shall be removed daily.

4. Hookah Lounge Standards

Hookah Lounges are prohibited in accordance with Chapter 16B – Smoking of the City's Code of Ordinances.

5. Retail, Sundry Standards

a. A Retail, Sundry store shall not be located within five thousand (5,000) feet of another Retail, Sundry store, measured by the nearest property lines.

b. A minimum of ten (10) percent of the floor area of the Retail, Sundry store must be dedicated to fresh produce, meat and dairy products and designated as such within an SUP.

6. Tobacco, CBD, or Vape Shop Standards

Tobacco, CBD, or Vape Shops must maintain a minimum separation distance of five hundred (500) feet from any residential district, any structure used as a residence, any place of worship, school, hospital, park, or playground.

F. Commercial and Industrial Uses

None.

G. Automobile and Transportation Uses

1. Auto Repair and Services, Major Standards

a. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.

b. No exterior auditory devices shall be permitted.

c. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

2. Car Wash Standards

a. The use, where adjacent to property zoned as single-family residential uses shall maintain a minimum setback of at least one hundred twenty-five (125) feet.

b. The hours of operation may be limited when located adjacent to property zoned for single-family residential uses.

c. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

d. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

3. Fuel Station, Standalone Standards

a. The use, where adjacent to property zoned as single-family residential uses shall maintain a minimum setback of at least one hundred twenty-five (125) feet.

b. The hours of operation may be limited when located adjacent to property zoned for single-family residential uses.

c. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

d. No part of the use shall be located nearer than eighteen (18) feet to the front property line.

e. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

EXIBIT A

Article 4. Development Standards

Article Table of Contents:

Section 4.01. Additional Regulations in the Code of Ordinances

Section 4.02. Modified Dimensional Standards

Section 4.03. Design Standards

Section 4.04. Off-Street Parking and Loading Requirements

Section 4.05. Lighting Requirements

Section 4.06. Accessory Building Requirements

Section 4.07. Screening and Buffering Requirements

Section 4.08. Landscape Requirements

Section 4.09. Residential Proximity Slope

Section 4.10. Intersection Visibility Triangle

Section 4.11. DD, Downtown Duncanville District Requirements

Section 4.12. Wireless Telecommunication Regulations

Section 4.13. Exterior Wall Covering Requirements

Section 4.01. Additional Regulations in the Code of Ordinances

Note that additional development regulations exist in the City's Code of Ordinances outside of this Zoning Ordinance, including but not limited to:

A. Chapter 12. Article X. Fence Regulations

B. Chapter 12. Article XVII. Tree Preservation

C. Chapter 16A. Sign Guidelines,

D. Chapter 16B. Smoking

E. Chapter 17. Streets and Sidewalks,

F. Appendix B. Subdivision Regulations

Visit Municode.com to view the entire Code of Ordinances.

Section 4.02. Modified Dimensional Standards

A. Dimensional Standards in the Opportunity Areas

The dimensional standards required by **Article 2. Zoning Districts** are modified to encourage redevelopment within the Opportunity Areas identified within the Comprehensive Plan. Dimensional standards within the Opportunity Areas (with the exception DD, Downtown Duncanville District) are modified as follows:

1. Twenty (20) percent reduction in front, rear, and side setback; and
2. Twenty (20) percentage point increase in building coverage.

   Example: A thirty (30) foot setback and fifty (50) percent maximum lot coverage would become a twenty-four (24) foot setback and seventy (70) percent maximum lot coverage,

B. Interior Side Yard Setback Adjustment for Zero Lot Lines

1. Patio Homes
   a. The interior side yard setback regulations in **Article 2. Zoning Districts** shall not apply to the zero lot line side of Patio Home/Zero Lot Line Home. The exemption applies only to one side yard setback.
   b. A Patio Home/Zero Lot Line Home may only be built along the property line if another offset patio home is located adjacent to that side (i.e., the zero lot line side of a Patio Home/Zero Lot Line Home shall not be located next to a traditional Single Family Detached home).
   c. Separation between buildings shall be no less than ten (10) feet.
   d. The wall of the dwelling located on the zero lot line side shall have no windows, doors, air conditioning units or any other type of opening.
2. Townhomes on Separate Lots
   a. This section addresses Townhomes where multiple units are adjoined across property lines. This section does not apply to Townhomes located on a single lot.
   b. The interior side yard setback regulations in **Article 2. Zoning Districts** shall not apply to the interior sides of Townhomes on separate lots. The exemption does not apply to the end units.
   c. Minimum lot frontage shall be twenty-five (25) feet.
   d. Minimum lot size shall be three thousand (3,000) square feet.

3. Two-Family Dwellings on Separate Lots

   a. This section addresses Two-Family Dwellings that are adjoined across a property line. This section does not apply to Two-Family Dwellings located on a single lot.

   b. The interior side yard setback regulations in **Article 2. Zoning Districts** shall not apply to the interior lot line of Two-Family Dwellings on separate lots (i.e., the exemption allows the housing structure to be split across two lots so each unit is located on its own lot).

   c. Two-Family Dwellings located on separate lots must each be at least half the area of the minimum lot size required for that zoning district (i.e., the minimum lot size would be met if the lots were combined).

C. Special Exception for Dimensional Standards for Redevelopments

For redevelopments, the Zoning Board of Adjustment may allow a special exception in accordance with **Section 6.10. Special Exceptions** for deviation from the dimensional standards provided in **Article 2. Zoning Districts** for the proposed standards to use the most intense existing dimensions on the block within the same zoning district for any allowed use for the following:

1. Building height,
2. Front, rear, and side setback, and/or
3. Building coverage.

Section 4.03. Design Standards

A. Applicability

The requirements of this section shall apply to all nonresidential, multiple-family, and mixed-use developments in the following circumstances:

1. New Construction

   When a new Main Building is constructed.

2. Building Expansion

   When the floor area of a Main Building is increased by more than fifty (50) percent; only the expansion shall be required to comply.

B. Building Articulation

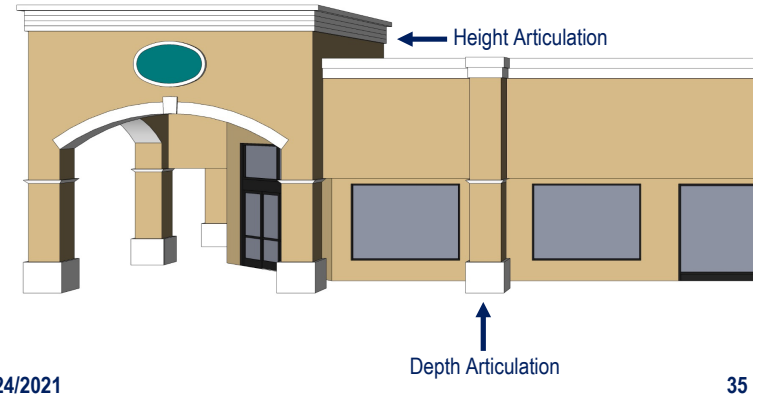
1. Height and depth articulation shall be provided as follows:

   a. Height articulation for flat roofs of at least five (5) feet shall be required for every fifty (50) feet of building façade length. Pitched roofs do not require height articulation.

   b. Depth articulation of at least three (3) feet shall be required for every thirty (30) feet of building façade length. Depth articulation applies only below the roofline.

2. The rear façade is exempt from the articulation requirements unless it is visible from a public right-of-way or residential property.

Figure 4.03.1. Examples of Height and Depth Articulation



EXIBIT A

Section 4.04. Off-Street Parking and Loading Requirements

A. Applicability

The requirements of this section shall apply in the following circumstances:

1. New Construction

   When a new Main Building is constructed.

2. Use Change

   When a change in use requires twenty (20) percent or more additional parking beyond the previous use.

3. Building Expansion

   When the floor area of a Main Building is increased by more than twenty (20) percent.

B. Off-Street Parking Requirements

1. Number of Spaces

   The number of off-street parking spaces shall be provided for the corresponding use as indicated in **Section 3.03. Permitted Use Chart**.

2. Number of Spaces in the Opportunity Areas

   The parking requirements established by **Section 3.03. Permitted Use Chart** are modified to encourage redevelopment within the Opportunity Areas identified within the Comprehensive Plan. Parking requirements within the Opportunity Areas (with the exception DD, Downtown Duncanville District) are modified as follows:

   a. Reduction in the number of required parking spaces by twenty-five (25) percent.

3. Single-Family and Townhome Parking Accommodations

   All single-family homes and townhomes shall provide, at a minimum, the following parking accommodations:

   a. Two (2) unenclosed, paved parking spaces, plus

   b. A one- or two-car garage or Porte Cochere.

      (1) Exception: A carport may be provided in lieu of a garage or Porte Cochere upon approval of a Specific Use Permit.

4. Duplex Parking Accommodations

   All duplexes shall provide, at a minimum, the following parking accommodations:

   a. Two (2) unenclosed, paved parking spaces.

5. Residential Front-Entry Garages

   a. Single-Family and Duplex Garages

      Single-family and duplex garages shall be set back a minimum of five (5) feet from the front building face. The front building face is considered the forwardmost portion of the structure, excluding a front porch.

      (1) Exception: The garage setback requirement may be reduced or waived upon recommendation by the Planning and Zoning Commission and approval by the City Council.

   b. Townhome Garages

      Townhome garages may be flush with the building face, but in no case shall the garage project beyond the front building face.

6. Multiple Uses

   In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.

7. No Storage Permitted

   In the Residential Zoning Districts, no parking space, garage, carport, or other automobile storage space or structure shall be used for the parking or storage of any truck, truck-trailer, or van except panel and pickup trucks not exceeding one (1) ton capacity.

8. Parking Requirements for New or Unlisted Use

   Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the City Planner as those of a similar use.

9. Use of Permeable Surfaces

   a. Permeable surfaces are prohibited for required parking spaces and fire lanes. Permeable surfaces may be used for other parking or driving surfaces, subject to approval by the City Engineer.

   b. The applicant shall provide a written statement that the property owner shall be responsible for maintaining the surface in a fully operational condition.

   c. If, at any time after the issuance of a Certificate of Occupancy, the approved permeable surface is found to be unmaintained or not fully operational, the Building Official shall issue notice concurrently to the owner, tenant, and/or agent, citing the violation and describing what action is required. The owner, tenant, and/or agent shall have thirty (30) days from date of said notice to restore the permeable surface as required. If the permeable surface is not restored within the allotted time, the owner, tenant, and/or agent shall be in violation of this ordinance.

10. Curbs and Drainage

    See **Section 4.08.D.6. Concrete Curb** below for requirements regarding curbs and drainage.

11. On-Site Parking Required

    a. All required off-street parking must be provided on the lot occupied by the main use, except as provided in **15. Shared Parking**.

    b. All required ADA-accessible spaces shall be provided in the on-site parking area.

12. Parking Lot Perimeter

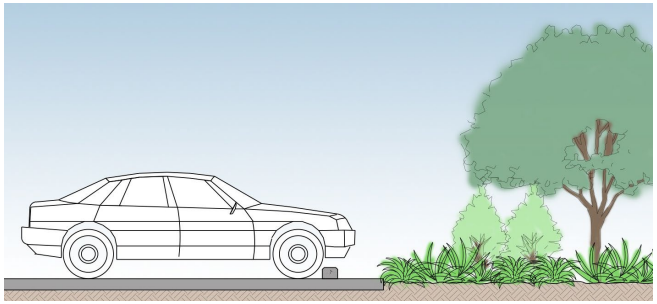
    a. In all nonresidential, mixed use, and multi-family developments with more than four units, the perimeter of all parking lots and driveways shall be provided with concrete curbs, medians, or other means to control traffic.

    b. Curb cuts shall be provided in accordance with **Section 4.08.D.6. Concrete Curb** below to drain stormwater runoff into landscaped areas.

13. Vehicle Stopping Device

    No parking space shall allow a vehicle to overhang a required landscape area, open space area, sidewalk, street right-of-way or adjacent property (see **Figure 4.04.1**).

Figure 4.04.1. Wheel Stop Required to Prevent Vehicle Overhang



14. Access and Availability of Parking Spaces and Fire Lanes

    Unless specifically stated otherwise within this Zoning Ordinance, all required parking spaces shall be accessible at all time. No outside storage, vehicle storage, or queuing may take place within required parking or fire lanes. See exception for Outdoor Display, Temporary in **Section 3.04.B.6.b**.

15. Shared Parking

a. The purpose of shared parking is to allow two or more adjacent land uses that have different peak use periods to share a parking area and reduce the number of required spaces.

b. A shared parking agreement shall be recorded prior to issuance of a Building Permit or a Certificate of Occupancy. If such agreement is revoked by any entity, then the required off-street parking spaces shall be provided according to the standard parking requirements.

c. A shared parking calculation, using the format provided in **Table 4.04.1**, shall be required to determine the minimum number of spaces.

d. The minimum parking required shall be the highest adjusted total parking for any time period.

e. The percentage of parking used during each time period shall be provided by the applicant and subject to approval by the City Planner.

f. All shared parking spaces must be located within five hundred (500) feet of all shared uses, measured by the shortest legal walking route.

g. Handicapped spaces required by ADA shall be calculated by individual use and not be shared.

h. **Table 4.04.1** provides an example of shared parking calculations. This example includes shared parking for two uses – *Example Use 1* with a minimum parking requirement of 100 spaces, and *Example Use 2* with a minimum parking requirement of 220 spaces. In this example, the minimum parking requirement would be 225 spaces.

C. Off-Street Loading

1. The number of loading spaces required by this Section shall be the minimum, and the owner/applicant shall evaluate the use's needs to determine if additional loading space is needed.

2. Such off-street loading space shall consist of a minimum area of ten (10) feet by seventy-five (75) feet.

3. Loading areas shall be located at the side or rear of buildings.

4. Loading areas shall not encroach upon required off-street parking areas or into the Right-of-Way.

5. Unenclosed off-street loading areas shall be paved with hard surface pavement.

6. The City Planner may reduce the loading space requirements if the City Planner determines requirements are excessive.

Table 4.04.2. Minimum Loading Standards for Nonresidential Uses

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000	None
10,0001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 100,000	1 additional

Table 4.04.1. Shared Parking Examples

Time Period	Example Use 1			Example Use 2			Adjusted Total Parking Required
	Required Spaces	% of Parking Used During Each Time Period	Adjusted Parking Requirement	Required Spaces	% of Parking Used During Each Time Period	Adjusted Parking Requirement	
Mon-Fri (6am to 6pm)	100	100%	100	220	25%	55	155
Sun-Thurs (6pm to 2am)	100	20%	20	220	50%	110	130
Sat-Sun (6am to 6pm)	100	10%	10	220	50%	110	120
Fri-Sat (6pm to 2am)	100	5%	5	220	100%	220	225
Everyday (2am to 6am)	100	5%	5	220	10%	22	27

D. Parking Design Requirements

1. Configuration

   Aisles, parking spaces, and circulation shall be provided in accordance with **Figure 4.04.2** and **Table 4.04.3**.

2. Striping

   All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping that provides a permanent delineation between spaces and aisles.

   a. No striping shall be required for residential uses, except for multi-family developments.

3. Parking Lot Materials

   a. Parking lots for new developments and redevelopments shall be constructed with reinforced concrete according to City specifications prior to receiving a Certificate of Occupancy.

   b. Existing parking lots constructed with asphalt may be repaired with asphalt and may be expanded up to 10% of its area with asphalt as it existed on January 1, 2020.

   c. If a parking lot is deteriorated 50% or more (in the Building Official's determination), the entire lot must either:

      (1) Be completely redone in concrete, or

      (2) Be completely resurfaced (mill and overlay) in asphalt with required aesthetic improvements, like adding diamond-shaped landscape islands.

E. Parking Lot Maintenance

1. All persons owning, occupying or having supervision of real property not used for residential purposes (single-family and duplex) in the City shall keep and maintain in good condition and repair any lot or area situated on said property designated or used for the parking or storage of motor vehicles or for the access thereto.

2. The surface of all such parking lots or areas, including the approaches, driveways, drive aisles to such parking, lots or areas, shall be kept and maintained free of grass, weeds and vegetation and free of cracks, holes, or pits which may allow the seepage or accumulation of water.

Figure 4.04.2. Parking Dimensions

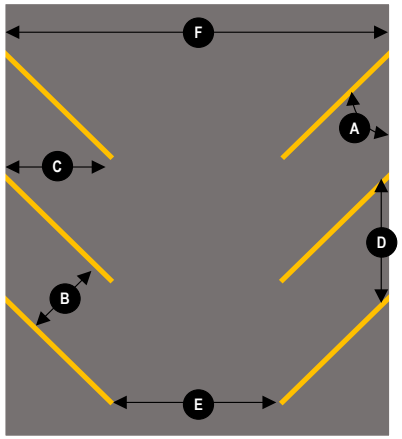


Table 4.04.3. Parking Dimensions

A Angle	B Stall Width	C Stall to Curb	D Stall Curb Width	E Aisle Width (One-Way)	F Total Width (One-Way)	E Aisle Width (Two-Way)	F Total Width (Two-Way)
0°	10'	10'	22'	15'	35'	20'	40'
30°	9'	17.5'	18'	14'	49'	20'	55'
45°	9'	20'	12.5'	16'	56'	20'	60'
60°	9'	20.5'	10.5'	18'	59'	22'	63'
90°	9'	18'	9'	24'	60'	24'	60'

F. Off-Street Stacking Requirements

1. The purpose of stacking spaces is to provide the ability for vehicles to queue on-site prior to receiving a service.
2. Stacking spaces are required in all districts any time a use is constructed or expanded in accordance with **Table 4.04.4**.
3. The number of spaces refers to the queuing line and does not include the space at a stopping point (e.g., drive-up window, inside a car wash or repair bay, or similar location).

G. Driveway Materials

1. Nonresidential driveways shall be constructed with reinforced concrete according to City specifications.
2. Residential driveways on improved streets (curb and gutter) shall be constructed with reinforced concrete, permeable pavers, or porous concrete according to City specifications.
3. Residential driveways on unimproved streets (no curb and gutter) may be surfaced with reinforced concrete, asphalt, permeable pavers, or porous concrete according to City specifications.

H. Special Exceptions for Off-Street Parking Requirements

For redevelopments, the Zoning Board of Adjustment may allow a special exception to reduce minimum parking requirements in accordance with **Section 6.10. Special Exceptions** by up to fifty (50) percent if the size and shape of the lot to be redeveloped on is such that off-street parking provisions could not be complied with, and the proposed redevelopment will not create undue traffic congestion in the adjacent streets.

Table 4.04.4. Number of Required Stacking Spaces

Use	Number of Required Stacking Spaces
Auto Repair and Services, Major	4 spaces per bay
Car Wash	2 spaces in addition to the wash bay
Child Care Facility, Daycare	1 space per 20 students, located in a circular drive configuration
Drive-Thru in conjunction with a Restaurant	4 spaces for the first stopping point, plus 1 space per additional stopping point, and 1 space after the final stopping point
Drive-Thru in conjunction with any other use	2 spaces per stopping point, and 1 space after the final stopping point
Fuel Station, Standalone or Fuel Pumps	1 space per fueling pump
School, Primary or Secondary (Private) or School, Primary or Secondary (Public)	1 space per 10 students, located in a circular drive configuration

Section 4.05. Lighting Requirements

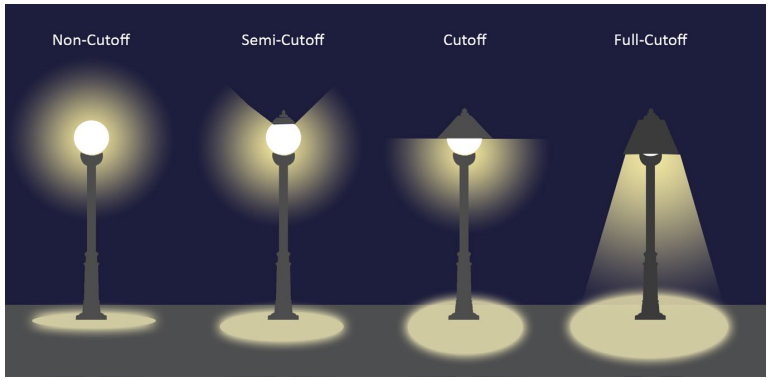
A. Applicability

1. The following requirements shall apply to all new development, redevelopment, or expansions.
2. A change in use or occupancy with no structural modifications shall not trigger compliance.

B. Regulations for All Developments

1. Light sources shall be of a down-light, indirect, diffused, or shield type or so installed and maintained as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets.
2. All lighting fixtures shall be restricted to full cutoff types (see **Figure 4.05.1**) so that no light is emitted above the lowest light emitting part of the fixture.
3. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
4. No intermittent or flashing lights shall be permitted.
5. All lighting shall comply with the City's current Electrical Code and Building Code, which can be located on the City's website.

Figure 4.05.1. Examples of Lighting Fixtures



C. Regulations for Nonresidential, Multi-Family, and Mixed-Use Developments

1. Site, Parking, and Loading Lighting

a. Sufficient Lighting of Parking Areas

(1) Illumination of parking areas shall be sufficient to ensure the visibility of pedestrians and the safe movement of traffic within the site.

(2) All City building parking lots shall be luminated from dusk to dawn.

b. High Intensity Lighting

(1) The allowable maximum intensity measured at the property line of a retail, office, commercial, or multi-family developments use shall be 3.0 foot-candles and 5.0 foot-candles for an industrial use.

(2) When located adjacent to single-family residential development, the intensity shall be no greater than 1.0 foot-candles when measured at the nearest adjacent residential district.

(3) Any external lighting shall be mounted and maintained to avoid illumination of any adjacent residential property.

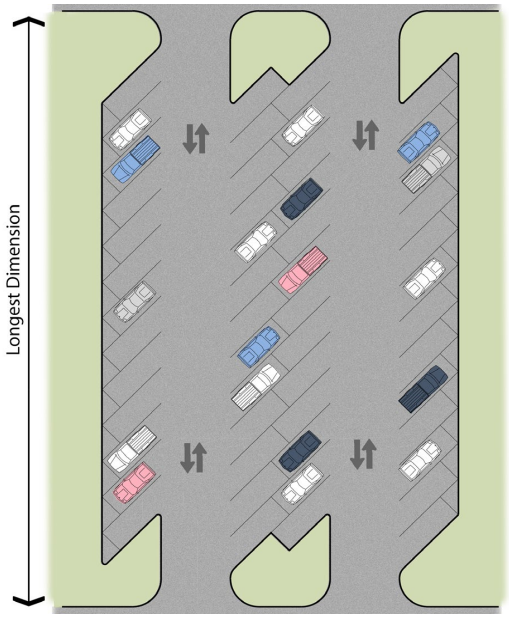
c. Mounting Height within Parking Areas

The mounting height of lighting fixtures shall not exceed the heights specified in **Table 4.05.1**.

Table 4.05.1. Mounting Heights for Lights in Parking Areas

Longest Dimension of Parking Area	Maximum Lighting Unit Mounting Height
0 – 60 Feet	14 Feet
61 – 100 Feet	20 Feet
101 Feet or Greater	30 Feet

Figure 4.05.2. Longest Dimension of Parking Area



d. Accent Lighting

(1) Accent lighting shall not exceed 1.0 foot-candles at the property line.

(2) Lighting shall be shielded to prevent light pollution or glare beyond the element intended for accent illumination.

2. Lighting Plan Required

a. All nonresidential, multi-family, and mixed-use developments shall submit a Lighting Plan with a Site Plan. The Lighting Plan shall show how the proposed development will comply with the regulations within this Section.

b. Lighting Plan shall include, at a minimum, the following information:

(1) The type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, and their respective location on the site;

(2) A description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices (such as catalog cuts by manufactures and drawings); and

(3) Photometric data, such as furnished by manufactures, or similar data showing the angle of cut off or light emissions.

3. Maintenance

a. Piers for light poles taller than eight (8) feet shall be designed by a Professional Engineer competent in structural engineering. Soil condition and wind loading shall be accounted for in the pier design.

b. All fixtures and supports shall be painted or otherwise treated to resist rust and corrosion and shall be maintained in an attractive condition and in a manner consistent with the surrounding architecture.

c. All fixtures and lamps shall be maintained in a working, serviceable condition at all times.

4. Safety and Security Lighting

Lighting shall illuminate pedestrian areas with at least 0.5 foot-candles.

D. Crime Prevention through Environmental Design (CPTED)

The City of Duncanville has a goal of promoting public safety through implementation of principles of crime prevention through environmental design. Every application for a site plan or plot plan for projects in all districts and shall be reviewed by the City Development team and may include one law enforcement officer prior to approval. The applicant must respond to all suggestions and concerns noted by the Development team prior to consideration and approval and only the Planning and Zoning Commission may grant waivers to the recommendations of the team.

The applicant is encouraged to consider the following principles and guidelines in the design of his/her project to assist in the creation and maintenance of developments that decrease the opportunity for crime and increases the perception of safety. The CPTED review shall encompass, but not be limited to the following principles:

1. Provision of Natural Surveillance

   a. The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences and walls, signage and any other physical obstructions.

   b. The placement of persons and/or activities to maximize surveillance possibilities.

   c. Lighting that provides for nighttime illumination of parking lots, walkways, entrances and exits.

2. Provision of Natural Access Control

   a. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.

   b. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

3. Provision of Territorial Enforcement

   The use of pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of property.

4. Maintenance

   The use of low-maintenance landscaping and lighting treatments to facilitate CPTED principles of natural surveillance, natural access control and territorial reinforcement. All exterior lighting fixtures shall be maintained in an operative state and landscaping shall be maintained to present a healthy and orderly appearance and shall be kept free from refuse and debris.

EXIBIT A

Section 4.06. Accessory Building Requirements

A. General Provisions

1. The dimensional regulations in **Table 4.06.1** shall apply to all Accessory Buildings.
    a. Exception: The dimensional regulations in **Table 4.06.1** shall not apply to Accessory Buildings associated with agricultural purposes on residential lots.
2. Accessory Buildings are prohibited within easements.
3. No permit is required for accessory buildings less than one hundred twenty (120) square feet in floor area and less than thirteen (13) feet in height.

B. Requirements for Residential Accessory Buildings

1. Accessory Buildings may only be used as an Accessory Dwelling Unit as permitted by **Section 3.03. Permitted Use Chart**.
2. Accessory Buildings containing livestock (i.e., chickens, hogs, horses, etc.) shall be located at least fifteen (15) feet from any existing dwelling on a neighboring property.

C. Special Exceptions for Accessory Building Requirements

The Zoning Board of Adjustment may allow a special exception from the requirements of this section in accordance with **Section 6.10. Special Exceptions**, based on findings that the placement and size of the proposed Accessory Building is compatible with the surrounding neighborhood and would not be detrimental to the general health, safety, and welfare of the neighborhood.

Table 4.06.1. Accessory Building Requirements

Standard	Residential Lots (Lots zoned/used as residential)			Nonresidential Lots (Lots zoned/used as nonresidential)
	Lots up to 10,000 S.F.	Lots 10,000 S.F. up to 19,999 S.F.	Lots 20,000 S.F. and greater	
Maximum Floor Area of All Accessory Buildings Combined	400 sq. ft.	1,000 sq. ft.	25% of the lot area	30% of the lot area
Maximum Height of Accessory Buildings	16’	16’	Not to exceed the height of the Main Building	Not to exceed the height of the Main Building
Maximum Number of Accessory Buildings	2	3	4 (excluding agricultural barns)	3
Maximum Building Area Coverage	Main Buildings and Accessory Buildings shall not exceed the allowable coverage percentage of the zoning district in which they are located.			
Minimum Front Setback	Behind Façade of the Main Building			
Minimum Side Setback	5’	5’	5’	Same standards as the Main Building
Minimum Rear Setback	5’	5’	5’	Same standards as the Main Building

Section 4.07. Screening and Buffering Requirements

A. Applicability

1. The following requirements shall apply to all new development.

    a. Exception: Modifications or expansions of existing structures by less than ten (10) percent of the floor area shall be exempt from this section.

2. A change in occupancy shall not trigger compliance; however, a change to a more intensive use as determined by the City Planner shall require compliance.

B. Maintenance Required

If at any time after the issuance of a Certificate of Occupancy, the approved screening and/or buffering is found to be in nonconformance to the standards and criteria of this section, the Building Official shall issue notice concurrently to the owner, tenant, and/or agent citing the violation and describing what action is required to comply with this section. The owner, tenant, and/or agent shall have thirty (30) days from date of said notice to restore the screening and/or buffering as required. If the screening and/or buffering is not restored within the allotted time, the owner, tenant, and/or agent shall be in violation of this ordinance.

C. Screening

1. Subdivisions Backing to Major Roadways

A solid masonry screening wall minimum of six (6) feet and maximum of eight (8) feet in height is required when a residential subdivision backs to a street with a Right-of-Way of sixty (60) feet or greater.

Figure 4.07.1. Example of Solid Masonry Wall



2. Loading and Service Areas

a. Loading and service areas shall be located at the side or rear of buildings.

b. Where visible from other properties or the right-of-way, a solid screening wall at least ten (10) feet in height shall be required to screen views of loading docks and loading spaces used for tractor/semi-trailer delivery. This wall must screen the entire loading dock or space from view of other properties and right-of-way.

Figure 4.07.2. Example of Screened Loading Area



3. Waste Container Areas

   a. Garbage, recycling, and other waste containers shall be located as near to the rear or side property line as practicable as determined by the City Planner.

   b. Waste containers shall be screened from view by a solid masonry screening wall on three sides, and fourth side consisting of a metal or wood gate to allow access to the container(s).

   c. Screening walls shall be a minimum of six (6) feet and maximum of eight (8) feet, unless additional height is needed to shield the container(s) from view as determined by the City Planner.

   d. Screening shall be maintained in a good condition.

Figure 4.07.3. Example of Refuse Area Screening



4. Rooftop Equipment

   a. Any rooftop mechanical or utility equipment shall be screened from view by the public or within any right-of-way by a parapet wall.

   b. Such screening must be present on all façades, excluding the rear.

   c. Parapet walls shall be constructed of the same building material as the façades and shall be undistinguishable from the remainder of the façade.

Figure 4.07.4. Example of Unscreened Rooftop



Figure 4.07.5. Example of Screened Rooftop Equipment



5. Ground-Mounted Equipment

   a. Mechanical or utility equipment shall be located out of public view to the extent practicable as determined by the City Planner.

   b. Any equipment visible to the public or from any Right-of-Way shall be screened by either a vegetative screening or a solid screening wall that is tall enough to screen the equipment from view.

Figure 4.07.6. Example of Screened Ground-Mounted Utility Equipment



6. Outside Storage Screening

   a. Outside Storage shall be screened with a minimum six (6) foot screening fence or wall, and shall not be visible from the Right-of-Way or adjacent property.

      (1) Exception: Outside Storage in the I Industrial District be screened with a minimum six (6) foot screening fence or wall; however, the fence or wall may be of an open or transparent design allowing visibility from the Right-of-Way or adjacent property.

   b. Screening may be masonry, metal, vegetative, vinyl, or a combination thereof; however, chain-link fences are prohibited for required screening.

      (1) The City Planner shall be authorized to allow alternative materials that provide an attractive appearance with a long life span.

   c. If Outside Storage is located entirely behind the building and is not visible from the Right-of-Way or adjacent property, then no screening is required.

Figure 4.07.7. Examples of Outside Storage Screening



Note: Open fencing for screening purposes is allowed only in the I Industrial District.

D. Buffering

1. A buffer shall be located along the shared lot line and located on the property of the more intensive use (according to **Table 4.07.1**). The more intensive use shall be responsible for installing and maintaining the buffer.
2. The required landscaping shall be provided within the buffer area adjacent to the more intensive use. Buffer area landscaping is in addition to landscaping requirements established in **Section 4.08**.
3. These regulations shall not apply to any adjacent properties separated by a roadway.
4. Buffer Types

   The following requirements correspond to the designations in **Table 4.07.1**.

   a. Buffer Type A

      (1) Buffer Depth: 25' abutting the shared lot line

      (2) Screening Wall within Buffer: Minimum 6' solid masonry wall.

      (3) Required Landscaping with Buffer:

         (a) Continuous Groundcover

         (b) 1 Shade Tree for every 35' of shared lot line

         (c) 3 Shrubs per 25' of shared lot line

   b. Buffer Type B

      (1) Buffer Depth: 15' abutting the shared lot line

      (2) Screening Wall within Buffer: Minimum 6' solid masonry wall or solid vegetative screen.

      (3) Required Landscaping:

         (a) Continuous Groundcover

         (b) 1 Shade Tree for every 50' of shared lot line, unless a vegetative screen is used

         (c) 3 Shrubs per 40' of shared lot line, unless a vegetative screen is used

   c. Buffer Type C

      (1) Buffer Depth: 10' abutting the shared lot line

      (2) Screening Wall within Buffer: Minimum 6' solid masonry wall or solid vegetative screen

      (3) Required Landscaping within Buffer:

         (a) Continuous Groundcover

         (b) 1 Shade Tree for every 60' of shared lot line

         (c) 1 Shrub per 50' of shared lot line

5. Alternative Compliance

   A request for Alternative Compliance may be submitted and acted upon in accordance with **Section 6.07. Alternative Compliance**. Approval may be granted for alternative material for fencing, screening, and buffering, based upon a finding that the proposed alternative is, at a minimum, equivalent to and meets the spirit and intent of this section.

Table 4.07.1. Required Buffer Type by Adjoining Use or Zoning

More Intensive ↓

	Residential Use or Zoning (except Multi-Family)	Multi-Family or Mixed-Use Land Use or Zoning	Nonresidential Use or Zoning (except Industrial)	Industrial Use or Zoning
Residential Use or Zoning (except Multi-Family)	-	Type C	Type B	Type A
Multi-Family or Mixed-Use Land Use or Zoning	Type C	-	Type C	Type B
Nonresidential Use or Zoning (except Industrial)	Type B	Type C	-	Type C
Industrial Use or Zoning	Type A	Type B	Type C	-

Section 4.08. Landscape Requirements

A. Applicability

1. The following requirements shall apply to all new development or expansions of existing structure by less than ten (10) percent of the floor area.
2. A change in use or occupancy with no structural modifications shall not trigger compliance.

B. Maintenance Required

If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the Building Official shall issue notice concurrently to the owner, tenant, and/or agent citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, the owner, tenant, and/or agent shall be in violation of this ordinance.

C. Requirements for Single-Family, Duplex, and Townhome Development

At least two (2) Shade Trees or three (3) Ornamental Trees shall be provided in front of the front building line of each lot.

D. Requirements for All Other Development

The following requirements shall apply to all developments except single-family, duplex, and townhome development.

1. Landscape Plan
   a. A Landscape Plan is required for all developments except single-family, duplex, and townhome development.
   b. The City Planner shall establish and maintain a list of the required documents and elements for a Landscape Plan.
   c. A Landscape Plan shall be prepared by a Landscape Architect and submitted for review.
   d. Irrigation drawings shall be prepared by a licensed Irrigator."
   e. The Landscape Plan shall include a description of the maintenance provisions for the landscaping (e.g., “the owner shall be responsible for the maintenance, establishment, and performance of plant materials, etc.”).
   f. The Landscape Plan shall include the following statement:

      This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the irrigation plan and is properly adjusted for the most efficient application of water at this time.

2. Required Landscaped Areas on a Lot
   a. A minimum of twenty (20) percent of the lot area shall be landscaped.
   b. Any area of a lot not used for buildings or site improvements shall be landscaped.
   c. One (1) Shade Tree or two (2) Ornamental Trees shall be provided per four hundred (400) square feet of required landscaped area.
   d. One (1) Shrub shall be provided per twenty-five (25) square feet of required landscaped area.
3. Required Landscaped Areas within Parking Lots
   a. Landscaped areas within parking lots shall be provided in addition to the requirements in **2. Required Landscaped Areas on a Lot** above.
   b. Landscaped areas within parking lots shall be at least nine (9) feet wide and one hundred fifty (150) square feet in area.
   c. At least twenty-five (25) square feet of landscaped area shall be provided per parking space.
   d. There shall be a minimum of one (1) Shade Tree or two (2) Ornamental Trees planted in the parking area for every fifteen (15) parking spaces.
   e. There shall be a landscaped area with at least one (1) Shade Tree or two (2) Ornamental Trees within sixty (60) feet of every parking space.
   f. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one (1) Ornamental Tree.
4. Required Landscape Buffer
   a. A minimum 15-foot landscape buffer adjacent to the right-of-way of any existing or proposed major thoroughfare street is required.
      (1) Corner lots fronting two major thoroughfares shall be required to observe the 15-foot buffer on both street frontages.

b. All other street frontages shall observe a minimum 10-foot landscape buffer.

c. One (1) Shade Tree per forty (40) linear feet or portion thereof of street frontage shall be required.

d. In areas where overhead utilities are present, substitute trees (a minimum one inch) in caliper and a minimum 5 feet tall) shall be planted per the Approved Plant List.

5. Continuous Shrub Buffer

When parking lots abut any public right-of-way, a continuous Shrub buffer shall be provided.

Figure 4.08.1. Continuous Shrub Buffer



6. Concrete Curb

All landscaped areas shall be protected by a raised six (6) inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas (see **Figure 4.08.2**).

Figure 4.08.2. Concrete Curb with Drainage Opening



7. Irrigation Requirements

a. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems. Areas totaling less than ten (10) square feet may be irrigated by other methods.

b. Freeze cut-off monitors shall be provided.

8. Planting Requirements

a. See Chapter 12 of the City's Code of Ordinances, Article XVII Tree Preservation for information on credit for existing landscaping and required Tree Removal Permits.

b. All required plantings shall be selected from the City's Approved Plant List. Native and drought tolerant species are preferred.

c. Complete coverage of required landscaped areas shall be provided with Shrubs, Groundcover, and/or Ornamental Grass with a Rock Landscape Base or a Mulch Base.

9. Alternative Compliance for Landscaping

A request for the following may be submitted and acted upon in accordance with **Section 6.07. Alternative Compliance**. Approval may be granted for modified landscape requirements if the following is met.

a. The following standards are met:

(1) The proposed landscape requirements represent a superior result than that which could be achieved by strictly following the requirements of this section;

(2) The proposed landscape design complies with the stated purpose of this section; and

(3) Landscape elements and yard area requirements are provided elsewhere on the site.

b. The proposed landscape design:

(1) Incorporates the retention of significant trees and naturally occurring undergrowth; or

(2) Incorporates more native plantings and/or a more sustainable design; or

(3) Better accommodates or improves the existing physical conditions of the subject property.

Section 4.09. Residential Proximity Slope

A. Purpose

The Residential Proximity Slope defines the required separation distance between a property that is zoned as residential from adjacent nonresidential property/structures.

B. Applicability

This section shall apply to all new development or building enlargements in the following zoning districts:

1. C Commercial District, and
2. I Industrial District.

C. General Provisions

The Residential Proximity Slope is a plane projected upward and outward from every Site of Origination as shown **Figure 4.09.1** and **Figure 4.09.2**. When referring to residential proximity envelopes, all slopes in this ordinance are stated as vertical rise to horizontal run. Specifically, the envelope is projected from the point formed by the intersection of:

1. The vertical plane extending through the boundary line (common property line) or Right-of-Way line of the Site of Origination; and
2. The finished floor elevation at grade level of the Restricted Building or Structure, or
3. From natural grade of the Restricted Building or Structure prior to fill, in situations where property is filled.

D. Angle and Extent of Projection

The angle of projection of the Residential Proximity Slope depends on the zoning category of the Site of Origination as specified in **Table 4.09.1**.

E. Calculation of Height Restrictions

The horizontal distances used to calculate the height restrictions imposed by the Residential Proximity Slope may be determined by using the lot, block, and Right-of-Way dimensions as shown on the official plat or zoning maps of the City, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the Director of Public Works.

F. Residential Adjacency

1. Residential adjacency exists if a building site is adjacent to a Residential Zoning Districts or residential use or is directly across a street or alley from one or more of these uses or districts.
2. Height requirements shall apply to all structures, excluding wireless telecommunication towers and Antennas, or amateur communication towers/Antennas which are addressed in **Section 4.12. Wireless Telecommunication Regulations**, or to parking lot lighting.

G. Maximum Building Height

1. Special Height Provisions
   a. Height is measured as the maximum vertical distance from the finished floor elevation at final grade at the lowest point of the structure to the top of the structure;
   b. Structures shall be erected to any height in compliance with the Federal Aviation Administration air space limitations, Airport Flight Overlay District regulations, residential proximity slope height restrictions, and the building code.
      (1) Exceptions: Local utility transmission and distribution lines and supporting structures are exempt from residential proximity slope height restrictions.
   c. The following structures may project a maximum of twelve (12) feet above the maximum structure height specified in the district regulations where residential proximity slopes are required:
      (1) Elevator penthouse or bulkhead
      (2) Mechanical equipment room
      (3) Cooling tower
      (4) Tank designed to hold liquids
      (5) Ornamental cupola or dome
      (6) Skylights
      (7) Clerestory
      (8) Visual screens which surround roof mounted mechanical equipment
      (9) Chimney and vent stacks
      (10) Parapet wall, limited to a height of four (4) feet
   d. Church steeples are exempt from the maximum height provisions.

Table 4.09.1. Angle and Extent of Projection

Site of Origination Zoning District	Maximum Height Slope
Residential District, except for Multi-Family Developments	Slope of 1 : 3 measured from the residential property line
Multi-Family Developments	Slope of 1 : 2 measured from the residential property line

Figure 4.09.1. Single Family/Duplex as Site of Origination

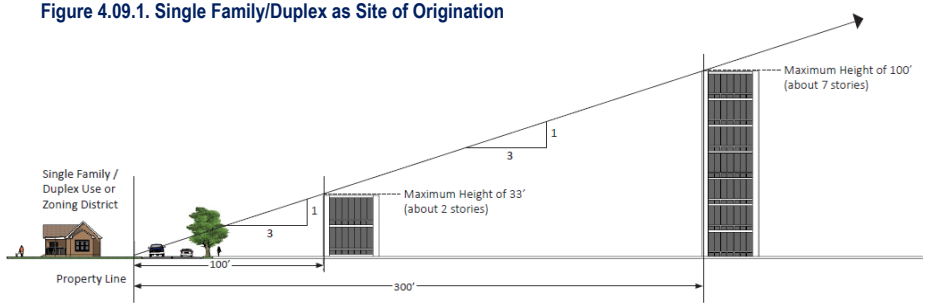
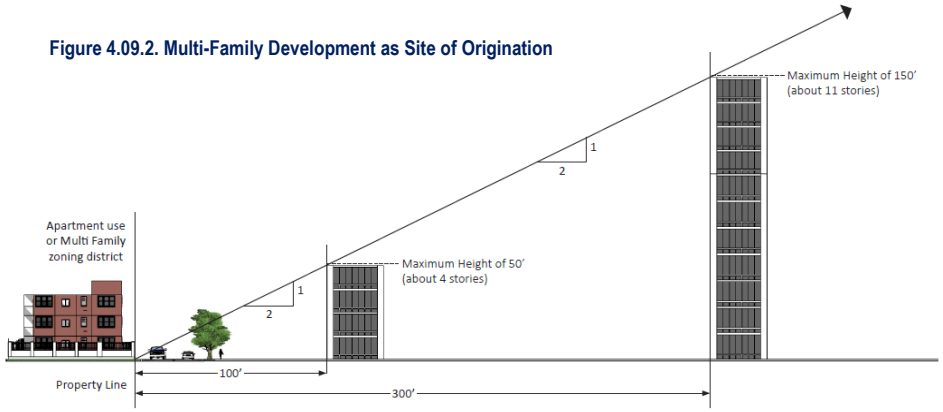


Figure 4.09.2. Multi-Family Development as Site of Origination



Section 4.10. Intersection Visibility Triangle

A. Applicability

The following requirements shall apply to all new development or proposed expansions into the Intersection Visibility Triangle.

B. Prohibited Obstructions

Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the Intersection Visibility Triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.

C. Intersection Visibility Triangle Requirements

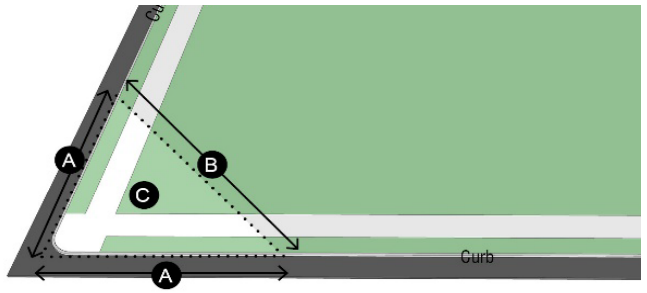
1. Curbed Major Thoroughfares Intersecting at Right Angles

   At intersections where major thoroughfares intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection forty-five (45) feet along the curb and connecting these points with an imaginary line, thereby making a triangle.

2. Other Curbed Streets Intersecting at Right Angles

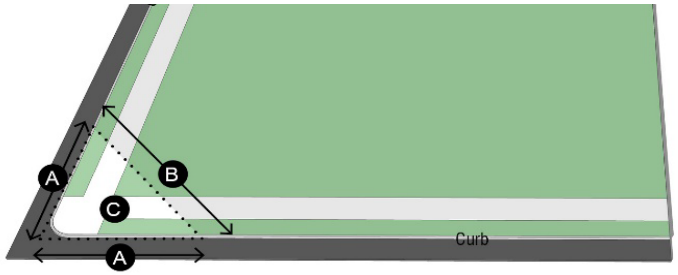
   At all intersections where other streets intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection thirty (30) feet along the curb and connecting these points with an imaginary line, thereby making a triangle.

Figure 4.10.1. 45 feet from Curb Intersection Point



A 45 feet from curb intersection point
B Intersection visibility line
C Intersection visibility triangle

Figure 4.10.2. 30 feet from Curb Intersection Point



A 30 feet from curb intersection point
B Intersection visibility line
C Intersection visibility triangle

3. Uncurbed Streets Intersecting at Right Angles

   If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on major thoroughfares and ten (10) feet on other streets or thoroughfares, and connecting these points with an imaginary line, thereby making a triangle.

4. Streets that Do Not Intersect at Right Angles

   At intersections where streets do not intersect at or near right angles, the Director of Public Works shall have the authority to increase the minimum sight distances required above as he/she deems necessary to provide safety for both vehicular and pedestrian traffic.

5. Abatements

   a. The Director of Public Works shall have the authority to determine whether any such fence, wall, screen, hedge, tree, bush, shrub, billboard, sign or structure, as erected, planted, placed or maintained, constitutes a public hazard or public nuisance in violation of the provisions of this Section.

   b. Upon determination, the Director of Public Works shall cause to be issued written notice to the owner or lessee of the property demanding that said owner or lessee abate said hazard or nuisance within ten (10) business days of the date said notice is mailed. If said hazard or nuisance is not abated within ten (10) days of the date said notice is mailed, the City may abate the hazard or nuisance, and charge the owner or lessee of the property reasonable charges for labor.

   c. The City may abate the hazard or nuisance upon the written request of the owner or lessee of the property and upon payment of reasonable charges for labor.

6. Exceptions

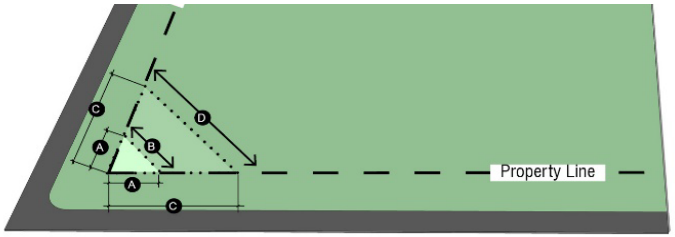
   The provisions of this section shall not apply to, or otherwise interfere with the following:

   a. Placement and maintenance of traffic-control devices under governmental authority and control and public utilities.

   b. Existing and future screening requirements imposed by the City Council.

   c. Existing and future City, state and federal regulations.

Figure 4.10.3. 10 feet/25 feet from Property Line Intersection



- A 10 feet from curb intersection point
- B Intersection visibility line for non-major thoroughfare streets
- C 25 feet from property line intersection point
- D Intersection visibility line for major thoroughfares

EXIBIT A

Section 4.11. DD, Downtown Duncanville District Requirements

A. Downtown Duncanville Master Plan

The Downtown Duncanville Master Plan establishes the community vision for the redevelopment of City's downtown into a vibrant center of community life. The Master Plan builds on "Our Visions", Main Street Duncanville established 2003. The Master Plan is illustrative but provides guidance for the character and standards for the redevelopment of the Downtown Duncanville District.

B. Applicability and Location

The DD, Downtown Duncanville District shall be mandatory for all properties along with frontage along Main Street from I-20 frontage road to Wheatland Road and other properties as depicted in the Regulating Plan as outlined in **Figure 4.11.1**.

C. DD District Major Elements

The DD, Downtown Duncanville District is composed of following major elements:

1. Regulating Plan

   The regulating plan (**Figure 4.11.1**) identifies the frontage types and associated standards for all lots within the district.

2. Frontage Types

   The frontage type establishes the building standards including height, bulk, building and parking location, and functional design for all lots within the DD, Downtown Duncanville District. All lots within the Downtown Duncanville Master Plan area are classified into one of the following frontage types:

   a. Core Main Street (CMS)

   b. Urban Living (UL)

   c. General Main Street (GMS)

3. Building Height

   The building height requirements establish the vertical form of all buildings within the DD, Downtown Duncanville District, including the following elements:

   a. Height of principal buildings,

   b. Height of any structured parking,

   c. Height of a principal building's ground floor from the sidewalk, and

   d. Height of buildings adjacent to single-family neighborhoods.

4. Site Design

   The site design requirements establish the layout of all sites within the DD, Downtown Duncanville District, including the following elements:

   a. Build-To Zone to define the location of the front façade,

   b. Maximum lot coverage,

   c. Required side and rear setbacks, and

   d. Amount and placement of parking.

5. Building Design

   The building design requirements establish the architectural design of all buildings within the DD, Downtown Duncanville District, including the following elements:

   a. Placement of doors and windows,

   b. Building projections,

   c. Arcade and colonnades located in the Build-To Zone, and

   d. Height and projections of stoops and porches.

D. Architectural Standards

See **K. Architectural Standards** for standards for commercial, mixed use, live/work, and residential buildings.

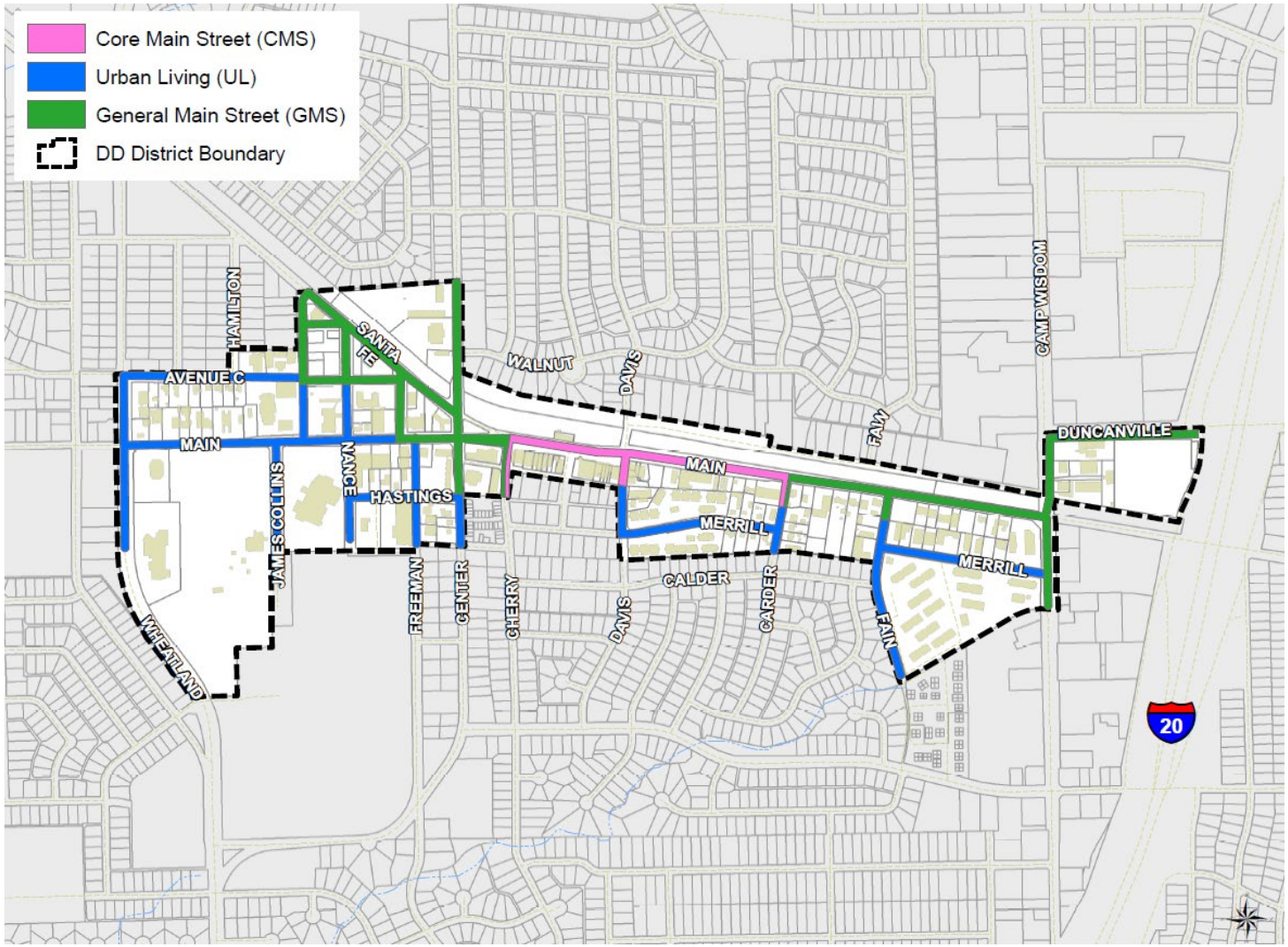
E. Development Standards

Development standards not addressed this **Section 4.11** shall be governed by **Article 4. Development Standards** to the extent they are not in conflict with the intent of the DD, Downtown Duncanville District.

F. Land Uses

See **Section 3.03. Permitted Use Chart** for permitted land uses by frontage type.

Figure 4.11.1. DD District Regulating Plan



G. Standards by Street Frontage Type

1. Core Main Street (CMS)

Building Height			
Principal Building Height	**Structured Parking Height**	**Ground Floor Height**	**Neighborhood Transition Zone**
1 to 4 stories Mezzanines and attics are excluded from the height calculations as long as they do not exceed 50% of the floor area of a typical floor in the same building	Not to exceed principal building height if principal structure is 2 floors or less May be a maximum of 4 stories if principal building is at least 3 stories	Ground floor from sidewalk: 18" max First story height: 15' min Upper story height: 10' min	Within 25' of any single-family residence, no structures shall exceed 3 stories
Site Design			
Build-To Zone	**Lot Coverage**	**Side and Rear Setbacks**	**Parking**
Location: 10' to 15' zone measured from the future edge of pavement Frontage: At least 75% of the building front façade shall be located within the Build-To Zone Corner Lots: The front 35' of the side façade shall be located within the Build-To Zone	100% maximum	None, unless abutting a single-family residential lot in which case, the side and/or rear setback shall be a minimum of 10' from the shared lot line.	No off-street parking required. Surface parking: 40' setback from the nearest edge of the Build-To Zone Access to surface parking shall generally be from alleys unless no alley access is available in which case driveways shall be consolidated between adjoining lots to the extent possible Parking garages shall be lined along Main Street with active uses at least on the ground floor
Building Design			
Doors and Windows	**Building Projections**	**Arcades and Colonnades**	**Stoops and Porches**
For buildings adjacent to Main Street, the primary entrance shall front Main Street. There shall be no blank walls more than 25' in width along any public street façade (except alleys) of any building. Ground floor shall be 60% to 90% doors and/or windows. Upper floors shall be 40% to 70% doors and/or windows (measured between 3' to 9' above each finished floor). Windows on facades directly facing towards a lot line shared by any single family residential lot and less than 10 feet from the lot line shall have sills higher than 6' on the ground floor unless a privacy fence or wall of at least 6' in height is constructed to obscure any direct views into adjacent properties.	Building projections and appurtenances may project a maximum of 6' over any sidewalk or public right-of-way along Main Street provided they meet the standards established in this section. Building projections on all other facades shall not be closer than 5' to any adjacent property line.	Arcades and colonnades are permitted within the build-to zone and shall not encroach into any sidewalk area. The arcade/colonnade area shall be designated with a public access easement. They shall be no deeper than 15' from the edge of the required sidewalk. Columns or piers shall be spaced between 12' and 15'. The minimum interior clearance height within an arcade or colonnade shall be 14' and the height of the arcade/colonnade opening shall be between 11' and 13'.	N/A

Figure 4.11.2. CMS Height Standards

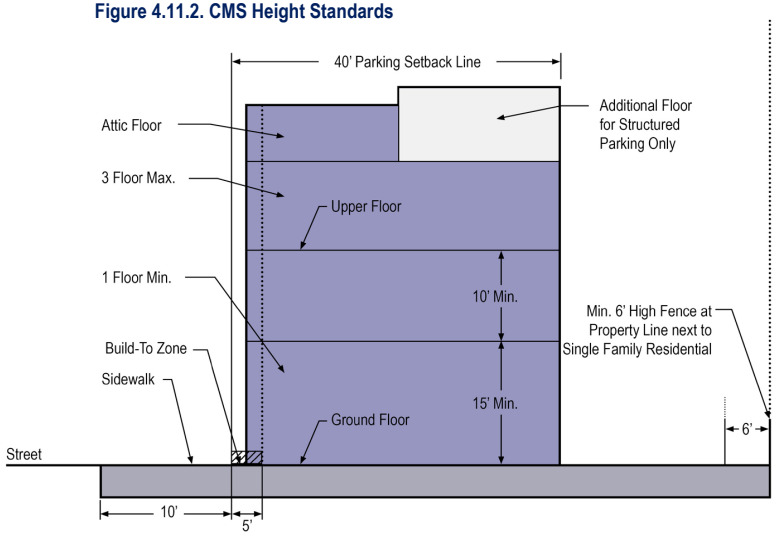


Figure 4.11.3. CMS Building Disposition

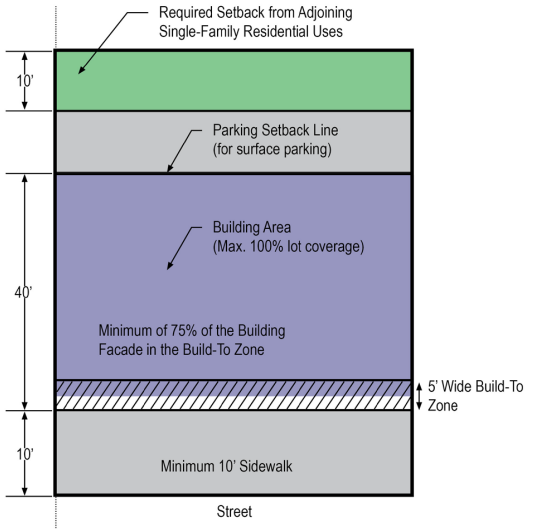
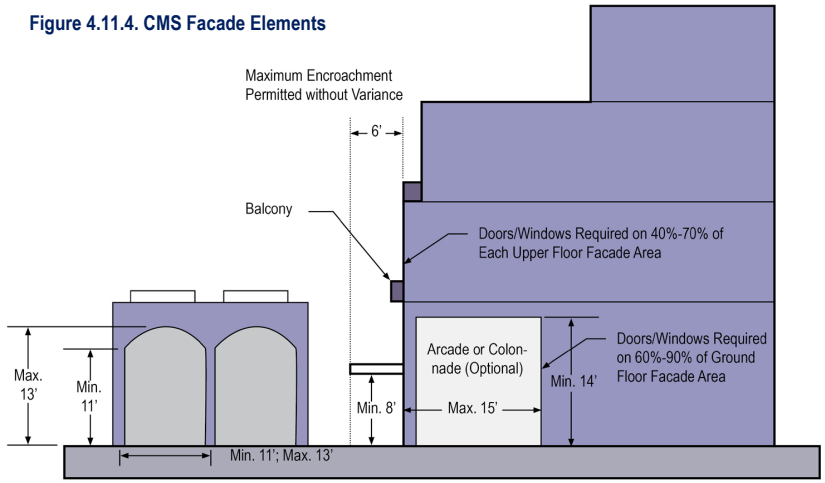


Figure 4.11.4. CMS Facade Elements



EXIBIT A

2. Urban Living (UL)

Building Height			
Principal Building Height	**Structured Parking Height**	**Ground Floor Height**	**Neighborhood Transition Zone**
1 to 4 stories	Not to exceed principal building height if principal structure is 2 floors or less May be a maximum of 6 stories if principal building is at least 3 stories	Ground floor from sidewalk for commercial and live/work buildings: 18" max Ground floor from sidewalk for residential buildings: 18" min First story height for commercial and live/work buildings: 15' min First story height for residential buildings: 10' min Upper story height for residential buildings: 9'	Within 25' of any single-family residence, no structures shall exceed 3 stories
Site Design			
Build-To Zone	**Lot Coverage**	**Side and Rear Setbacks**	**Parking**
Location for interior lots: 22' to 32' zone to allow for a sidewalk width of 6', a tree planting zone of 6', and a minimum front setback of 5' Location for corner lots: 15' to 25' zone to allow for a sidewalk width of 9' and a tree planting zone of 6' Frontage: At least 60% of the building façade shall be located within the Build-To Zone Corner Lots: The front 25' of the side façade shall be located within the Build-To Zone	90% maximum	None, unless abutting a single-family residential lot in which case, the side and/or rear setback shall be a minimum of 10' from the shared lot line.	The minimum off-street parking requirement shall be fifty (50) percent of the ratio required by **Section 3.03. Permitted Use Chart**. Surface parking for interior lots: 15' setback from the nearest edge of the Build-To Zone Surface parking for corner lots: 40' setback from the nearest edge of the Build-To Zone Access to surface parking shall generally be from alleys unless no Alley access is available in which case driveways shall be consolidated between adjoining lots to the extent possible Parking garages shall be lined along public streets (except alleys) with active uses at least on the ground floor
Building Design			
Doors and Windows	**Building Projections**	**Arcades and Colonnades**	**Stoops and Porches**
Primary entrance shall front a public street. There shall be no continuous blank walls exceeding 20 linear feet along any public street façade (except alleys) of any building. Ground floor shall be 30% to 70% doors and/or windows. Upper floors shall be 30% to 70% doors and/or windows (measured between 3' to 9' above each finished floor). Windows on facades directly facing towards a lot line shared by any single family residential lot and less than 10 feet from the lot line shall have sills higher than 6' on the ground floor unless a privacy fence or wall of at least 6' in height is constructed to obscure any direct views into adjacent properties.	Building projections and appurtenances may project a maximum of 6' for commercial buildings provided they meet the standards provided in this section. Building projections and appurtenances may project a maximum of 18" for residential buildings provided they meet the standards provided in this section. Building projections on all other facades shall not be closer than 5' to any adjacent property line.	N/A	Stoops and porches are encouraged in the build-to zone and are permitted to encroach a maximum of 5' into the required front setback. Stoops and porches providing access to residential uses on the ground floor shall be a minimum of 18" higher than the finished elevation of the sidewalk.

Figure 4.11.5. UL Height Standards

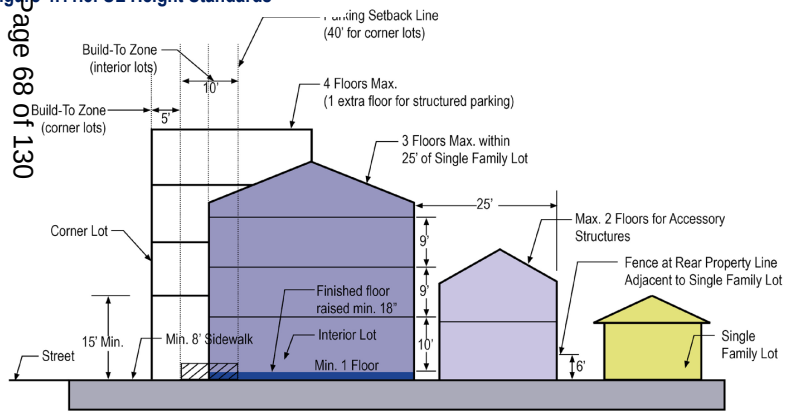


Figure 4.11.6. UL Building Disposition

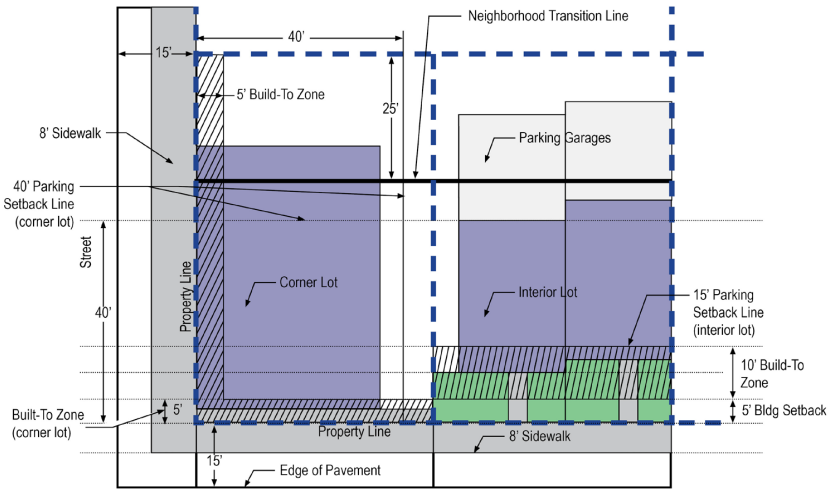
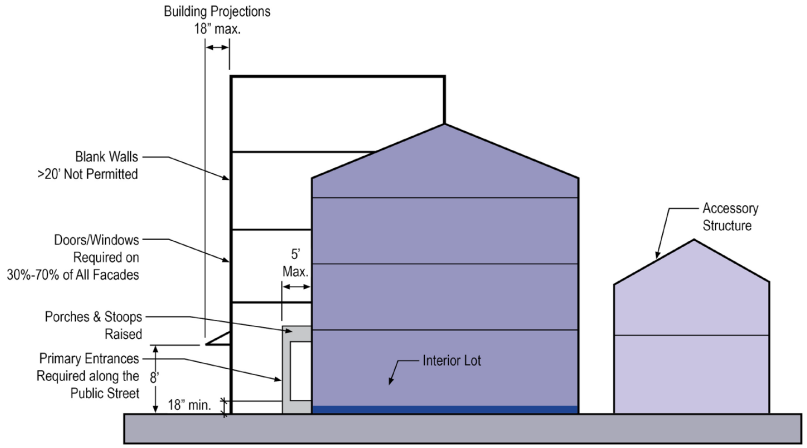


Figure 4.11.7. UL Facade Elements



EXIBIT A

3. General Main Street (GMS)

Building Height			
Principal Building Height	**Structured Parking Height**	**Ground Floor Height**	**Neighborhood Transition Zone**
1 to 6 stories	Not to exceed principal building height if principal structure is 2 floors or less May be a maximum of 7 stories if principal building is at least 3 stories	Ground floor from sidewalk: 18" max First story height: 15' min Upper story height: 10' min	N/A
Site Design			
Build-To Zone	**Lot Coverage**	**Side and Rear Setbacks**	**Parking**
Location: 15' min to allow for a sidewalk width of 6' and a tree planting zone of 6' Frontage: At least 40% of the building façade shall be located within the Build-To Zone The front 60' of the side façade shall be located within the Build-To Zone	90% maximum	None, unless abutting a single-family residential lot in which case, the side and/or rear setback shall be a minimum of 10' from the shared lot line.	The minimum off-street parking requirement shall be fifty (50) percent of the ratio required by **Section 3.03. Permitted Use Chart**. Surface parking: 15' minimum setback from the nearest edge of the Build-To Zone Surface parking may be located between the major roadway and the building but shall be limited to one double loaded parking aisle along each roadway frontage
Building Design			
Doors and Windows	**Building Projections**	**Arcades and Colonnades**	**Stoops and Porches**
Primary entrance shall be on the Major Roadway façade unless the building has another roadway frontage. There shall be no continuous blank walls exceeding 50 feet in width along any Major Roadway street façade (except alleys) of any building. Ground floor shall be 25% to 40% doors and/or windows. Upper floors shall be 25% to 50% doors and/or windows (measured between 3' to 9' above each finished floor). Windows on facades directly facing towards a lot line shared by any single family residential lot and less than 10 feet from the lot line shall have sills higher than 6' on the ground floor unless a privacy fence or wall of at least 6' in height is constructed to obscure any direct views into adjacent properties.	Building projections and appurtenances may project a maximum of 18" over any sidewalk or public right-of-way. A clear distance of 8' shall be maintained between the projection and the finished elevation of the sidewalk. Building projections on all other facades shall not be closer than 5' to any adjacent property line.	Arcades and colonnades are permitted within the Build-To Zone and shall not encroach into any sidewalk area. The arcade/colonnade area shall be designated with a public access easement. They shall be no deeper than 15' from the edge of the required sidewalk. Columns or piers shall be spaced between 12' and 15'. The minimum interior clearance height within an arcade or colonnade shall be 14' and the height of the arcade/colonnade opening shall be between 11' and 13'.	Stoops and porches are encouraged in the Build-To Zone and are permitted to encroach a maximum of 5' into the required front setback. Stoops and porches providing access to residential uses on the ground floor shall be a minimum of 18" higher than the finished elevation of the sidewalk.

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Figure 4.11.8. GMS Height Standards

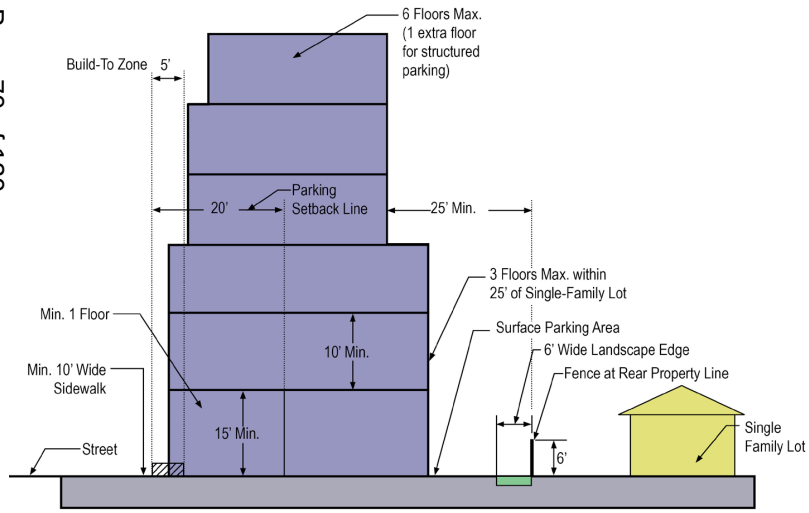


Figure 4.119. GMS Facade Elements

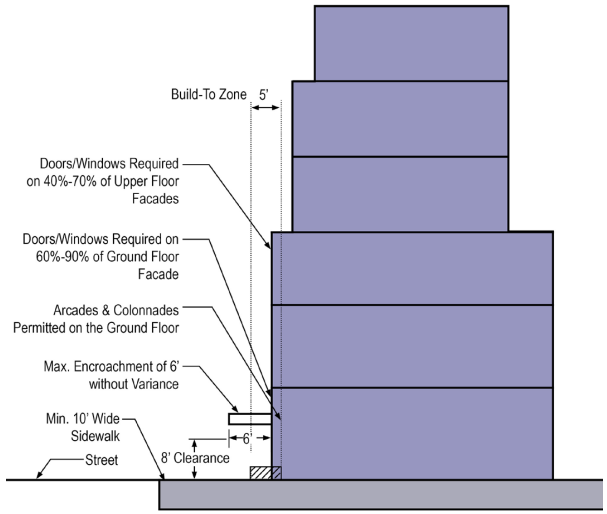
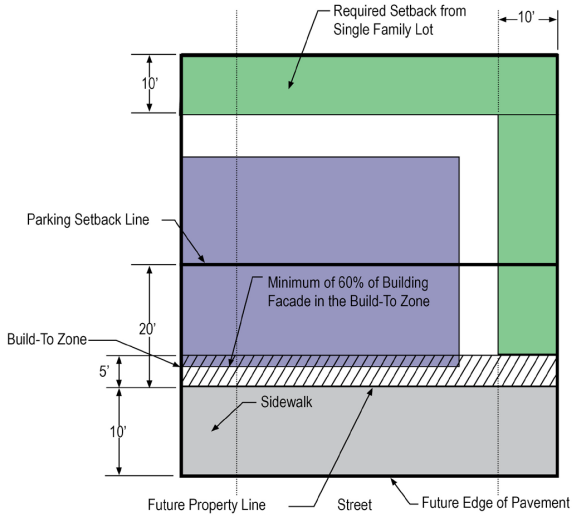


Figure 4.11.10. GMS Building Disposition



H. Boundary Determination

Due to the public improvements planned for Main Street including the realignment of travel lanes, addition of the slip-street and on-street parking, the future Right-of-Way lines and corresponding property lines are subject to change based on the approved streetscape plan. The future edge of pavement as shown the adopted Downtown Master Plan shall be the basis for establishing the build-to zones, lines and parking setback lines along Main Street and any other street in the DD, Downtown Duncanville District that requires public street improvements. If the existing street does not require any public improvements, the build-to zone, line and parking setback lines shall all be measured from the property/Right-of-Way line along that street frontage. The City Manager may revise the build-to zones and parking setbacks to accommodate required streetscape improvements based upon a City Council approved Streetscape Plan and survey.

I. Pedestrian Orientation

In order to facilitate walkability and livability, Main Street and intersecting streets within the DD, Downtown Duncanville District shall provide accessible sidewalks with street trees. Cross-sections as delineated on the Main Street Regulating Plan, incorporated herein by reference, are established to facilitate guidance for an integrated set of transportation choices—driving, walking and cycling, as well as to form public places bounded by building facades creating a sense of "outdoor rooms" or enclosure along the street or within building courtyards opening to the street.

J. Public Improvements

Public improvements within the Right-of-Way necessary to facilitate walkability, as delineated on the Downtown Duncanville Master Plan and Regulating Plan, shall be designed and constructed by the City or other public entities when funding becomes available; accordingly, new design and construction of private buildings and improvements within the district shall conform to and be complementary with those public improvements.

K. Architectural Standards

1. Commercial and Mixed-Use Buildings

a. An expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof. For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.

b. The visual and acoustic impacts of all mechanical, electrical, and communications equipment (ground and roof-mounted) shall not be visible from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and similar in design and color to the building materials of the principal structures on the lot.

c. Mansard roofs are prohibited. Flat roofs without parapets on all sides are prohibited.

d. Roofs shall be constructed of a process and of materials that shall have a minimum installation and manufacturer's warranty of at least twenty (20) years.

e. Ground floor retail building plate heights shall be at least fifteen (15) feet in height.

f. Windows shall be oriented vertically.

g. Columns and piers shall be spaced no farther apart than the height of the column or pier.

h. Transparency

Each floor of any building facade facing a park, plaza or street shall contain transparent windows. The specific standards for transparency are established under the Frontage standards for all sites within the DD, Downtown Duncanville District.

i. Permitted Finishes for Commercial or Mixed-Use Buildings

At least eighty (80) percent of the exterior facades of all new buildings (excluding area included in doors and windows) fronting on any public street (with the exception of alleys) and fifty (50) percent of all non-public street fronting (including alleys) facades shall be finished in one or more of the following materials:

(1) Brick, stone, cast stone, rock, marble, granite, non-synthetic stucco applied using a three-step process, glass block and/or tile.

(2) Fiber cement siding with at least a thirty (30) year warranty.

(3) Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least twenty-five (25) percent of each facade.

(4) Fascia and soffit shall be constructed with a fiber cement material with a thirty (30) year warranty. Hardboard and pressboard shall not be permitted.

j. EIFS (Exterior Insulating Finishing System) or synthetic stucco shall only be permitted as an accent material and shall be less than twenty (20) percent of any given facade and shall be permitted only on the portions of the building facades higher than eight (8) feet from the finished ground level.

k. The exterior walls of buildings may be lit with wall washer type lights, natural gas lamps, or low wattage decorative electric lamps.

l. Building Encroachments:

Table 4.11.1 shall establish the standards for encroachments into the public Right-of-Way.

Figure 4.11.11. Architectural Elements

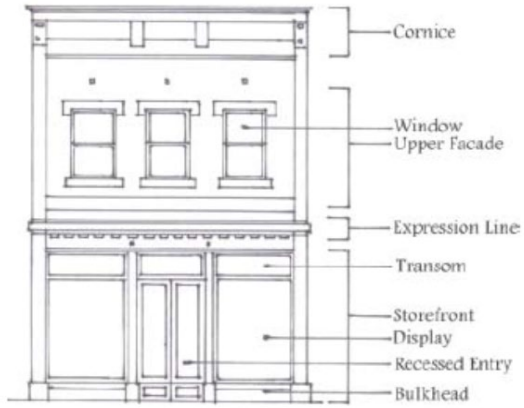


Table 4.11.1. Building Encroachment Standards

Item	Maximum Encroachment Allowed	Criteria to be Met
Awnings, stoops, first floor roof overhangs and canopies	6' from the front property line	• Minimum 10-foot wide sidewalk required (including planting well or strip) • Minimum of 8' of vertical clearance from the finished sidewalk • Shall all be cantilevered with no support structure on the sidewalk
Balconies and upper floor roof overhangs	6' from the front property line	• Minimum 10-foot wide sidewalk required (including planting well or strip) • Minimum of 23' of vertical clearance from the finished sidewalk • Shall not interfere with any existing or future mature street tree canopy • Shall not interfere with any overhead utility lines • Shall not overhang on to any travel lanes
Awnings, stoops, roof overhangs, canopies, and balconies	Greater than permitted by right	• Shall require a Special Exception by the Board of Adjustments and shall meet the following standards • Minimum 10-foot wide sidewalk required (including planting well or strip) • Minimum of 8' of vertical clearance from the finished sidewalk • Shall not interfere with any existing or proposed street tree planting scheme • Shall not interfere with any overhead utility lines • Shall not overhang on to any travel lanes

Table 4.11.2. Permitted Sign Types

Sign Type	CMS	UL	MR	
Wall Signs	P	P	P	• For all commercial uses fronting on I-20 access road: One sign per tenant space; area to be calculated at 0.75 sq. ft. per linear foot of highway frontage with a maximum of 200 sq. ft. • For all other commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1 sq. ft. per linear foot of public street frontage with a maximum of 50 sq. ft. • Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 0.75 sq. ft. per linear foot of second floor frontage along that public street. • Live-Work and Home occupations: One sign limited to an area of 12 sq. ft. max. • May encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 7' from the finished sidewalk. • Wall signs may be internally or externally lit.
Monument Signs	NP	NP	P	• One monument sign per lot per street frontage (no more than 2 per lot separated by at least 300 feet) limited to a maximum of 50 sq. ft. per sign face and 6' in height.
Window Signs	P	P	P	• Limited to 10% of the window area • The following shall be exempt from this limitation: • Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs. • Mannequins and storefront displays of merchandise sold. • Interior directory signage identifying shopping aisles and merchandise display areas
Blade Signs	P	P	NP	• Shall be permitted for all commercial uses only (retail, restaurant, and office) • 10 sq. ft. maximum per sign face. • May encroach a maximum of 2' on to a sidewalk. • Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of 7' from the finished sidewalk.
For Sale/For Lease Signs	P	P	P	• Same as Sign Ordinance
Address Signs	P	P	P	• Same as Sign Ordinance
Temporary Construction Signs	P	P	P	• 1 free standing sign per lot during construction only; limited to 32 sq. ft.
Banners	P	P	P	• Same as Sign Ordinance
Sandwich Board Signs	P	P	NP	• Permitted only for retail, service, or restaurant uses • Limited to 8 sq. ft. per storefront; • Sign may not exceed 2 feet in width or 4 feet in height. • A minimum of 4 feet of sidewalk shall remain clear. • Chalkboards may be used for daily changing of messages. Readerboards (electronic and non-electronic) shall be prohibited. • Sign shall be removed every day after the business is closed.
Light Pole Banners	P	P	P	• 10 sq. ft. per sign face. • Limited to one per light pole • All light pole banners shall be approved by the appropriate utility company prior to consideration by Sign Control Board. • Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.
Directory Signs	P	P	P	• Shall be allowed for all multi-tenant buildings only • One directory sign per multi-tenant building limited to 10 sq. ft. in area • Design of the sign shall be integral to the façade on which the sign is to be affixed.
Any sign with LED lights or electronic reader boards	NP	NP	NP	• New signs with LED lights and electronic reader boards shall be prohibited in the Downtown Duncanville District.

M. Application and Review Requirements

1. The Development Review Committee shall be responsible for the following:

   a. Reviewing applications for concept plans, site plans, and any other development related applications within the DD, Downtown Duncanville District.

   b. Make determinations on the applications and interpretations of guidelines, standards, and requirements of this ordinance.

   c. Approval of site plans within the DD, Downtown Duncanville District that comply with all applicable city ordinances.

2. Site Plan

   All nonresidential, mixed-use, multi-family, and townhome development within the DD, Downtown Duncanville District shall comply with the requirements under **Section 6.04. Site Plans**.

3. Special Uses, Special Events, and Specific Use Permits Special Uses, Special Events, and Specific Use Permits in the DD, Downtown Duncanville District shall meet the requirements under **Article 6. Zoning Procedures**.

N. Alternative Compliance for DD, Downtown Duncanville District

Alternative Compliance is a method for Planning and Zoning Commission to approve alternative methods of compliance for nonconforming structures in the DD, Downtown Duncanville District based on predetermined standards that may be suitable for this District in select scenarios of land development, reconstruction or modifications. The purpose of Alternative Compliance is to provide a method to allow for nonconforming structures to remain nonconforming after reconstruction or substantial modification if it is in agreement with the Downtown Duncanville District Main Street Master Plan, the Main Street Vision, this District and other policies/regulations that may be adopted by the City Council.

1. Applicability

   Requests for Alternative Compliance for DD, Downtown Duncanville District are only suitable for nonconforming buildings (not nonconforming uses) zoned DD, Downtown Duncanville District and the applicant seeks approval for reconstruction or substantial modifications to the building exterior or building façade of a nonconforming building where the collective reconstructions or modifications within any five (5) year period are valued at more than either $50,000 or a total of fifty (50) percent of the assessed value of the structure in the most recently certified tax rolls, whichever is greater.

2. Review and Approval Criteria

   a. The Alternative Compliance requested shall be in agreement with and promote the concepts from the Downtown Duncanville District Main Street Master Plan.

   b. The Alternative Compliance requested shall promote the concepts of the form-based zoning within the DD, Downtown Duncanville District.

   c. The Alternative Compliance requested shall be in agreement with and promote the concept of orienting buildings in a manner that enhances the pedestrian environment.

   d. Consideration shall be given to the impact of the Alternative Compliance requested on parking areas, vehicle circulation, building layout, connectivity to surrounding streets and sidewalks.

   e. Consideration shall be given to whether the Alternative Compliance requested adversely affects or potentially adversely affects nearby property.

   f. The applicant shall demonstrate the structural and engineering obstacles and difficulties with making the building conforming.

3. Approval Process

   a. Applications for approval of Alternative Compliance shall be submitted to the City and shall specify in detail:

      (1) The Alternative Compliance sought from the requirements that would otherwise make the building conforming.

      (2) Describe in detail the structural and engineering obstacles and difficulties with making the building conforming.

      (3) All other information determined by staff to be needed to properly consider the request.

   b. Alternative Compliance applications shall be considered by the Planning and Zoning Commission after review by the Development Review Committee. To hear and take action on an application for Alternative Compliance the Planning and Zoning Commission shall hold a public hearing at least ten (10) days after publishing notice one time in the official publication of the city, stating the time and place of such hearing, and after providing written notice at least ten (10) days before the hearing date to each owner, as indicated on the most recently approved municipal tax roll, of real property within 200 feet of the property on which the Alternative Compliance is requested to be considered.

EXIBIT A

4. Appeal Process

The applicant may appeal a decision of the Planning and Zoning Commission denying the application to the City Council by submitting written notice of appeal through the Director of Public Works as follows:

a. The applicant must submit said written notice of appeal no later than twenty (20) calendar days from the date of such decision by the Planning and Zoning Commission.

b. Following receipt of a proper written notice of appeal from the applicant, the City Council shall consider the appeal at one of its next two regular meetings for which there is time to post an agenda and publish notice. To hear and take action on a notice of appeal the City Council shall hold a public hearing at least fifteen (15) days after publishing notice one time in the official publication of the city, stating the time and place of such hearing, and after providing written notice at least fifteen (15) days before the hearing date to each owner, as indicated on the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the Alternative Compliance is requested to be considered.

c. The City Council may affirm, modify or reverse the decision of the Planning and Zoning Commission. If the City Council upholds the decision of the Planning and Zoning Commission, the applicant may not apply for Alternative Compliance for the same building for twelve (12) months from the date of the City Council's decision.

Section 4.12. Wireless Telecommunication Regulations

A. Purpose

1. Protect residentially zoned areas and land uses from potential adverse impacts of Towers and Antennas;
2. Encourage the location of Towers in nonresidential areas, and on City facilities where feasible;
3. Minimize the total number of Towers and Antennas throughout the community;
4. Strongly encourage the joint use of new and existing Tower and Antenna sites as a primary option rather than the construction of additional single-use facilities;
5. Encourage owners/providers of Towers and Antennas to locate them, to the maximum extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage owners/providers of Towers and Antennas to configure them in a way that minimizes the adverse visual impact of the Towers and Antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Encourage owners/providers of emerging new technologies to evaluate utilization of these technologies in lieu of a proliferation of Towers/Antennas across the community;
8. Enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively, and efficiently; and
9. Consider the effect on public safety by communication Towers and Antennas; and (10) avoid potential damage to adjacent properties from Tower failure through engineering and careful siting of Tower and Antenna structures. In furtherance of these goals, the City shall give due consideration to existing land uses, and environmentally sensitive areas in approving sites for the location of Towers and Antennas.

B. Applicability

1. New Towers and Antennas

   All new Towers or Antennas in the City shall be subject to these regulations, except as provided in **2.** and **3.** below.

2. Amateur Radio Station Operators/Receive Only Antennas

   This section shall not govern any Tower, or the installation of any Antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only Antenna.

3. AM Array

   For purposes of implementing this section, an AM array, consisting of one or more Tower units and supporting ground system which functions as one AM broadcasting Antenna, shall be considered one Tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the Towers included in the AM array. Additional Tower units may be added within the perimeter of the AM array by right.

C. General Requirements

1. Application

   When making an application for a permit, the owners/providers shall complete a "Telecommunication Tower/Antenna Siting Application", in its entirety and provide same to the City for review and evaluation by the Director of Public Works.

2. Principal or Accessory Use

   Antennas and Towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an Antenna or Tower on such lot.

3. Lot Size

   For purposes of determining whether the installation of a Tower or Antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the Antenna or Tower may be located on leased parcels within such lot.

4. Inventory of Existing Sites

   When making an application for a permit, the applicant for an Antenna and/or Tower shall provide to the City an inventory of its existing Towers, Antennas, or sites approved for Towers or Antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each Tower. The City may share such information with other applicants who apply for administrative approvals or specific use permits under this ordinance or other organizations seeking to locate Antennas within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

5. Aesthetics

Towers and Antennas shall meet the following requirements:

a. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness;

b. At a Tower site, the design of the buildings and related structures shall, to the greatest extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings, as approved by the Director of Public Works; and,

c. If an Antenna is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible, as approved by the Director of Public Works.

6. Performance Bond/Insurance/Letter of Credit

a. For Towers located on City-owned property, any required performance bonds, insurance and/or indemnification shall conform with the city lease agreement; and,

b. For Towers located on private property, the owners/provider shall provide and maintain in effect at all times a performance bond for each Tower valued at one-third of the cost of the Tower construction (labor and material) to be determined at the time of permit application. The purpose of the performance bond is to insure maintenance/removal of the Towers/buildings/fences, etc., to return the site to its original condition in the event of Tower failure, or damage to the surrounding property. For those companies with multiple Towers in the city, a single bond to cover all Towers shall be acceptable. In lieu of a performance bond, a company may provide to the City either a Certificate of Insurance whose value equals or exceeds that required by a performance bond, with the City as an additional insured, or an irrevocable Letter of Credit whose value would equal or exceed that required by a performance bond.

7. Building and Support Equipment

Buildings and support equipment associated with Towers or Antennas shall comply with the requirements of **G. Buildings or Other Equipment Storage** below.

8. Multiple Tower/Antenna plan

The City encourages the users of Towers and Antennas to submit a single application for approval of multiple Towers and/or Antenna sites.

9. Measurement

For purposes of measurement, Tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal boundaries.

10. Lighting

Towers shall not be artificially lighted unless required by the FAA or other applicable authority, including the City. A nonintrusive security light shall be provided for the base of the Tower and the cabinet building, operational from dusk to dawn. A red light, of a type approved by the FAA, shall be provided on all Towers for visibility of the Tower from aircraft. The red light shall be placed atop the highest point of the Tower.

11. Signs

No signs shall be allowed on a telecommunication facility system except for caution/safety advisory type notices, and/or for addressing purposes. The signs shall be no larger than two square feet.

D. Administratively Approved Uses – Towers

The following provisions shall govern the issuance of administrative approvals for Towers:

1. The Director of Public Works shall make every attempt to respond to each such application within 60 days after receiving it by either approving or denying the application;

2. The Director of Public Works, in order to encourage the use of monopoles, may administratively allow the reconstruction of an existing Tower (one hundred twenty-five [125] feet or less) to monopole construction. The new monopole may be increased in height one time by twenty-five (25) percent of the original approved height, to a maximum of one hundred twenty-five (125) feet, whichever is less.

3. Setbacks

a. Setback Requirements

The setback requirements set forth in **Table 4.12.1** shall apply to all Towers, unless the City Council in granting a specific use permit varies these conditions.

Table 4.12.1. Setback Requirements for Towers

Off-site Use/Designation Area	Setback Distance
Residential zoning or uses	100% height of tower or 125', whichever is greater
Nonresidential zoning or uses	Minimum zoning setbacks apply

b. Additional Requirements

(1) Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.

(2) Setbacks measured from the base of the Tower to the closest building line.

(3) A separation distance of five thousand (5,000) feet between Towers shall apply to all Towers, unless the City Council in granting a specific use permit varies this condition. The separation distances between Towers shall be applicable for and measured between the proposed Tower and preexisting Towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing Tower and the proposed base, pursuant to a site plan, of the proposed Tower.

(4) A structure which is modified or reconstructed to accommodate the collocation of an additional Antenna shall be of the same type as the existing structure, unless the Director of Public Works allows reconstruction as a monopole.

c. Height

(1) The height change(s) referred to in this subsection may be increased one time by twenty-five (25) percent of the original approved height, to a maximum of one hundred twenty-five (125) feet, whichever is less.

(2) The additional height referred to in this subsection shall not require an additional distance separation as set forth in **E. Administratively Approved Uses – Antennas** below. The Tower's pre-modification height shall be used to calculate such distance separations.

d. On-Site Location

(1) A Tower which is being rebuilt to accommodate the collocation of an additional Antenna may be removed on-site within fifty (50) feet of its existing location.

(2) After the Tower is rebuilt to accommodate collocation, only one Tower may remain on the site. The owner/provider shall remove the vacated Tower within sixty (60) days after the new Antenna becomes operational. If the Tower is not removed by the specified time, the city shall exercise the Performance Bond/Letter of Credit to remove the Tower.

E. Administratively Approved Uses – Antennas

The following provisions shall govern the issuance of administrative approvals for Antennas:

1. The Director of Public Works shall make every attempt to respond to each such application within 60 days after receiving it by either approving or denying the application.

2. Locating Antennas on existing nonresidential structures or Towers in all zoning districts consistent with the terms of **a** and **b** below.

a. Antennas on existing structures. Any Antenna which is not attached to a Tower may be approved by the Director of Public Works as an accessory use, provided

(1) The Antenna does not extend more than twenty (20) feet above the highest point of the structure;

(2) The Antenna complies with all applicable FCC and FAA regulations;

(3) The method of attachment and materials used to attach the Antenna to a structure complies with all applicable building codes; and

(4) Minimum zoning setbacks shall apply to all Antenna installations.

b. Antennas on Existing Towers

An Antenna which is attached to an existing Tower may be approved by the Director of Public Works as an accessory use, provided:

(1) The Antenna does not extend more than twenty (20) feet above the highest point of the structure, and not exceed an overall height of one hundred twenty-five (125) feet;

(2) The Antenna complies with all applicable FCC and FAA regulations; and

(3) The method of attachment and materials used to attach the Antenna to a structure complies with all applicable building codes.

F. Specific Use Permit (SUP)

1. General

The following provisions shall govern the issuance of Specific Use Permits for Towers which do not qualify for administrative approval, or for Antennas over twenty (20) feet above a nonresidential structure or for Antennas on any residential structure.

a. Applications for specific use permits under this section shall be subject to the procedures and requirements of **Section 6.05. Specific Use Permits** except as modified in this section.

b. In granting a specific use permit, the City Council may impose conditions to the extent the City Council concludes such conditions are necessary to minimize any adverse effect of the proposed Tower or Antenna on adjoining properties.

c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by an engineer.

d. An applicant for a Specific Use Permit shall submit the information described in this Zoning Ordinance and a nonrefundable fee as established by resolution of the City Council to reimburse the City for the costs of reviewing the application.

e. Any Specific Use Permit issued under this section shall remain in effect for a period of ten (10) years.

2. Towers

a. In addition to any information required for applications for an SUP pursuant to **Section 6.05. Specific Use Permits** of the Zoning Ordinance, applicants for a SUP for a Tower shall complete the application as prescribed in **C.1. Application** above and shall submit the following prepared by professionals, licensed to practice their respective disciplines in the State of Texas:

(1) A scaled site plan clearly indicating, but not limited to, the location, type and height of the proposed Tower, all weather parking pad, fencing, illumination, landscaping, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed Tower and any other structures, easements, topography, parking, and other information deemed by the City to be necessary to assess compliance with the ordinance.

(2) Legal description of the parent tract and leased parcel (if applicable).

(3) The setback distance between the proposed Tower and the nearest residential unit and/or residentially zoned properties shall be in accordance with **D.3. Setbacks** above.

(4) The separation distance from other Towers described in the inventory of existing sites submitted pursuant to **D.3.b Additional Requirements** above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing, Tower(s) and the owner/operator of the existing Tower(s), if known.

(5) A landscape plan showing specific language materials, and which maximizes preservation of existing plant material in accordance with **d. Landscaping** below.

(6) Method of fencing, illumination, and finish.

b. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology

No new Tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing Tower, structure or alternative technology that does not require the use of an additional Tower or structures can accommodate the applicant's proposed system needs. An applicant shall submit information requested by the City Council related to the availability of suitable existing Towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing Tower, structure or alternative technology can accommodate the applicant's proposed system may consist of any of the following:

(1) No existing Towers or structures are located within the geographic area which meet applicant's engineering requirements.

(2) Existing Towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing Towers or structures do not have sufficient structural strength to support applicant's proposed system.

(4) The applicant's proposed system would cause electromagnetic interference with the Antenna on the existing Towers or structures, or the Antenna on the existing Towers or structures would cause interference with the applicant's proposed system.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing Tower or structure or to adapt an existing Tower or structure for sharing are unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing Towers and structures unsuitable.

(7) The applicant demonstrates that alternative technologies are unsuitable.

c. Security Fencing

Towers shall be enclosed by security fencing not less than six (6) feet in height.

d. Landscaping

The following requirements shall govern the landscaping surrounding Towers:

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the Tower compound from residential zoning, or uses. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound, to be approved by the Director of Public Works.

(2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as Towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer, as approved by the Director of Public Works.

(3) If the natural growth in **(2)** above is removed or is damaged, the **Director of Public Works** may require equivalent landscaping per **(1)** above.

3. Antennas

In addition to any information required for applications for specific use permits pursuant to **Section 6.05. Specific Use Permits**, applicants for a specific use permit for an Antenna shall complete the application as prescribed in **C.1. Application** above and shall submit the following prepared for professionals, licensed to practice their respective disciplines in the State of Texas:

a. A scaled site plan clearly indicating, but not limited to, the uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed Antenna and any other structures, easements, topography, parking, and other information deemed by the City to be necessary to assess compliance with the ordinance.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed Antenna and the nearest residential unit and/or residentially zoned properties shall be in accordance with **D.3. Setbacks** above.

G. Buildings or Other Equipment Storage

1. Antennas Located on Towers

The equipment cabinet or structure in association with Antennas shall comply with all applicable building codes. Equipment storage shall be aesthetically pleasing and architecturally compatible with its surroundings.

2. Antennas Mounted on Structures or Rooftops

The equipment cabinet or structure used in association with Antennas shall comply with all applicable building codes. Prior to any roof loading, an Engineer shall certify the building is structurally adequate. Equipment storage shall be aesthetically pleasing and architecturally compatible with the building upon which it is located.

3. Antennas Mounted on Public Utility Poles or Light Poles

The equipment cabinet or structure used in association with Antennas shall comply with all applicable building codes. Equipment storage shall be aesthetically pleasing and architecturally compatible with its surrounding.

H. Removal of Abandoned Towers and Antennas

Any Tower or Antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Tower or Antenna shall remove the same within sixty (60) days of receipt of notice from the Director of Public Works notifying the owner of such abandonment. Failure to remove an abandoned Tower or Antenna within said sixty (60) days shall be grounds to remove the Tower or Antenna at the owner's expense, or by execution of the Performance Bond. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

Section 4.13. Exterior Wall Covering Requirements

A. Applicability

In compliance with HB 2439 that amends Title 10 of the LGC Subtitle Z, this **Section 4.13. Exterior Wall Covering Requirements** shall not be applicable and enforced unless the State of Texas amends said Title to enable enforcement of this Section.

B. Purpose

Exterior construction requirements are accepted as adding structural and aesthetic value to property. It ensures a longer life of a structure by minimizing maintenance and contributes greatly to overall community preservation.

This article shall apply to all zoning districts.

C. Definitions

For the purpose of this section, the following definitions shall apply:

1. Chimney shall mean a primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel-burning appliance to the outside atmosphere.
2. Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. The method of construction shall be by means of masonry units being bedded by mortar in a stacked system with the starting coarse placed on the foundation or other structural support. See Section 3 for additional regulations.

   The standards for masonry construction types are listed below:

   a. Stone Material: Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone, dimensioned stone, and manufactured stone products are acceptable.

   b. Brick Material: Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM Standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.

   c. Concrete Masonry Units: Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Loadbearing Concrete Masonry Units (hollow and solid); ASTM C129, Standard Specification for Nonloadbearing Units (hollow and solid). Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, integrally colored, subject to approval by the building official. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

   d. Concrete Panel Construction: Concrete finish, pre-cast panel or tilt wall construction shall be painted, fluted, or exposed aggregate. Other architectural concrete finish is subject to approval by the building official. Smooth or untextured concrete finishes are not acceptable unless painted and maintained.

3. Portland Cement Plaster (Stucco) shall consist of a scratch coat, a brown coat and a finish coat. The minimum combined thickness of the scratch coat and the brown coat shall be ¾ of an inch. The finish coat can consist of one of the following: a cement based textured and colored finish, an acrylic based textured or colored finish, or an elastomeric colored finish coat. Stucco applied over frame construction shall have metal lath and accessories installed in accordance with ASTM C-1063. Portland Cement Plaster shall be applied in accordance with ASTM C-926. All other ASTM Standards applicable to Portland Cement Plaster installations shall apply to this definition.
4. Glass and metal standards are as follows:

   a. Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

   b. Metal walls shall include profiled panels, deep ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked-on enamel painted to the wall manufacturer's standards.

      (1) The use of corrugated metal, plastic, or fiberglass panels is prohibited.

      (2) The use of galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finish is prohibited.

D. Miscellaneous standards

1. Manufactured stone veneer, stone products, precast stone, stone siding, stone veneer, and brick veneer with a thickness of less than two and three-fourth inches and/or designed to be installed by means of adhesives or connections to the adjacent vertical wall member shall be prohibited.

2. Stucco, synthetic stucco, Exterior Insulation Finish System (EIFS), and cementitious fiber board materials shall not be considered for the 80 percent masonry requirement but may be utilized for part or all of the remaining 20 percent of the structure.

3. The use of hard board or press board shall be prohibited for any feature on any structure, including Type A accessory buildings.

4. Type B accessory buildings, including carports, 400 square feet or less shall be built with materials that are durable and resistant to deterioration. Profiled panels, deep ridge panels, and concealed fastener systems are permitted. All vertical and horizontal structural members of carports shall be of 14-gauge steel or aluminum. Vertical supporting members shall be a minimum of three inches in diameter for circular posts or three inches by three inches for tubular posts. Low or single pitch carport roofs shall be of maintenance free materials (minimum 26-gauge steel or aluminum). Exterior finish for metal materials shall be baked enamel finish or painted to the manufacturer's specifications; unpainted metal finish is prohibited. The use of corrugated metal, plastic, or fiberglass panels is prohibited.

E. Construction standards

The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the city.

1. Residential - "R-1.4" Single-Family Dwelling, "R-1.8" Single-Family Dwelling, "R-2.2" Single-Family Dwelling, "D" Duplex, "D-IA" Duplex Dwelling, "D-113" Duplex Dwelling District, and any other Single-Family Dwelling or Residential Planned Development Districts with a minimum dwelling size (living area) of less than 2,600 square feet.

   a. All residential buildings and structures located in these residential zoning districts shall be of exterior construction having at least 80 percent of the total exterior walls above grade level to the top plate of the first story, excluding doors and windows, constructed of brick, stone or material of equal characteristics in accordance with the city's building code and fire prevention code. If the structure is more than one story in height, this requirement shall apply as a minimum to the first story, and may be applied to the remainder of the structure. Chimneys of fireplaces capable of burning wood shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney. Any other chimney not built for wood burning (i.e. gas with artificial logs) and is located on an exterior wall, shall maintain an exterior veneer consistent with the adjacent walls on either side of the chimney. Exposed metallic chimneys or factory built chimneys (non masonry) shall be prohibited. All other chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

   b. Exterior walls finished with concrete masonry units or similar products, or corrugated metal materials are not permitted on any residential structure.

   c. Additions or alterations to existing structures shall be constructed to an architectural standard consistent with the existing structure in terms of siding and roofing.

2. Residential - "R-2.6" Single-Family Dwelling, "R-3.0" Single-Family Dwelling, "R-3.0 E" Single-Family Estate Dwelling, and any other Single-Family Dwelling or Residential Planned Development Districts with a minimum dwelling size (living area) of 2,600 square feet or greater.

   a. All residential buildings and structures located in these residential zoning districts shall be of exterior construction having at least 80 percent of the total exterior walls above grade level to the top plate of the first story for a one story structure, or to the top plate of the second story for a structure greater than one story, excluding doors and windows, constructed of brick, stone or material of equal characteristics in accordance with the city's building, code and fire code. Chimneys of fireplaces capable of burning wood shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney. Any other chimney not built for wood burning (i.e. gas with artificial logs) and is located on an exterior wall, shall maintain an exterior veneer consistent with the adjacent walls on either side of the chimney. Exposed metallic chimneys or factory built chimneys (non masonry) shall be prohibited. All other chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

   b. Exterior walls finished with concrete masonry units or similar products, or corrugated metal materials are not permitted on any residential structure.

c. Additions or alterations to existing structures shall be constructed to an architectural standard consistent with the existing structure in terms of siding and roofing.

3. "A" Apartment and "A-2" Apartment-2 Zoning Districts

a. All principal buildings and structures located in the "A" Apartment and "A-2" Apartment-2 Districts shall be of exterior fire resistant construction having 100 percent of the total exterior walls, excluding doors and windows constructed of brick, stone, or brick veneer. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.3.A of this article.

c. Fireplace chimneys shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney, and regardless of whether it is wood burning or not. Exposed metallic chimneys or factory built chimneys (non masonry) shall be prohibited.

4. Nonresidential - All Nonresidential Zoning Districts with the Exception of "C-I" Light Commercial, "C-2" Heavy Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial Districts.

a. All nonresidential structures shall be of exterior construction having at least 80 percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry, Portland cement plaster, or glass wall construction, in accordance with the city's building code and fire prevention code. Chimneys for fireplaces capable of burning wood shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney. Any other chimney not built for wood burning (i.e. gas with artificial logs) and is located on an exterior wall, shall maintain an exterior veneer consistent with the adjacent walls on either side of the chimney. Exposed or metallic chimneys or factory-built chimneys (non masonry) shall be prohibited. All other chimneys shall be constructed in accordance with the city's building and fire codes. Facia and soffit shall be constructed with maintenance-free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.4.A of this article.

c. No structure shall be erected, converted, designed, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Canopies, awnings, and/or roof overhangs for restaurant service are permitted.

5. Nonresidential - "C-1" Light Commercial and "C-2" Heavy Commercial Districts.

a. All nonresidential structures shall be of exterior construction having at least 80 percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry, Portland cement plaster, or glass wall construction, in accordance with the city's building code and fire prevention code. All chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.5.A of this article.

c. No structure shall be erected, converted, designed, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Canopies, awnings, and/or roof overhangs for restaurant service are permitted.

6. Nonresidential - "I-1" Light Industrial and "I-2" Heavy Industrial Districts.

a. All nonresidential structures shall be of exterior construction in accordance with the city's building code and fire prevention code. Building facades (front only) which face any residential zoning district, unless separated by a major thoroughfare, shall be of stone, brick, Portland cement plaster, or glass wall construction. All chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.6.A of this article.

c. No structure shall be erected, converted, designed, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Canopies, awnings, and/or roof overhangs for restaurant service are permitted.

7. Procedure for determining alternative exterior materials:

   a. All requests for alternative exterior building materials shall be noted and described on a site plan to be submitted to the zoning board of adjustment for review. If requested by the building official, a sample of the material shall be required to be submitted with the site plan.

   b. An alternative exterior material may be approved by the board if it is determined that the material is equivalent to or better than masonry according to the criteria listed for exceptions below as part of the approval of a site plan submitted to the zoning board of adjustment.

   c. Consideration for exceptions to the above requirements shall be based only on the following:

      (1) Architectural design and creativity;

      (2) Compatibility with surrounding developed properties; and

      (3) Architectural variances may be considered for, but not limited to, Gingerbread, Victorian, English Tudor, or Log designs.

8. If the provisions of this ordinance are more restrictive than, or in conflict with the building or fire code, this ordinance shall apply.

F. Exceptions

1. Vision clearance.

   On any comer lot on which the front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view, and when topography prevents a clear view, this bank shall be moved.

G. Front yard.

The front yards heretofore required shall be adjusted in the following cases.

1. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. The supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar business may extend beyond the building line but shall never be closer to the property line than 12 feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway, or as the front of a canopy of the column supporting same.

H. Side and rear yards.

1. Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of windowsills, belt courses, and other ornamental features projecting not to exceed 12 inches. Eaves and awnings on main residential structures may project to within three feet of a side or rear lot line.

2. Accessory buildings may be built in the rear yard except that when such accessory building is located closer than 15 feet to the main building it shall observe the same side yard as required for the main building.

3. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two feet from the side lot lines.

I. Lot area.

On any lot separately owned prior to December 27, 1965, or on any lot separately owned at the time the area was annexed to the City subsequent to December 27, 1965, a single-family house may be erected even though the lot has less area than required by these regulations.

J. Location of dwellings and buildings.

Only one main building for single-family, two-family or multiple-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means an access shall have a minimum width of 30 feet. Where a lot is used for retail, commercial, industrial, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot, but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts and when all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, the same may be permitted when the site plan for such development is approved by the city planning

commission so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard or area requirements for any dwelling or other use.

K. Erection of dwellings in business districts.

No single-family, duplex or apartment dwelling may be erected, converted or constructed in any "LR-1", "LR-2", "CB", "O", "C", or "I" district, except as permitted by special use permit in an "I" Industrial District.

L. Temporary building for construction purposes only.

The building official may issue a permit for a temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or at the end of two years. if more time is needed, the planning commission shall hold a public hearing for the purpose of considering the continuation of the temporary building for construction purposes.

M. Temporary permit for sales office.

The building official may issue a permit for a sales office in single-family and duplex district zoning for the sale of real estate and with no outside storage of material, equipment, or vehicles, which shall not be permitted for more than two years. At the end of two years if more time is needed, the planning commission shall hold a public hearing for the purpose of considering the continuation of a building to be used for a sales office.

Article 5. Development Review Bodies

Article Table of Contents:

Section 5.01. City Council
Section 5.02. Planning & Zoning Commission
Section 5.03. Zoning Board of Adjustment
Section 5.04. City Planner

Section 5.01. City Council

A. Establishment

The City Council is established within Article II of the City's Charter.

B. Key Responsibilities

Table 5.01.1 is a summary of the City Council's responsibilities within the Zoning Ordinance.

Table 5.01.1. City Council Responsibilities

Action	Authority
Zoning Map and Text Amendments	Decide
Type 1: Site Plans Related to SUP Rezoning Applications	Decide
Specific Use Permits	Decide
Planned Developments	Decide

Section 5.02. Planning & Zoning Commission

A. Establishment

The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission within Chapter 2 of the City's Code of Ordinances.

B. Key Responsibilities

Table 5.02.1 is a summary of the Planning and Zoning Commission's responsibilities within the Zoning Ordinance.

Table 5.02.1. Planning and Zoning Commission Responsibilities

Action	Authority
Zoning Map and Text Amendments	Recommend
Type 1: Site Plans Related to SUP Rezoning Applications	Recommend
Specific Use Permits	Recommend
Planned Developments	Recommend

Section 5.03. Zoning Board of Adjustment

A. Establishment, Membership, Vacancies

1. There is hereby created a Zoning Board of Adjustment consisting of five members and two alternate members, each to be appointed by a majority of the City Council for a term of two years and removable for cause by the appointing authority.
2. Vacancies shall be filled by the appointment by the City Council of a suitable person to serve out the unexpired term of any member whose place on the Zoning Board of Adjustment has become vacant for any cause.
3. The Zoning Board of Adjustment is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make such exceptions to the terms of this Zoning Ordinance in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public.

B. Procedures, Rules, and Meetings

1. The Zoning Board of Adjustment shall adopt rules to govern its proceedings provided that such rules are not inconsistent with this Zoning Ordinance or State statutes.
2. Meetings of the Zoning Board of Adjustment shall be held at the call of the chairperson and at such other times as the Zoning Board of Adjustment may determine.
3. The chairperson, or in their absence, the acting chairperson, may administer oath and compel the attendance of the witnesses.
4. All meetings of the Zoning Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Adjustment and shall be a public record.

C. Authority of the Board

The Zoning Board of Adjustment may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance, and for that purpose the Zoning Board of Adjustment has the same authority as the administrative official;
2. Hear and decide special exceptions to the terms of this Zoning Ordinance when the ordinance requires the board to do so;
3. Authorize in specific cases a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

D. Actions

Per Texas Local Government Code Section 211.009, the concurring vote of four (4) Board members (or at least seventy-five [75] percent of the Board members) is necessary to:

1. Reverse an order, requirement, decision, or determination of an administrative official
2. Decide in favor of an applicant on a matter on which the Zoning Board of Adjustment is required to pass per this Zoning Ordinance
3. Authorize a Special Exception or Variance.

E. Court Remedy

1. Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.
2. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

F. Key Responsibilities

Table 5.03.1 is a summary of the Zoning Board of Adjustment's responsibilities within the Zoning Ordinance.

Table 5.03.1. Zoning Board of Adjustment Responsibilities

Action	Authority
Interpretation of Zoning District Boundaries	Decide
Amortization of Nonconforming Uses	Decide
Appeal of an Administrative Decision	Decide
Variances	Decide
Special Exceptions	Decide

Section 5.04. City Planner

A. Key Responsibilities

Table 5.04.1 is a summary of the City Planner's responsibilities within the Zoning Ordinance.

Table 5.04.1. City Planner Responsibilities

Action	Authority
Type 1: Site Plans Related to SUP Rezoning Applications	Review
Type 2: Site Plans Related to Building Permit Applications	Review and Approve (with Building Official)
Minor PD Amendments	Approve
Alternative Compliance	Approve

Article 6. Zoning Procedures

Article Table of Contents:

Section 6.01. Applicability, Completeness, and Expiration
Section 6.02. Zoning Map and Text Amendments
Section 6.03. Nonconformities
Section 6.04. Site Plans
Section 6.05. Specific Use Permits
Section 6.06. Planned Developments
Section 6.07. Alternative Compliance
Section 6.08. Appeal of an Administrative Decision
Section 6.09. Variances
Section 6.10. Special Exceptions

Section 6.01. Applicability, Completeness, and Expiration

A. Applicability

The following procedures shall apply to any zoning related plan or application that is required by the City and is submitted in accordance with these regulations.

B. Determination of Completeness

Every required application shall be subject to a determination of completeness by the responsible official for processing the application.

1. Acceptance Standard

The application shall only be accepted for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of these regulations.

2. Acceptance Procedures

a. A determination of completeness shall be made not later than the tenth (10^{th}) business day.

b. If the submitted application is incomplete, the applicant shall be notified in writing not later than the tenth (10^{th}) business days after submittal.

(1) Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10^{th}) business day following submission of the application.

(2) The notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (see **D. Expiration of an Application Due to Incompleteness** below) if the documents or other information are not provided to the City.

c. An application shall be deemed complete on the eleventh (11^{th}) business day after the application has been received if notice is not served in accordance with **D. Expiration of an Application Due to Incompleteness** below.

d. If the application is determined to be complete, the application shall be processed as prescribed by these regulations.

3. Acceptance shall not Constitute Compliance

A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Section.

4. Acceptance shall not Guarantee Approval

It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete it is determined that the application does not comply with these regulations.

C. Resubmittal after Notification of Incompleteness

1. If the application is resubmitted after a notification of incompleteness within the time allotted in **D. Expiration of an Application Due to Incompleteness** below, the application shall be processed upon receipt of the re-submittal.

2. If the information or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

D. Expiration of an Application Due to Incompleteness

An application shall automatically expire at the close of business on the forty-fifth (45th) calendar day after the application's submittal, if:

1. The applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit application; and
2. The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
3. The applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.

E. Denial of Applications

1. If any City official processes an application prior to the application being determined complete, the application shall then be deemed invalid and shall be grounds for denial or revocation of such application.
2. A typographical error shall not constitute an incomplete application.
3. The applicant may be notified of such denial or revocation for an incomplete zoning application in writing.

F. Submittal of a Previously Decided Application

After the final decision on a specific application by the decision-maker, the same application shall not be submitted again until after six (6) months from the decision-maker's action.

EXIBIT A

Section 6.02. Zoning Map and Text Amendments

A. Two Types of Zoning Amendments

1. Zoning Map Amendment (Rezoning)

   A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the Zoning District Map.

2. Zoning Text Amendment

   A Zoning Text Amendment is the change of the text within this Zoning Ordinance and does not include change or modification to the boundaries of any zoning districts.

B. Approval Authority and Report/Hearing Requirement for Zoning Amendments

1. Revision Authority

   The City Council may, from time to time, amend, supplement or change by ordinance the boundaries of the districts (i.e., Rezoning) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.

2. Planning and Zoning Commission Report

   Per Texas Local Government Code Chapter 211.007, the Planning and Zoning Commission shall make a preliminary report and hold a public hearing before submitting a final report to the City Council. The City Council shall not hold a public hearing or take action until it receives the final report of the Planning and Zoning Commission.

C. Written Notice for Planning and Zoning Commission Public Hearings for a Rezoning

Before the 10th day before the Planning and Zoning Commission hearing date, written notice of each public hearing before the Planning and Zoning Commission on a proposed Rezoning shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

D. Newspaper Notice for City Council Public Hearings for Any Zoning Amendment

Before the 15th day before the date of the City Council hearing, notice of the time and place of the hearing for any zoning amendment (i.e., a Rezoning or a Zoning Text Amendment) must be published in an official newspaper or a newspaper of general circulation in the municipality.

E. City Council Action

1. Protests for Rezonings

   a. If a proposed Rezoning is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least twenty (20) percent of either:

      (1) The area of the lots or land covered by the proposed change; or

      (2) The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

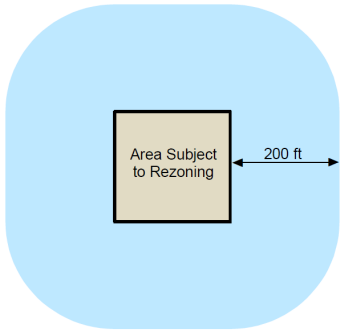
   b. In computing the percentage of land area under **a** above, the area of streets and alleys shall be included.

2. Overruling Planning and Zoning Commission Recommendation for Denial

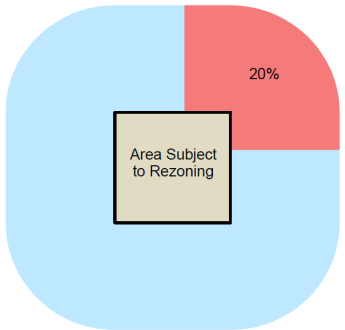
   The affirmative vote of at least three-fourths of all members of the City Council is required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or boundary be denied.

F. After a final decision is reached by the City Council denying a request for a change in a zoning district or boundary, no further application may be considered for that property for twelve (12) months from the date of the final decision.

Figure 6.02.1. Depiction of Notification Area and Protest Requirement



Notifications are sent to all property owners within 200 ft of the area proposed for rezoning, as shown on the most recent tax roll.



Opposition to the rezoning by property owners representing 20% or greater of the notification area would trigger a requirement of a 3/4 vote of the City Council to approve the rezoning.

Section 6.03. Nonconformities

A. Intent of Provisions

1. Existence of Nonconformities

a. A nonconformity describes a use, structure, or lot that does not conform to the current standards of the Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

b. Nonconformities occur in three (3) general categories, or combinations thereof.

(1) Nonconforming Uses

A Nonconforming Use occurs when an existing use is no longer allowed in the zoning district in which the use is located.

(2) Nonconforming Structures

A Nonconforming Structure occurs when a setback, height, or other structural dimension requirement is not met.

(3) Nonconforming Lots

A Nonconforming Lot occurs when the lot area or other dimension requirement is not met.

c. It is the declared intent of this section that Nonconforming Uses and Nonconforming Structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

B. Establishment of Legal or Illegal Nonconformities

1. Legal Nonconformities

a. Those uses, structures, or lots that do not conform to current zoning standards, but were legally established prior to the effective date of this Zoning Ordinance, at which time they were in conformance with applicable standards, shall be considered “legal nonconformities.”

b. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this section.

2. Illegal Nonconformities

a. Those uses, structures, or lots, other than residential accessory buildings, which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall be considered “illegal nonconformities.”

b. Such uses, structures, or lots and shall be subject to penalties.

C. Single-Family Residential Uses

Previously conforming single-family residential uses on platted lots approved prior to the Zoning Ordinance effective date, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Zoning Ordinance.

D. Existing Platted Lots

Any existing lot platted prior to the Zoning Ordinance effective date that was legally conforming shall be deemed a conforming lot.

E. Changing Uses

1. Nonconforming Use to Conforming Use

Any Nonconforming Use may be changed to a conforming use, and once a change is made, the use shall not be changed back to a Nonconforming Use.

2. Nonconforming Use to Another Nonconforming Use

A Nonconforming Use shall not be changed to another Nonconforming Use.

F. Nonconforming Use Expansion in Existing Building

A Nonconforming Use may be enlarged, increased, or extended within an existing building provided:

1. No structural alteration may be made on or in the existing building except those required by law to preserve the building in a structurally sound condition.

2. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a Nonconforming Use.

3. A Nonconforming Use located within any building shall not be extended to occupy any land outside the building.

G. Expansion of Nonconforming Structures with Conforming Uses

Buildings or structures that do not conform to the area regulations or development standards in the Zoning Ordinance but where the uses are deemed conforming may only increase or expand the Nonconforming Structure in compliance with the current Zoning Ordinance Standards.

H. Reuse of Nonconforming Structures by Conforming Uses

Nonconforming Structures shall be allowed to be reoccupied by a conforming use.

I. Restoration of a Nonconforming Structure

1. If a Nonconforming Structure is destroyed by fire, the elements, or natural catastrophic event, it may be rebuilt as a Nonconforming Structure to its pre-destroyed dimensions and setbacks.
2. The construction must comply with all current building codes, and zoning regulations in effect at the time the structure received its building permit.
3. The construction must commence within twelve (12) months of the date of destruction.
    a. The failure of the owner to start such reconstruction within twelve (12) months shall forfeit the owner's right to restore or reconstruct the Nonconforming Structure, except in conformance with the Zoning Ordinance.
    b. If the regulations cannot be determined or if the regulations are disputed for the time the structure received its building permit, then the Zoning Board of Adjustment shall hold a hearing and shall take evidence, such as previously adopted ordinances, photographs, and tax records, to determine the standards that apply.
4. Any change to an original dimension or a setback of the Nonconforming Structure shall be subject to approval of a Special Exception.

J. Resuming a Nonconforming Use

A Nonconforming Use destroyed by fire, the elements, or natural catastrophic event may be resumed to its pre-destroyed capacity, if it begins resuming within twelve (12) months of the date of destruction; otherwise, the Nonconforming Use shall be deemed to be discontinued or abandoned.

K. Movement of Nonconforming Structure

A Nonconforming Structure may be relocated within the same platted lot, and shall comply with all setback and screening requirements.

L. Abandonment of Nonconforming Uses

1. Once a Nonconforming Use has been abandoned, the Nonconforming Use shall not be allowed to be reintroduced. This prohibition of the reoccupation of an abandoned Nonconforming Use shall be enforced by the denial of building permit or certificate of occupancy applications.
2. A Nonconforming Use shall be considered abandoned when evidence presented to the City Planner indicates that a structure designed or arranged for a Nonconforming Use has ceased to be used in a bona fide manner as a Nonconforming Use for a period of six (6) consecutive calendar months. For purposes of calculating the six (6) month period, a use is abandoned upon the occurrence of the first of any of the following events:
    a. On the date when the use of land is physically vacated;
    b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
    c. On the date of termination of any lease or contract under which the Nonconforming Use has occupied the land; or
    d. On the date a final reading of water or power meters is made by the applicable utility provider(s).
3. Abandonment of a Nonconforming Use requires intent, such as disconnecting utilities.
4. Any Nonconforming Use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.
5. Unless the Nonconforming Use status is reinstated pursuant to **M. Loss of and Reinstatement of Nonconforming Use Status** an abandoned use shall not be instituted on that parcel or other parcel in any district which does not permit the abandoned use.

M. Loss of and Reinstatement of Nonconforming Use Status

1. Loss of Nonconforming Use Status

If the City Planner determines that a Nonconforming Use has met the definition of abandonment and has lost its Nonconforming Use status, the use shall not be instituted on that parcel or other parcel that does not permit the abandoned use.

2. Application for Nonconforming Use Status Reinstatement

   a. The owner or operator of the abandoned Nonconforming Use may submit a written application to the Zoning Board of Adjustment to have the nonconforming rights reinstated.

   b. Written application for reinstatement of nonconforming rights must be made within thirty (30) days after the denial of building permit or certificate of occupancy application for the Nonconforming Use.

3. Zoning Board of Adjustment Hearing

   a. The Zoning Board of Adjustment shall hold a hearing on the requested reinstatement of a Nonconforming Use status within thirty (30) calendar days of the request or the next scheduled Zoning Board of Adjustment, whichever is greater.

   b. The applicant and the City Planner shall submit any evidence or findings to the Zoning Board of Adjustment for consideration in the case.

   c. The Zoning Board of Adjustment shall use the above abandonment criteria in deliberating the case.

4. Board of Adjustment Decision

   The Board of Adjustment may reinstate the Nonconforming Use status and thus allow the building permit or certificate of occupancy application to be processed only if the Zoning Board of Adjustment finds that the use was not discontinued for six (6) months or more. The failure of the owner or operator to remove on premise signs shall not be considered (on its own) evidence of a continuing use.

N. Amortization of Nonconforming Uses

1. City Council Initiation of Amortization Case

   Only the City Council, by majority vote, may request that the Zoning Board of Adjustment consider establishing a compliance date for a Nonconforming Use.

2. Board of Adjustment Decision of Amortization Case

   a. Per the authorization of City Council as established in **1.** above, the Zoning Board of Adjustment may require the discontinuance of a Nonconforming Use under any plan whereby the full value of the use's structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all properties to conform to the zoning regulations.

   b. All actions to discontinue a Nonconforming Use shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the Nonconforming Use and the conservation and preservation of property.

3. Public Hearing Process

   Upon receiving a request under **1.** above from the City Council, staff shall schedule the First Public Hearing before the Zoning Board of Adjustment. The Zoning Board of Adjustment may establish a compliance date only after holding two separate public hearings.

   a. First Public Hearing

      The Zoning Board of Adjustment shall hold a public hearing to determine whether continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Zoning Board of Adjustment determines that continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the Nonconforming Use; otherwise, it shall not. In determining whether the continued operation will have a significant adverse effect on nearby properties, the Zoning Board of Adjustment shall consider the following factors:

      (1) The character of the surrounding neighborhood.

      (2) The degree of incompatibility of the use with the zoning district in which it is located.

      (3) The manner in which the use is being conducted.

      (4) The hours of operation of the use.

      (5) The extent to which continued operation of the use may threaten public health or safety.

      (6) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.

      (7) The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.

(8) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

(9) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(10) To the extent the Nonconforming Use impacts the value and marketability of the abutting and surrounding properties or neighborhood.

b. Second Public Hearing

(1) If the Zoning Board of Adjustment has determined in the first public hearing that the Nonconforming Use has an adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Zoning Board of Adjustment shall, in accordance with the law, provide a compliance date for the Nonconforming Use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Zoning Board of Adjustment in determining a reasonable amortization period:

(a) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(b) Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(c) Any return on investment since inception of the use, including net income and depreciation.

(d) The anticipated annual recovery of investment, including net income and depreciation.

(e) A reasonable closeout and termination period for the Nonconforming Use.

(2) If the Zoning Board of Adjustment, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Zoning Board of Adjustment is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Zoning Board of Adjustment from setting a compliance date.

4. Ceasing Operations

If the Zoning Board of Adjustment establishes a compliance date for a Nonconforming Use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

5. Definitions

For purposes of this subsection, "owner" means the owner of the Nonconforming Use at the time of the Zoning Board of Adjustment's determination of a compliance date for the Nonconforming Use.

6. Finality of Decisions

a. Decisions that Cannot be Immediately Appealed

A decision by the Zoning Board of Adjustment that the continued operation of a Nonconforming Use will have a significant adverse effect on neighboring property and the Zoning Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

b. Decision to Deny a Request to Establish a Compliance Date

A decision by the Zoning Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

c. Decision Setting a Compliance Date

A decision by the Zoning Board of Adjustment setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

Section 6.04. Site Plans

A. Purpose

Through Site Plan review, zoning standards and other applicable municipal standards or ordinances that may apply to specific site development can be uniformly implemented by the City for townhome, multi-family, and nonresidential development.

B. Two Types of Site Plans

1. Type 1: Site Plans Related to SUP Rezoning Applications
    a. Applications for approval of Site Plans related to SUP rezoning applications must be submitted to the City Planner.
    b. The approval of Site Plans related to SUP rezoning applications requires the following:
        (1) Review by the City Planner and Building Official,
        (2) A recommended action by Planning and Zoning Commission for the City Council's consideration, and
        (3) Approval by the City Council.
2. Type 2: Site Plans Related to Building Permit Applications
    a. No Building Permit shall be issued nor shall any on-site construction/development activity occur for developments unless a Site Plan is approved by the City Planner and Building Official.
        (1) Exemption: Single-family and duplex developments shall be exempt from Site Plan submittal.
    b. Applications for approval of Site Plans related to Building Permit applications must be submitted to the Building Official.
    c. The approval of Site Plans related to Building Permit applications requires the following:
        (1) Review by the City Planner and Building Official, and
        (2) Approval by the City Planner and Building Official.

C. Site Plan Application Procedure and Requirements

1. Site Plan Pre-Application Meeting
    a. Before preparing a Site Plan, the applicant may meet with the City Planner or Building Official to allow the applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by applicant.
    b. No application for a permit may be submitted to or accepted for filing during the meeting.
2. Site Plan Application
    a. The property owner or authorized agent shall file an application for the approval of a Site Plan. This application shall include the information listed on the Site Plan application form, which shall be created and maintained by the City Planner.
    b. The following plans may be required with a Site Plan application and approval is necessary prior to final authorization for development:
        (1) Final plat or replat,
        (2) Engineering plans or construction plans,
        (3) Traffic impact analysis, if applicable,
        (4) Façade plan, if required,
        (5) Landscape plans, if required,
        (6) Flood study, if required, and
        (7) Other approvals as required by ordinance or resolution.
3. Site Plan Approval by Type
    a. Type 1: Site Plans Related to SUP Rezoning Applications

        The City Council shall use the review and approval process outlined in **B.1.b** and may approve, conditionally approve, or deny a Site Plan based upon the criteria listed below.
    b. Type 2: Site Plans Related to Building Permit Applications

The City Planner and Building Official shall use the review and approval process outlined in **B.2.c** above and shall approve, conditionally approve, or deny a Site Plan based upon the criteria listed below.

4. Approval Criteria

   a. Compliance with the Zoning Ordinance regulations and other applicable regulations and previously approved, valid plans for the property.

   b. Compliance with the following design standards and specifications, as may be amended, is required in addition to the design standards and specification set forth in this Zoning Ordinance:

      (1) Subdivision Regulations;

      (2) Fire Code;

      (3) Engineering Standards;

      (4) Building Code; and

      (5) Any additional design standards and specifications approved by the City Council.

   c. The City shall not take action on a Site Plan for property where City taxes are delinquent.

5. Site Plan Effect

   a. Approval of a Site Plan in association with a rezoning application is the City's authorization to apply for or for the issuance of Building Permits, depending on the specific case.

   b. During the time the Site Plan remains valid, the City shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening.

   c. Except where authorized by ordinance, a Site Plan shall not be used to approve a Variance or Special Exception to development regulations.

   d. Where an approved plan conflicts with an adopted regulation and no Variance or Special Exception is expressly approved, the regulation shall apply.

6. Site Plan Lapse

   a. Two (2) Year Effective Period

      The approval of a Site Plan shall be effective for a period of two (2) years from the date of filing of the application.

   b. Expired Site Plans

      (1) Upon expiration of a Site Plan, the applicant shall be required to submit a new Site Plan subject to the then existing regulations.

      (2) Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.

      (3) Subsequent additional development, site modifications and redevelopment shall be considered a new project subject to the then existing ordinances, laws and regulations of the City.

D. Revocation of Site Plan Approval

The City Council may revoke approval of a Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit.

Section 6.05. Specific Use Permits

A. Purpose

The uses that require a Specific Use Permit (SUP) according to Section 3.03. Permitted Use Chart are so classified because they are more likely to have potential impacts on the area in which they are located than other uses that are permitted by-right.

B. Application

1. Application and public hearing procedures for an SUP shall be completed in the same manner as **Section 6.02.A.1. Zoning Map Amendment (Rezoning)**.
2. A Site Plan shall be included with the application as outlined in **Section 6.04. Site Plans**.

C. Review and Approval

1. The Planning and Zoning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the SUP to the City Council.
2. Following the Planning and Zoning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting an SUP.

D. Considerations

1. In considering an application for an SUP, the Planning and Zoning Commission and the City Council shall consider the following:
   a. The proposed use is consistent and compatible with the adjacent land use and zoning.
   b. The proposed use is consistent with the architecture and characteristics of the adjacent properties.
   c. The proposed use may promote innovative use of modern development concepts, without having an adverse impact on adjacent properties.
   d. The proposed use is consistent with the goals and objectives of the City.
   e. The proposed use is an enhancement or improvement beyond the minimum standards set forth by the Zoning Ordinance.
   f. The proposed use will not be detrimental to the general health, safety, and welfare of the community.
   g. The proposed use would stabilize and improve property values within the City.
   h. The proposed use would protect and enhance the City's attractiveness to residents, businesses, tourists, and visitors.
   i. The proposed use would strengthen and help diversify the economy of the City.
2. In recommending that an SUP for the premises under consideration be granted, the Planning and Zoning Commission and the City Council shall consider that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for paving (material/structure) of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, landscaping and open space, heights of structures, residential proximity slopes, special setbacks, and compatibility of buildings.

E. Conditions

1. In granting an SUP, the Planning and Zoning Commission may recommend and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building on such property pursuant to such SUP and such conditions precedent to the granting of the certificate of occupancy.
2. Said special conditions shall be set forth in the amending ordinance granting the SUP.

F. Building Permit or Certificate of Occupancy Application

1. A Building Permit or Certificate of Occupancy shall be applied for and secured within six months from the time of granting the SUP.
2. If an application for a building permit or a certificate of occupancy has not been applied for and secured after six months from the date of approval, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property.

G. SUP Amendment Required for Modifications

1. No building, premise, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed from the approved site plan unless an amended SUP is granted for such enlargement, modification, structural alteration, or change.
2. Minor changes or alterations may be approved by the City Planner.

H. No Zoning Board of Adjustment Authority

The Zoning Board of Adjustment shall not have jurisdiction to grant exceptions to the conditions contained in the SUP.

I. Time Period

1. The Specific Use Permit may be issued for an unlimited or limited period of time. Prior to the expiration of a Specific Use Permit with a limited time period, the owner may apply for an extension as provided below.

    a. Specific Use Permits shall only be issued for a limited period of time if the use is intended to be temporary and does not require substantial investment into the site.

2. Should an applicant desire to continue a specific use after the initial time period and all available extensions expire, a new application, complete with filing fees, site plan, drawings, background data, etc., must be filed. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected and after recommendations from the Planning and Zoning Commission, grant the specific use permit.

J. Zoning Map Amendment

When the City Council authorizes granting a Specific Use Permit, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "SUP" designation.

K. Development Following SUP Issuance

Following the issuance of a Specific Use Permit, the Building Official shall ensure that if the development is undertaken, it is completed in compliance with said permit. If the development has not been completed in accordance with the approved site plan within 12 months after the issuance of the building permit, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property

L. Status of SUPs

Once an SUP has been granted for a lot, said SUP shall not be expanded to another lot without application for a new SUP.

Section 6.06. Planned Developments

A. General

1. In order to develop land in a PD, Planned Development District, the applicant shall follow a five-step procedure, as follows:
    a. Step 1. Pre-Application Conference Review
    b. Step 2. PD Application for Rezoning and PD Development Plan, which includes the:
        (1) PD Development Statement, and
        (2) PD Development Map
    c. Step 3: Preliminary Plat, if subdivision occurs and where required by the Subdivision Ordinance
    d. Step 4. Final Plat if subdivision occurs and where required by the Subdivision Ordinance
    e. Step 5. Site Plan
2. Each required step shall be completed and approved before the following step is reviewed.
3. Selection of a conventional zoning district as a base district shall be required for a PD.
4. Where appropriate, other methods authorized in the Subdivision Regulations may be substituted in Step 4. Final Plat, such as a minor plat or amending plat.
5. The Planning and Zoning Commission and City Council may, however, review more than one step at the same public hearing.

B. Planned Development (PD) Steps for Creation and Development

1. Step 1. Pre-Application Conference Review
    a. At least ten (10) business days prior to submission of an application for rezoning to a PD District, the applicant shall submit to the City Planner a sketch plan, drawn to approximate scale, showing streets, lots, public areas, and other significant features.
    b. The applicant should discuss with the City Planner the procedure for adopting a PD District and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.
    c. The intent of Step 1. Pre-Application Conference Review is to expedite and facilitate the approval of a PD Development Plan.
2. Step 2. PD Application for Rezoning and PD Development Plan
    a. Procedures and Requirements
        (1) The PD rezoning application shall be filed in accordance with regular procedures and on application forms of the City.
        (2) The PD Development Plan, which is submitted with the application for rezoning, shall consist of a PD Development Statement and a PD Development Map.
        (3) The minimum net acreage for a PD, Planned Development District request shall be fifteen (15) acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan.
    b. PD Design Statement

        The PD Development Statement shall be a written report containing a minimum of the following elements:
        (1) Title of PD;
        (2) List of the owners and/or developers;
        (3) Statement of the location and relationship to existing and proposed adjoining land uses;
        (4) Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a description of building use types, proposed restrictions, and typical site layouts;
        (5) Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified;
        (6) A list of all applicable special development regulations or modified regulations to the base zoning district, plus a list of requested exemptions from or modifications to applicable development regulations;

(7) A description of the proposed sequence of development; and

(8) Other supporting maps as necessary to meet the submission requirements of this Zoning Ordinance.

c. PD Development Map

The PD Development Map shall be a graphic representation of the development plan for the area of a PD District containing a minimum of the following elements:

(1) Proposed locations, use types, and sizes of structures;

(2) The existing zoning districts in the development area and surrounding it; and

(3) Elevation, topography with minimum five (5) foot contour intervals, slope analysis, soil characteristics, and tree cover.

d. Approval of the PD Development Plan

(1) Upon final approval by the City Council of the PD Development Plan and the appropriate ordinance of rezoning, these elements shall be considered a part of the Zoning District Map.

(2) The ordinance of rezoning shall adopt the PD Development Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City.

e. The City may require that an applicant prepare a Traffic Impact Analysis to assist the City in determining whether the PD Development Plan will be supported with adequate levels of roadways and intersections concurrent with the demand created by the development.

f. Expiration of a PD Development Plan

(1) A PD Development Plan shall expire after two (2) years from the date of approval if no substantial development progress has been made within the PD. A new PD Development Plan must be submitted and approved by the City Council.

(2) The City Planner may grant a two (2) year extension of a PD Development Plan. At the end of the two (2) year extension, a second extension may be given by the City Planner for up to one (1) year.

(3) An extension shall be granted if a development application for the PD District has been submitted and is undergoing the development review process or if the City Planner determines development progress is occurring.

g. Use and Development of the Property

(1) The PD Development Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.

(2) The PD Development Plan and all supporting data shall be made a part of the permanent file and maintained by the City Secretary.

3. Step 3: Preliminary Plat

Where a preliminary plat is required, the applicant shall prepare a preliminary plat for review and approval.

4. Step 4. Final Plat

Where a final plat is required, the applicant shall prepare a final plat for review, approval, and filing of record according to procedures established by the City Council.

5. Step 5. Site Plan

A Site Plan shall be submitted upon the application for a Building Permit and reviewed in accordance with procedures established in **Section 6.04. Site Plans**.

C. Minor PD Amendments

1. The City Planner may approve or defer to the City Council consideration of Minor PD Amendments to the PD Development Plan if all of the following conditions are satisfied:

a. The project boundaries are not altered.

b. Uses other than those specifically approved in the PD Development Plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the PD Development Statement.

c. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.

d. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.

e. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.

f. Floor area, if prescribed, is not increased or decreased by more than ten (10) percent.

g. Floor area ratios, if prescribed, are not increased.

h. Open space ratios, if prescribed, are not decreased.

2. If the City Planner finds that these criteria are not satisfied, an amended PD Development Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

D. Reversion at the Property Owner's Request

If the property owner decides to abandon the PD concept and nullify the PD Development Plan, he/she shall make application for rezoning either to the original status or to a new classification. Said application shall be heard according to regular procedures by the Planning and Zoning Commission and City Council.

Section 6.07. Alternative Compliance

A. Purpose and Applicability

1. Purpose

The purpose of the Alternative Compliance process is to allow for different standards that will produce a substantially equivalent effect or enhanced level of results as intended by the original development standards.

2. Applicability

a. The applicable zoning district standards for a project shall not be reduced or varied using the Alternative Compliance process unless such standard(s) is specifically cited as qualifying for Alternative Compliance consideration in its respective section of these Regulations.

b. Alternative Compliance shall be granted only as indicated for each regulation.

c. The City is not obligated to grant Alternative Compliance for any application.

B. Approval Process

1. A request for Alternative Compliance from certain provisions, as specifically cited within these Regulations, may be submitted for review and approval along with the Site Plan for a project, or along with the project's initial development application (as applicable for the project).

2. All Alternative Compliance requests shall be clearly delineated graphically or in narrative format, as appropriate, on the Site Plan (or on the project's initial development application), including a reference to the specific section within this Zoning Ordinance that allows consideration of such alternative standard(s).

a. The decision-maker of the application shall be responsible for approval of Alternative Compliance.

b. Alternative Compliance may be requested only for the regulations listed in **Table 6.07.1**.

C. Evaluation Criteria

The proposed standard(s) shall meet all of the following criteria:

1. Be in agreement with and promote the Comprehensive Plan's recommendations and policies;

2. Does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements; and

3. Does not modify the land uses allowed in the zoning district in which the subject property is located.

Table 6.07.1. Regulations Eligible for Alternative Compliance

Application
Screening and Buffering Requirements
Landscape Requirements
Downtown Duncanville District Requirements

Section 6.08. Appeal of an Administrative Decision

A. Authority

Per Texas Local Government Code Section 211.010, the Zoning Board of Adjustment may hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by an administrative official in the enforcement of this Zoning Ordinance.

B. Filing Procedure

1. Such appeal shall be filed within fifteen (15) days after the decision has been rendered by the administrative official, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof.
2. The officer from whom the appeal is taken shall transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

C. Stays

Per Texas Local Government Code Section 211.010, an appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown

D. Notice

1. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made, and by publishing notice of such hearing in a newspaper of general circulation in the City.
2. Both the posted and published notice shall be given at least ten (10) days prior to the date set for the hearing. A party may appear at the appeal hearing in person or by agent or attorney. The Zoning Board of Adjustment shall decide the appeal within a reasonable time.

E. Concurring Vote of 75 Percent Required

Per Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant an Appeal of an Administrative Decision.

EXIBIT A

Section 6.09. Variances

A. Authority

Per Texas Local Government Code Section 211.009, the Zoning Board of Adjustment may authorize, in specific cases, a variance from the terms of this Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

B. Conditions for Granting a Variance

In exercising its power to grant a Variance, the Zoning Board of Adjustment shall make findings and show in its minutes that:

1. There are special circumstances existing on the property on which the application is made related to the size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.
2. A variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed under this Ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
3. The granting of a variance on the specific property will not adversely affect the land use pattern as outlined in the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan.
4. The granting of the variance will not be based upon the recognition of a self-imposed hardship or only the opportunity to make the property more profitable to the applicant and/or owner.
5. The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity.

C. Limitations on Variance Granting Authority

1. The Zoning Board of Adjustment shall have no power to grant a use other than those permitted in the district for which the Variance is sought, except as specifically provided for in this Zoning Ordinance.
2. The Zoning Board of Adjustment shall have no power to grant or modify provisions of an SUP authorized under Section 6.05. Specific Use Permits.

D. Precedent

The granting of a Variance shall not set a precedent.

E. Concurring Vote of 75 Percent Required

Per Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant a Variance.

Section 6.10. Special Exceptions

A. Authority

Per Texas Local Government Code Section 211.009, the Zoning Board of Adjustment may hear and decide special exceptions to the terms of this Zoning Ordinance when the regulations require the board to do so.

B. Special Exception Requirements

1. No Hardship Required

   A Special Exception does not require a finding of an undue hardship.

2. Specifically Allowed by the Zoning Ordinance

   Approval of a Special Exception by the Zoning Board of Adjustment is specifically provided for and defined in this Zoning Ordinance.

C. Conditions for Granting a Special Exception

When in the Zoning Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Zoning Board of Adjustment may, in specific cases and subject to appropriate conditions and safeguards, authorize the following Special Exceptions to the regulations herein established:

1. **Section 4.02.C. Special Exception for Dimensional Standards for Redevelopments**
2. **Section 4.04.H. Special Exceptions for Off-Street Parking Requirements**
3. **Section 4.06.C. Special Exceptions for Accessory Building Requirements**

D. Precedent

The granting of a Special Exception shall not set a precedent.

E. Concurring Vote of 75 Percent Required

Per Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant a Special Exception.

Article 7. Definitions

Section 7.01. General

A. Usage and Interpretation Rules

1. For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows:
2. Words used in the present tense include the future tense;
3. The singular includes the plural;
4. The word "person" includes a corporation, trust, individual, and/or group of individuals;
5. The term "shall" is always mandatory; and
6. The term "may" is discretionary.

B. Words and Terms Not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of planning and engineering, as determined by the City Planner.

Section 7.02. Land Use Terms

The following terms are the land use types that correspond to **Section 3.03. Permitted Use Chart**.

A. **Residential Uses**

Assisted Living Facility

Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
2. Provides:
   a. Personal care services; or
   b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
3. May provide assistance with or supervision of the administration of medication; and
4. May provide skilled nursing services for the following limited purposes:
   a. Coordination of resident care with outside home and community support services agencies and other health care professionals;
   b. Provision or delegation of personal care services and medication administration as described by this subdivision;
   c. Assessment of residents to determine the care required; and
   d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

Boarding House

A temporary or permanent residence that provides housing for four (4) or more unrelated people. Such use is not licensed by the State.

Child Care Home (≤6 Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

Child Care Home (≥7 Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

Community Home for Persons with Disabilities

A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

1. An orthopedic, visual, speech, or hearing impairment;

2. Alzheimer's disease;
3. Pre-senile dementia;
4. Cerebral palsy;
5. Epilepsy;
6. Muscular dystrophy;
7. Multiple sclerosis;
8. Cancer;
9. Heart disease;
10. Diabetes;
11. Autism; or
12. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

Halfway House

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

HUD-Code Manufactured Home

A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section. Per the Texas Occupations Code Chapter 1201.003(20), a HUD-Code Manufactured Home means a structure:

1. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
2. Built on a permanent chassis;
3. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
4. Transportable in one or more sections;
5. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;
6. Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
7. Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrialized Home

Per the Texas Occupations Code Chapter 1202.002:

1. Industrialized housing is a residential structure that is:
   a. Designed for the occupancy of one or more families;
   b. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
   c. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
2. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
3. Industrialized housing does not include:
   a. A residential structure that exceeds four stories or 60 feet in height;
   b. Housing constructed of a sectional or panelized system that does not use a modular component; or
   c. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Live-Work Unit

A live-work unit is a Dwelling Unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. The residential unit is occupied by the business owner or manager.

Mixed-Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form.

Multiple-Family Dwelling

A residential building designed for occupancy by three (3) or more families, with the number of families not to exceed the number of Dwelling Units. The residential building contains Dwelling Units that are designed to be occupied by families living independently of one another, exclusive of hotels or motels.

Patio Home/Zero Lot Line Home

A detached, single-family unit typically situated on a reduced/zero lot line that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

Single Family Detached

A single-family Dwelling Unit with no attached wall(s) or Dwelling Unit(s).

Townhome

A group of three (3) to eight (8) attached single-family units that shares at least one (1) common or party wall with another unit. Each unit is located on an individually platted lot, and subject to a party wall agreement with the adjacent owner.

Two-Family Dwelling

A residential building containing two (2) attached Dwelling Units on one (1) platted lot, each with direct access to the outside, and each designed to be occupied by one (1) family (i.e., the building is occupied by not more than two families).

B. **Accessory and Incidental Uses**

Accessory Dwelling Unit

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to a single-family structure that is under the same ownership. Also referred to as a mother-in-law suite, garage apartment, or carriage house.

Basketball or Tennis Court

An outdoor hard-surfaced court used for recreational purposes, including basketball courts, tennis courts, and similar facilities that contribute to stormwater runoff.

Carport

An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, open on two or more sides for the shade and shelter of private passenger vehicles.

Drive-Thru

An accessory use typically associated with restaurants, banks, pharmacies, and other uses to accommodate drive-up traffic.

Fuel Pumps

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. Such use is permitted only in conjunction with a Retail or Grocery principal use.

Funeral Home, Crematory

A place for the preparation and cremation of human or animal bodies. Only permitted as an accessory to a Funeral Home.

Home Occupation

Any occupation that is performed at home that is not apparent from outside the home. This term does not include beauty schools, doctor's office, or treatment of patients.

Outdoor Display, Permanent

The permanent or semi-permanent display of finished products and services outside of a building or structure, including burial monuments, landscape materials, pottery and yard décor, equipment not elsewhere classified, and similar materials or items. Such use is accessory to a related primary use. “Permanent or semi-permanent display” means that the displayed goods are left outside overnight for any period of time. This use does not include uses with explicitly-stated outdoor storage, such as (but not limited to):

1. Auto Dealership, New and Used
2. Auto Dealership, Used Only
3. Auto Repair and Services, Major
4. Auto Storage and Rental
5. Bus and Truck Storage and Rental
6. Truck Dealership
7. Boats, Campers, & Recreation Vehicles Sales
8. Heavy Equipment Sales

Outdoor Display, Temporary

The temporary display of finished products and services outside of a building or structure, including garden supplies, food and beverages, clothing, and similar materials or items. Such use is accessory to a related primary use. “Temporary display” means that the displayed goods are only outdoors during business hours and are kept inside overnight.

Outside Storage

The continuous keeping or storage of any unfinished goods, materials, or equipment that is related to the principal use’s business operation located outside of a building for more than twenty-four (24) hours. Vehicles that are stored for more than twenty-four (24) hours and are not for sale or rent are considered Outside Storage.

Short-Term Rental

A residential unit offered for rental to guests for residential purposes for a period of one (1) to thirty (30) nights. Examples include, but are not limited to, Airbnb, Vacation Rentals by Owner, HomeAway, and other brokers. Such rentals may include a shared room, a single room, or the entire dwelling unit. These uses are conducted by the homeowner or tenant, not by a hotel or other business.

Wind Energy Turbine

A wind energy conversion device that produces electricity. Such use includes all devices generating electricity from the wind regardless of configuration as a windmill, sculpture, or any other shape.

C. **Educational, Institutional, Public, and Special Uses**

Adult Day Services

A facility that offers services and activities to senior citizens, including but not limited to counseling, assistance with daily tasks, exercise, transportation, and social activities. Such facilities do not include overnight stays.

Art Gallery and Museum

A public or private building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and that may include the sale of goods and novelties as an accessory use.

Cemetery or Mausoleums

Property used for the interring of the dead.

Chemical Dependency Facility

Per the Texas Health & Safety Code, Section 464.001:

1. "Chemical dependency" means:
    a. Abuse of alcohol or a controlled substance;
    b. Psychological or physical dependence on alcohol or a controlled substance; or
    c. Addiction to alcohol or a controlled substance.
2. "Facility" means:
    a. A public or private hospital;
    b. A detoxification facility;
    c. A primary care facility;
    d. An intensive care facility;
    e. A long-term care facility;
    f. An outpatient care facility;
    g. A community mental health center;
    h. A health maintenance organization;
    i. A recovery center;
    j. A halfway house;
    k. An ambulatory care facility; or
    l. Any other facility that offers or purports to offer treatment.

Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

Child Care Facility, Daycare

An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

Community Center, Public

A building dedicated to social or recreational activities, serving the City or neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety and general welfare of the City.

Driving School

A facility that provides automobile driving lessons.

Library

A permanent facility owned and operated by the City of Duncanville, Texas for the purpose of storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media to Duncanville residents at no-charge, exclusive of late fees and damage replacement fees. The public library may also include meeting rooms, offices for library personnel, and other similar support facilities.

Local Utility Distribution Lines

Electric, gas, communication, water, sewer, irrigation, and drainage lines providing local distribution or collection service.

Lodge or Civic Club

An organized group having a restricted membership and specific purpose to the welfare of the members such as Lion's Club and other similar associations.

Medical, Clinic or Office

An outpatient facility providing medical, dental, or surgical services, for persons requiring medical attention on a limited term basis, usually with no overnight stay. Examples include a physician's office, dentist office, and birthing center. The term does not include mental health counseling (see Professional Office uses) or and alcohol or drug rehabilitation. (See Chemical Dependency Facility.)

Medical, Emergency Room

A standalone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk-in basis and services are not intended for long-term or overnight care.

Medical, Hospital

An institution or place where sick or injured inpatients are given medical or surgical care either at public or private expense.

Medical, Rehab Care (without Live-in)

A facility or institution providing services to assist a person to regain physical, mental, and/or cognitive abilities. Services of this facility are not intended for overnight care.

Medical, Urgent Care Facility

Facilities other than hospitals where patients are admitted for non-emergency examinations and treatment, on either a walk-in or appointment basis. Patients are typically treated on an outpatient basis and are not admitted for overnight treatment or observation.

Place of Worship

A building for regular assembly for religious public worship that is used primarily for and designed for such purpose such as a church, synagogue, mosque or similar, along with accessory activities that are customarily associated therewith, such as a place of residence for ministers, priests, nuns or rabbis on the premises, and that is tax exempt as defined by State law.

Public Facility, Use, or Utility

Any facility owned and operated by the City of Duncanville, Texas for the purpose of providing municipal services to residents and businesses within Duncanville. Municipal uses may include, but are not limited to: City Hall, police station, fire station, library, parks, water treatment plant, sanitary sewer treatment plant, lift stations, drainage structures, roadways, streetlights, traffic signals, and other similar municipal uses. This term also includes Dallas County, the State of Texas, and other similar governmental entities.

Radio or Television Broadcasting without Tower

A building or portion of a building used as a place for radio or television broadcasting, but without a transmission tower.

Research and Development Laboratory (Life Sciences)

A facility that includes laboratories and experimental equipment for medical testing, agricultural research, and biological research.

Research and Development Laboratory (Technology)

A facility that includes laboratories and experimental equipment for prototype design, engineering, and product testing.

School, Business, Trade, or Vocational

A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school.

School, College or University

An academic institution of higher learning accredited or recognized by the state and offering a program or series of programs of academic study.

School, Primary or Secondary (Private)

A school under the sponsorship of a private or religious organization, which provides primary, and/or secondary school curricula. The school shall be accredited by the state to provide academic instruction for any of grades, kindergarten through 12.

School, Primary or Secondary (Public)

A school under the sponsorship of a public organization, which provides primary, and/or secondary school curricula. The school shall be accredited by the state to provide academic instruction for any of grades, kindergarten through 12.

Wireless Communication Tower

An antenna in excess of forty (40) feet in height from the base primarily used for commercial broadcasting.

D. **Recreational and Entertainment Uses**

Amusement, Indoor

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, billiard/pool facility, miniature golf course, gun range/archery range, roller/ice skating rink, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, video arcade, escape rooms, and indoor trampoline park/bouncy park.

Amusement, Outdoor (Permanent)

An permanent amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors, including, but not limited to, miniature golf course, amusement park a golf driving range, archery range, batting cages, go-cart tracks, and outdoor swimming pool.

Amusement, Outdoor (Temporary)

Any temporary outdoor amusement center where there may or may not be an admission charge, and which may include such activities as rides, entertainment, games, booths, food services and sales, and exhibitions.

Banquet or Event Center

A building, facility, room, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, regardless of whether a fee is charged. Includes reception facilities and wedding venues.

Country Club

A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures.

Food Truck Park

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. Such areas typically include electrical outlets, seating/dining areas, restroom facilities, and trash receptables.

Park, Private

Any recreational facility or park owned and operated by a private entity.

Park, Public

A recreational facility or park owned and operated by a public agency such as the City of Duncanville or the school district, and available to the general public.

Theater, Indoor Only

A building with indoor seating devoted to the showing of motion pictures.

Theater, Performing Arts

A building or structure devoted to dramatic, dance, musical, or other live performances.

E. **Retail and Service Uses**

Adult-Oriented Uses

Any business activity which offers the opportunity to view specified sexual activity, or view or touch specified anatomical areas for entertainment.

Appliance Rental and Repair

The maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers. Said establishments may provide such appliances for rental.

Art Instruction Studio

Art instruction studios are primarily engaged in providing instructional classes on the creative works such as paintings, sculptures, macramé, knitted goods, stitchery, pottery, dance, martial arts, photography, and music. Such uses may engage in the sale said art works.

Art Studio

An establishment engaged in the sale or exhibit of art works such as paintings, sculptures, macramé, knitted goods, stitchery, photography, or pottery. Art studios are also engaged in the creations of said art works but do not provide instructional classes.

Bail Bond Business

A business licensed to provide bail bond services in accordance with Texas Occupations Code Chapter 1704. Such use does not include bail bond services that are provided by an attorney and that are exempt from the state licensure requirements under Texas Occupations Code Section 1704.163.

Bar (≥75% Alcohol Sales)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premise sale of alcoholic beverages.

Credit Access Business

A credit service organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan. (Definition originates from Section 393.601 of the Texas Finance Code)

Feed Store

An establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery

Financial Institution

Provision of financial and banking services to consumers or clients. Walk-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs). Said establishments do not include drive-thru windows or drive-up ATMs unless a Drive-Thru is permitted as an accessory use.

Funeral Home

A place for the preparation and storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased. See Funeral Home, Crematory.

Grocery, Local Scale

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is 15,000 sq. ft. or less.

Grocery, Neighborhood Scale

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than 15,000 sq. ft. but less than 30,000 sq. ft.

Grocery, Regional Scale

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than or equal to 30,000 sq. ft.

Gym and Fitness Facilities

A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Hookah Lounge

An establishment where patrons smoke flavored tobacco from a hookah pipe. See Chapter 16B – Smoking of the City's Code of Ordinances for additional regulations.

Nursery, Retail

A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

Nursery, Wholesale

A facility that engages in the wholesale of flowers, shrubs, trees, and other plant and gardening supplies. Limited small-scale hand assembly and packaging is permitted as part of this use.

Pawn Shop

A location at which or premises in which a pawnbroker regularly conducts business as defined by the State Finance Code Chapter 371.

Personal Care Service Shop

A business that provides services for personal care such as barber shop, beauty salon, nail salon etc. This definition shall include licensed massage parlors.

Plumbing Shop

Establishments primarily engaged in retails sales of plumbing, heating, and air-conditioning equipment, including storage for ordinary repair, but without warehouse facilities or materials for contracting work.

Postal Mart

A commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

Print Shop

An establishment that primarily reproduces, in printed form, individual orders from a business, profession, service, industry or government organization. Off-set, letter press, and duplicating equipment are used, but no rotary presses or linotype equipment are used. Related services might include faxing, digitizing, graphic reproducing, report assembling, and small-scale binding.

Professional Office, Local Scale

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure less than or equal to 10,000 sq. ft. Examples of Professional Office uses include offices for real estate agents, counselors, tax consultants, accountants, lawyers, engineers, and insurance agents.

Professional Office, Neighborhood Scale

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure between 10,000 and 20,000 sq. ft. Examples of Professional Office uses include offices for real estate agents, counselors, tax consultants, accountants, lawyers, engineers, and insurance agents.

Professional Office, Regional Scale

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure greater than 20,000 sq. ft. Examples of Professional Office uses include offices for real estate agents, counselors, tax consultants, accountants, lawyers, engineers, and insurance agents.

Recycle Collection Point

Space allocated for collecting and loading of recyclable materials.

Restaurant, Limited Seating

An establishment that prepares and sells food and beverages primarily for off-site consumption. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Restaurant, Seated Service

An establishment that prepares and sells food and beverages typically for on-site consumption. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Retail, Convenience Store

1. A retail establishment that sells convenience goods and other consumable and non-consumable products for off-premise use or consumption that is 6,000 sq. ft. or less.
2. Said establishments do not include indoor seating for patrons.
3. Said establishments do not provide fuel bays for automobile refueling unless a Fuel Pumps is permitted as an accessory use.
4. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Retail, Convenience Store with Restaurant

1. A retail establishment that sells convenience goods and other consumable and non-consumable products for on- or off-premise use or consumption that is 12,000 sq. ft. or less.
2. Said establishments include an attached restaurant with indoor seating for patrons.
3. Said establishments do not provide fuel bays for automobile refueling unless a Fuel Pumps is permitted as an accessory use.
4. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Retail, Local Scale

Retail establishments under 10,000 sq. ft., engaged in the sale of a variety of products not elsewhere classified.

Retail, Neighborhood Scale

Retail establishments between 10,000 and 25,000 sq. ft., engaged in the sale of a variety of products not elsewhere classified.

Retail, Regional Scale

A retail establishment 25,000 sq. ft. or greater engaged in the sale of a variety of products not elsewhere classified.

Retail, Sundry

A retail store, also commonly referred to and promoted and advertised as a dime or dollar store, selling various miscellaneous small items that are usually of no large value and not important enough to be mentioned individually such as dry goods, toiletries, household supplies and perishable and nonperishable food.

Seasonal Sales

Temporary outdoor retail operations including:

1. Farmer's markets;
2. Seasonal sales of Christmas trees, pumpkins, firewood, or other seasonal items; or
3. Semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows.

Sign Printing

An establishment that primarily sells signs and similar products to walk-in, phone, or online customers. Business operations on-site are retail in nature with no manufacturing or heavy equipment on-site. On-site equipment is limited to electrical equipment, such as plotters, and no pneumatic or hydraulic equipment is used to make or assemble any sign products. No cutting, bending, or grinding of metal materials occurs on-site. Noise from business operations are contained within the building. Examples of this business type would include Fast Sign and Signarama retail sign stores.

Tattoo or Piercing Studio

An establishment or facility in which tattooing and/or body piercing is performed as defined by Chapter 146 of the Texas Health and Safety Code. This does not include the tattooing of permanent makeup.

Tobacco, CBD, or Vape Shop

A shop that specializes in the sale of tobacco, cigars, cigarettes, electronic cigarettes, electronic vapor devices, hookahs, cannabidiol (CBD), or other tobacco products. See Chapter 16B – Smoking of the City's Code of Ordinances for additional regulations.

F. **Commercial and Industrial Uses**

Alcohol Production, Macro

A facility over 15,000 sq. ft. where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and that possess the appropriate licenses from the State of Texas. No alcoholic beverages are consumed on-site.

Alcohol Production and Tasting/Tap Room, Micro with Food Sales

A facility 15,000 sq. ft. or smaller where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and that possess the appropriate licenses from the State of Texas. This facility also prepares and sells beverages for immediate consumption on-site.

Alcohol Production and Tasting/Tap Room, Micro without Food Sales

A facility 15,000 sq. ft. or smaller where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and that possess the appropriate licenses from the State of Texas. This facility also prepares and sells beverages for immediate consumption on-site.

Animal Services, No Outside Pens

Facility entirely indoors in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing, boarding, or other treatment for which payment is received.

Animal Services with Outside Pens

Facility with a fenced yard or outside kennels in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing, boarding, or other treatment for which payment is received.

Bed & Breakfast

Generally small, owner-operated businesses providing the primary financial support of the owner. Usually the owner lives on premises. The building's primary usage is for business. Inns advertise, appropriate taxes, and post signs. Breakfast is the only meal served and only to overnight guests. The inn may host events such as weddings, small business meetings, etc. Room numbers range from four (4) to twenty (20). Reservations may be made directly with the property.

Building Materials Sales

A retail establishment for the sale of building materials such as lumber, hardwood, stone, brick, or similar materials.

Cabinet Shop

A facility that engages in manufacturing and sales of fabricated wood millwork, cabinetry, hardwood and softwood.

Catering Service

An establishment in which the principal use is the preparation of food and meals on the premises, and where such food an meals are delivered to another location for consumption. Such use does not include the sale of food for on-site consumption.

Commercial, General

Commercial establishments that are engaged in commercial activity not elsewhere classified.

Compressed or Liquefied Gas Storage and/or Distribution

Bulk storage tanks of compressed or liquefied petroleum gas for business use, retail sale, storage, wholesale, or wholesale distributing.

Contractor & Storage Yard

A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Extermination Business

An establishment providing routine pest control of buildings. This term includes but is not limited to building cleaning, pest extermination, or disinfecting service.

Furniture Repair Shop

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

Heavy Equipment Sales

A building or open area, other than a right-of-way or public parking area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit. Such use may include outside storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Hotel, Full Service

A full service hotel is distinguished by the abundant provision of food and beverage services for guests and groups. Hotel of this type also have the ability to facilitate large meetings and special events, and generally have on-site restaurants, lounges, and meeting spaces. Spas, doormen, valet parking, extended room service, concierge services, and high-end restaurants are other distinguishing features of full-service hotels. Examples include: DoubleTree, Embassy Suites, Hilton, Marriott, Renaissance, Ritz-Carlton, W Hotels, and Westin.

Hotel, Limited Service

A limited-service hotel is distinguished by simple guest services; or a hotel without restaurant and banquet facilities. Typical services offered by a limited-service hotel could be a business center, fitness room, laundry facility, and swimming pools. Examples include: Candlewood Suites, Motel 6, Rodeway Inn, Fairfield Inn, Holiday Inn Express, Hampton Inn, La Quinta, and SpringHill Suites. May also be referred to as a motel.

Hotel, Select Service

A select-service hotel is a hybrid between full service and limited service. Select service hotels generally have more in common with the limited-service hotels, but some features of a full-service hotel at a smaller scale. A select-service hotel might have a specialty restaurant, but only offer a limited menu and select days, or have small-scale meeting facilities. Examples include: Courtyard by Marriott, Wyndham Garden Inn, Hilton Garden Inn, Hyatt Place, Clarion, and Ramada.

Laundry, Commercial

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Laundry, Dry Cleaning Drop-Off/Pick-Up

Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station that serves as an outlet for a larger off-site facility and does not exceed six thousand (6,000) square feet of Floor Area.

Laundromat

A facility where patrons wash and dry clothing and other fabrics in machines operated by the patron.

Machine and Welding Shop

A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Manufactured/Mobile Homes Sales (On Site)

The offering for sale, storage, or display of mobile home units on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufacturing, Production, and Processing, Heavy

A manufacturing facility, not elsewhere classified, engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce limited smoke, noise, dust, glare, odors or vibration beyond its property line. Examples include manufacture or assembly of machinery, metals, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, and electric power generation plants.

Manufacturing, Production, and Processing, Light

A manufacturing facility, not elsewhere classified, engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable operating entirely within a building in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, odor, etc. Examples include manufacturing of clothing, food, furniture, glass, ceramics, and production of plastic bags.

Motel

See Hotel, Limited Service.

Sign Manufacturing

An establishment that manufactures and sells signs and similar products to primarily phone or online customers, with little or no walk-in customers. Business operations on-site are manufacturing and assembly with the use of heavy equipment on-site. On-site equipment includes the use of pneumatic or hydraulic equipment to make or assemble sign products. In the manufacturing of products, the cutting, bending, or grinding of metal materials occurs on-site. Noise from business operations is anticipated to be heard outside of the building. An example of this business type would a state-licensed electrical sign contractor operation.

Storage of Topsoil, Earth, Clay, Stone Extraction

The excavation or storage of topsoil, earth, clay, stone, or other raw materials from earth.

Warehouse, Self Storage

An enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles. No other business or service may be allowed to operate out of a rented storage space.

Warehouse, Storage or Sales

A building used primarily for the storage and sale of goods and materials.

Wholesale Center

An establishment or place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; and to other wholesalers; includes an associated sample room open to customers.

G. **Automobile and Transportation Uses**

Auto Dealership (Inside Only)

The display for sale of more than two motor vehicles or any type of trailer in an enclosed environment, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales. Outside storage of motor vehicles for sale does not exist.

Auto Dealership, New and Used

Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Auto Dealership, Used Only

Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

Auto Repair and Services, Major

General repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing. Such use may include outside storage of vehicles, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Auto Repair and Services, Minor (No Outside Storage)

Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; muffler repair, emergency road service; replacement of starters, alternators, hoses and brake parts; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; window tinting; inspection services, diagnostics; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under Auto Repair and Services, Major,

wrecker/towing services, or any other similar use. May include the retail sale of auto parts. No outside storage exists.

Auto Storage and Rental

Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Boats, Campers, & Recreation Vehicles Sales

An establishment for the sale and leasing of new boats, campers, and recreational vehicles. Used boat, camper, and recreational vehicle sales are allowed only if said amenities are taken in as trade for new boats, campers, and recreational vehicles. The majority of sales must be attributable to new boat, camper, and recreational vehicle sales.

Bus and Truck Storage and Rental

Any property used or occupied for the storing of buses and trucks to be offered for rental.

Car Wash

Washing, waxing or cleaning of automobiles or light duty trucks by the owner or a professional service. The vacuuming and drying process may be conducted inside or outside.

Car Wash, Inside Only

Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The vacuuming and drying process is not conducted outside of the enclosed facility.

Fuel Station, Standalone

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. Such use is a standalone gas station with no associated convenience or other retail store.

Hauling Services

Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Parking Lot

An off-street, surfaced, ground level open area, for the temporary storage of five or more motor vehicles.

Passenger Pick-Up and Drop-Off Point

A facility located at selected points along transit routes for passenger pickup, drop off, or transfer.

Passenger Terminal

A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement, or transfer of freight, as well as all equipment and facilities used to accomplish the foregoing activities.

Truck Dealership

Storage and display for sale of more than two heavy load vehicles, where repair or body work is incidental to the operation of the new or used heavy load vehicle sales. Sales includes vehicle retail or wholesale sales. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Truck Repair

An establishment providing major and minor automobile services to heavy load vehicles. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Section 7.03. Key Terms

A. **Terms A-C**

Accessory Building

A subordinate building that is used and intended for a purpose that is customarily incidental to a main or principal other building. Examples of accessory buildings may include but are not limited to cooling towers, storage buildings, fire pump buildings, a private garage for automobile storage, a tool house, a greenhouse, a home workshop, a children's playhouse, and a garden shelter.

Accessory Use

A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

Airport Flight Overlay District

The general area of Dallas Executive Airport.

Alley

The right-of-way for vehicles and pedestrians within a block that provides access to the rear of buildings, vehicle parking, utility meters, and service areas. An easement for public access is required if the alley is a private right-of-way.

Alternative Compliance

A procedure to grant a deviation from the requirements of the Zoning Regulations to result in equal or better development. Alternative Compliance is only available in the instances specified by **Section 6.07. Alternative Compliance**.

Alternative Tower Structure

Manmade trees, clock Towers, steeples, light poles, flag poles, public utility structures and similar alternative-design mounting structures that camouflage or conceal the presence of Antennas or Towers.

Antenna

Any exterior transmitting or receiving device mounted on a Tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Approved Plant List

The list of permitted and prohibited plant species that is maintained by the City Planner.

Awning/Canopy

An awning is a cantilevered, projected or suspended cover over the sidewalk portion of any public street. Awnings may also be roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. Awnings shall have a minimum clear height of eight (8) feet from the finished sidewalk in front of it.

Backhaul Network

The lines that connect a provider's Tower/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

Block

A block is an increment of land comprised of lots, alleys, and tracts circumscribed by streets.

Building Official

The person designated by the City Manager as the Building Official or their designee.

Build-To Zone

The area in which a building's façade must be located.

Building Coverage

The percentage of a lot covered by the principal building and any accessory buildings.

Building Frontage

It is the percentage of the building's front facade that is required to be located at the front building setback line or zone as a proportion of the block frontage along that public street. Parks, plazas, squares, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

Building Permit

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action complies with the City code.

Certificate of Occupancy

An official certificate issued by the City through the enforcement official that indicates conformance with the City's rules and regulations, and which authorizes legal use of the premises.

City

The City of Duncanville, Texas, together with all its governing and operating bodies.

City Attorney

The person(s) designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

City Council

The governing body of the City.

City Engineer

The person designated by the City Manager as the Engineer of the City or their designee.

City Manager

The person designated by the City Council as the City Manager or their designee.

City Planner

The person designated by the City Manager as the City Planner or their designee.

City Secretary

The person designated by the City Council as the City Secretary or their designee.

Civic Space

Civic space shall be publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic Space for the purposes of this ordinance.

Code Enforcement Officer

The Code Enforcement Officer of the City or designee.

Colonnade or Arcade

A colonnade or arcade is a roofed or built structure, extending beyond the ground floor front facade of a building and over the sidewalk or civic space. A colonnade or arcade shall be open to the street except for supporting columns, piers, or arches. Residential or office units may occupy the space over the colonnade or arcade.

Common Lot Line

A lot line shared by more than one lot shall be a common lot line.

Comprehensive Plan

The plan, including all revisions and addenda thereto, most recently adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.

Corner Lot

A corner lot shall be one that has more than one intersecting street frontages (with the exception of alleys).

County

Dallas County, the governmental entity in which the City resides.

B. **Terms D-M**

Development Review Committee

A committee consisting of City Staff responsible for reviewing development applications.

Director of Public Works

The Director of Public Works of the City or designee.

Driveway

An area between the drive approach and parking spaces used for vehicular ingress and egress to residential and nonresidential property and includes drive aisles. For nonresidential property or uses, driveways shall be constructed with reinforced concrete according to city specifications.

Dwelling Unit

One or more rooms that are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.

Engineer

See Professional Engineer.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

Fence

Any wall, berm or structure more than two and one-half feet in height erected or maintained for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure, located entirely on private property.

Fence Height

All fence height shall be measured vertically from the highest grade at either end of the fence to the topmost part of the fence.

Fence Permit

A permit, as authorized in **Section 4.07. Screening and Buffering Requirements**, issued by the Building Official.

Groundcover

Grasses and other living plant materials that are designed to grow low to the ground, generally less than one (1) foot in height. See the Approved Plant List maintained by the City Planner.

Height (Tower)

The distance measured from the finished grade of the parcel to the highest point on the Tower or other structures, including the base pad and any Antenna.

High Intensity Lighting

Lighting that exceeds 11,000 lumens.

Interior Site/Lot

An interior site or lot shall be one that has only one public street frontage (with the exception of alleys).

Intersection Visibility Triangle

The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection.

Lattice Tower

A guyed or self-supported three or four sided, open steel frame structure used to support telecommunications equipment.

Lot

Platted land occupied, or to be occupied, by a building and its accessory buildings and including such open spaces as are required under this chapter and having its principal frontage on a public street or officially approved place.

Lot Depth

The mean distance between the front and rear lot lines.

Lot Lines

Means the lines bounding a lot as defined in this section.

Lot Width

The width of a lot at the front building line.

Main Building

The building or buildings on a lot, which are occupied by the primary use.

Monopole

A structure composed of a single spire used to support telecommunications equipment.

C. **Terms N-Q**

Neighborhood Transition Zone

An area twenty-five (25) feet in depth parallel to any lot line that is common with a single-family residential lot where building heights are restricted.

Nonconforming Lot

A lot that does not meet the current requirements of this Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception.

Nonconforming Structure

A structure that does not meet the current requirements of this Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception.

Nonconforming Use

A use of land that does not meet the current requirements of this Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception.

Nonconformities

A general term used to refer to Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots.

Ornamental Grass

Decorative grasses used in landscaping. See the Approved Plant List maintained by the City Planner.

Ornamental Tree

A smaller tree intended to provide aesthetic benefit rather than significant shade. See the Approved Plant List maintained by the City Planner.

Preexisting Towers and Preexisting Antennas

Any tower or antenna installed prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Parking Setback Line

The parking setback line shall be the line behind which ground floor surface parking may be located on any lot in the Downtown Duncanville District. The parking setback line shall be established in the regulating plan by frontage type.

Planned Development

A Planned Development (or PD) District is a type of zoning used to permit new or innovative concepts in land use not permitted by other zoning districts in these regulations or to permit development projects that existing districts cannot easily accommodate. The purpose of the PD is to provide land for uses and developments that promote development that is more sensitive to the natural environment, create a significantly enhanced natural setting or sense of place, or otherwise enhance the standard pattern of development in the City. (See **Section 6.06. Planned Developments**.)

PD Development Map

A map depicting the development plan for the area of a PD Planned Development District. A PD Development Map combined with a PD Development Statement forms a PD Development Plan. (See **Section 6.06. Planned Developments**.)

PD Development Statement

A written report outlining the development plan for the area of a PD Planned Development District. A PD Development Map combined with a PD Development Statement forms a PD Development Plan. (See **Section 6.06. Planned Developments**.)

PD Development Plan

Comprised of the PD Development Map and PD Development Statement.

Planning and Zoning Commission

The Planning and Zoning Commission of the City of Duncanville.

Playground

A civic/open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas and may be placed within a block as illustrated. They may included in other open spaces.

Plaza

A primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.

Porte Cochere

A permanent structure that is structurally and aesthetically integrated into a residence, and that is erected over a driveway to allow for the parking of vehicles. Such structure is open on two (2) sides and provides covered, direct access to a primary or secondary entrance to the structure.

Private Property

Private property means any property not dedicated to public use, except that "private property" does not include the following:

1. A private street or alley
2. Property on which a utility or public service use such as a commercial radio or transmitting station, electrical generating plant, electrical substation, water tower, local utility, drainage easement, post office or government installation is being conducted as a main use
3. A railroad right-of-way
4. A cemetery or mausoleum
5. A church
6. A school

Professional Engineer

A person licensed as a Professional Engineer in the State of Texas.

D. **Terms R-Z**

Regulating Plan

A plan for the DD, Downtown Duncanville District that establishes the location of frontages, streetscape standards, and other development standards within such frontages, subject to changes within such plan pursuant to the terms of this Zoning Ordinance.

Restricted Building or Structure

A building or structure whose height is restricted by a Residential Proximity Slope.

Rezoning

See Zoning Map Amendment.

Right-of-Way

A parcel of land occupied or intended to be occupied by a street or alley. A right-of-way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use. The use of right-of-way shall also include parkways and medians outside of pavement.

Shade Tree

A plant having at least one well-defined stem or trunk at least three (3) inches in caliper and has a canopy that screens and filters the sun. See the Approved Plant List maintained by the City Planner.

Shrub

A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like or single-stemmed. See the Approved Plant List maintained by the City Planner.

Site of Origination

1. Any private property in:
    a. Residential Zoning Districts or have a residential use
    b. An identifiable portion of a PD, Planned Development District, which portion is restricted to residential uses not exceeding 36 feet in height.
2. Exception
    a. A lot or tract zoned residential (except Multi-Family Zoning Districts) or less intensive density and which are developed and are three acres or less in size, or undeveloped and five acres or less in size, and are surrounded on at least three sides by nonresidential zoning and/or uses are not considered a Site of Origination.
    b. For the purpose of this definition, "developed" means property that has a habitable structure on it.

Site Plan

A detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the Zoning Ordinance.

Special Exception

An adjustment in application of the specific regulations of the zoning regulations to a particular parcel of property that has been pre-defined by these zoning regulations and does not require a hardship.

Specific Use Permit

A zoning designation for certain uses that may require additional review or standards to avoid conflicts with adjacent development. See **Section 6.05. Specific Use Permits**.

Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

SUP

See Specific Use Permit.

Telecommunications Facility System

A facility consisting of equipment for the reception, switching and/or transmitting of wireless telecommunications. Such facility may be elevated (either building-mounted or ground-

mounted) transmitting and receiving antennas, low power mobile radio service base station equipment, and interconnection equipment. The categories of system types may include, but not limited to: 1) roof and/or building mounted facilities; 2) telecommunication facilities; 3) accessory buildings); 4) concrete parking pad; and 5) fencing/landscaping.

Tower

Any structure, other than alternative tower structures, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

Transit-Oriented Development

A development focused on a particular transit destination – typically a train station. Such developments are pedestrian-oriented and typically include medium- to high-density housing, retail, and other office and/or commercial uses in a vertical mixed-use development configuration.

Variance

An adjustment in application of the specific regulations of the zoning regulations to a particular parcel of property which, because of special conditions or circumstances, peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Yard

1. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
2. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front property line of the lot.

Yard, Rear

A yard extending across the full width of the lot and measured between the rear property line of the lot and rear line of the main building, except that area included in the side yard as defined below.

Yard, Side

A yard between the building and the side property line of the lot and extending from the front yard to the required minimum rear yard.

Zoning Board of Adjustment

The City's Board of Adjustment, which is established in **Section 5.03. Zoning Board of Adjustment**.

Zoning Districts

1. SF-43

   See **Section 2.03.A. SF-43 Estate Single-Family Residential District**.
2. SF-13

   See **Section 2.03.B. SF-13 Single-Family Residential District**.
3. SF-10

   See **Section 2.03.C. SF-10 Single-Family Residential District**.
4. SF-7

   See **Section 2.03.D. SF-7 Single-Family Residential District**.
5. TF-7

   See **Section 2.03.E. TF-7 Duplex Residential District**.
6. MF-14

   See **Section 2.03.F. MF-14 Multi-Family Residential District**.
7. MF-21

   See **Section 2.03.G. MF-21 Multi-Family Residential District**.
8. NOR

   See **Section 2.04.A. NOR Neighborhood Office/Retail District**.

9. LOR

   See **Section 2.04.B. LOR Local Office/Retail District**.

10. GOR

    See **Section 2.04.C. GOR General Office/Retail District**.

11. C

    See **Section 2.04.D. C Commercial District**.

12. I

    See **Section 2.04.E. I Industrial District**.

13. DD

    See **Section 2.05.A. DD, Downtown Duncanville District**.

14. PD

    See **Section 2.05.B. PD, Planned Development District**.

Zoning District Map

The official certified map upon which the boundaries of the various zoning districts are drawn and that is an integral part of the Zoning Ordinance, which may also be cited as the Zoning Map. See **Section 1.05. Zoning District Map**.

Zoning Map Amendment

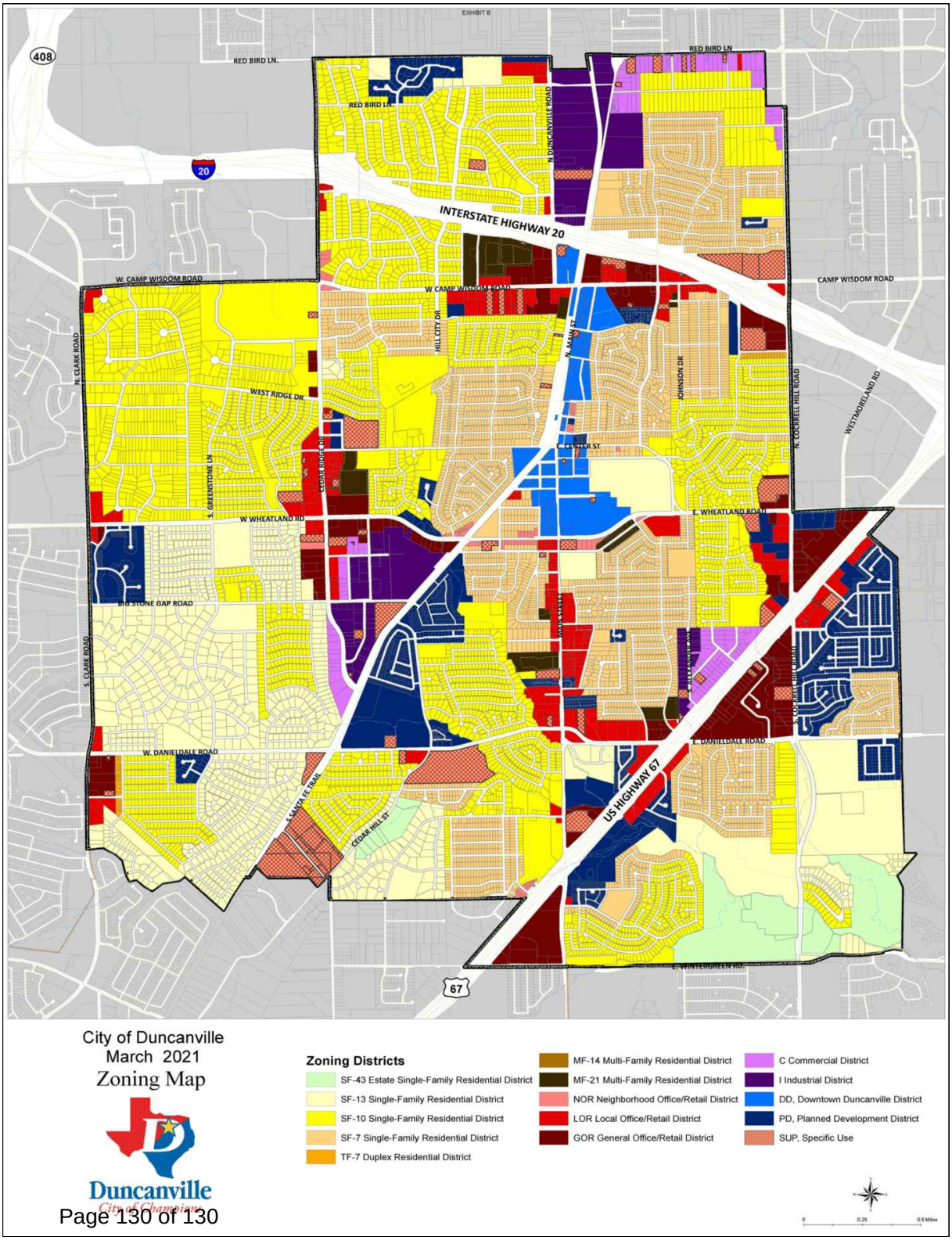
An amendment or change to the Zoning District Map. May also referred to as a rezoning.

Zoning Ordinance

The adopted Zoning Ordinance of the City of Duncanville, as may be amended.

Zoning Text Amendment

An amendment or change to the text of this Zoning Ordinance.


EXHIBIT B
408
RED BIRD LN.
RED BIRD LN
20
INTERSTATE HIGHWAY 20
W. CAMP WISDOM ROAD
CAMP WISDOM ROAD
N. DUNCANVILLE ROAD
HILL CITY DR
N. MAIN ST
JOHNSON DR
N. COCKRELL HILL ROAD
WESTMORELAND RD
N. CLARK ROAD
WEST RIDGE DR
S. GREENSTONE LN
CEDAR RIDGE DR
CENTER ST
W WHEATLAND RD
E. WHEATLAND ROAD
BIG STONE GAP ROAD
S. CLARK ROAD
W. DANIELDALE ROAD
E. DANIELDALE ROAD
S. COCKRELL HILL ROAD
S. SANTA FE TRAIL
CEDAR HILL ST
US HIGHWAY 67
E. WINTERGREEN RD.
67
City of Duncanville
March 2021
Zoning Map
Duncanville
City of Champions
Zoning Districts
SF-43 Estate Single-Family Residential District
SF-13 Single-Family Residential District
SF-10 Single-Family Residential District
SF-7 Single-Family Residential District
TF-7 Duplex Residential District
MF-14 Multi-Family Residential District
MF-21 Multi-Family Residential District
NOR Neighborhood Office/Retail District
LOR Local Office/Retail District
GOR General Office/Retail District
C Commercial District
I Industrial District
DD, Downtown Duncanville District
PD, Planned Development District
SUP, Specific Use
0
0.25
0.5 Miles

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider an Ordinance amending Sec. 19-107 of the City of Duncanville Ordinance to declare a portion of Oriole Blvd as a No Parking Zone.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

STAFF RESPONSIBLE:
Bryan G. Ramey II, P.E., Director of Public Works
Robert D. Brown, Chief of Police

BACKGROUND/HISTORY:
At the request of Councilmember Johnette Jameson, Chief Brown, Duncanville Chief of Police, presented a briefing to Council during the January 19, 2021 Council Briefing Session regarding parking along Oriole Blvd. Councilmember Jameson stated she received several complaints from the residents of Deerchase Condominiums (611 Oriole Blvd) about parking and speeding in vicinity of the 600-block of Oriole Blvd.

During the briefing, Chief Brown, presented a summary of reported accidents and a summary of vehicle speed. For reported accidents, a total 11 accidents were reported between January 01, 2020 and December 13, 2020. One accident was in the 100 Block, one accident was in the 400 Block, one accident was in the 600 Block, four accidents were in the 700 Block, and four accidents were in the 800 Block. For vehicle speed, a total volume of 3,758 cars was measured during the period of November 29, 2020 thru December 07, 2020. The speed limit along Oriole Blvd is 30 mph and the vehicle speed survey showed an average speed of 31 mph with 3% of the vehicles exceeding 40 mph.

Following the briefing from Chief Brown, Council requested staff prepare an amendment to the No Parking ordinance (Sec. 19-107) to prohibit parking on the west side of Oriole Blvd for an appropriate distance that would improve the visibility for the residents of Deerchase Condos when exiting the complex. A no parking zone extending 100' on both sides of the entrance to the Deerchase Condominiums would achieve suitable visibility. If Council approves the ordinance establishing a No Parking Zone along Oriole Blvd, the City would install "No Parking" signs as well as paint the curb to identify the no parking zone.

POLICY EXPLANATION:
City Council approval is required to prohibit parking along any street greater than 30' in width.

FUNDING SOURCE:
N/A

Contract Log #:
N/A

RECOMMENDATION:
This ordinance amendment was specifically requested by a Councilmember, staff will defer to Council regarding establishment of a portion of Oriole Blvd as a No Parking Zone.

ATTACHMENTS:
Attachment 1 - No Parking - Oriole Blvd
Ordinance No. 2331R - Amend Chap 19 Traffic - Pdf



Proposed No Parking
600 Block Oriole Blvd.

ORDINANCE NO. 2331R

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 19 'TRAFFIC', ARTICLE VI 'STOPPING, STANDING AND PARKING', SECTION 19-107. 'PROHIBITED ON SPECIFIC STREETS' AMENDING BY ADDING A NEW SUBSECTION (93) TO PROHIBIT PARKING ON A PORTION OF ORIOLE BOULEVARD BEGINNING 550 FT SOUTH OF ITS INTERSECTION WITH CAMP WISDOM ROAD; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the Code of Ordinances of the City of Duncanville, Texas, be and the same is hereby amended by amending Chapter 19, 'Traffic', Article VI 'Stopping, Standing and Parking', Section 19-107 'Prohibited on Specific Streets', by adding a new subsection (93) to read as follows:

"CHAPTER 19, 'TRAFFIC', ARTICLE VI 'STOPPING, STANDING AND PARKING'

ARTICLE I. IN GENERAL

. . . . .

ARTICLE VI. STOPPING, STANDING AND PARKING

Sec. 19.105. – Parking prohibited generally

. . . . .

Sec. 19-107 – Prohibited on specific street

It shall be unlawful and an offence for the driver or owner, or the owner to suffer or permit the driver of any vehicle to stop, stand or park a vehicle at any time upon the streets described herein as follows, when signs are erected or curbs are painted on such streets giving notice thereof:

(1) . . . . . .

(93) On the west side of Oriole Boulevard beginning 550 ft South of its intersection with Camp Wisdom Road extending 250 feet southward from its point of beginning. [Deerchase Condominiums].

SECTION 2. That all provisions of the ordinances of the City of Duncanville in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Duncanville not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision 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 4. 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 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Duncanville as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

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 2nd day of March, 2021.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider an Ordinance providing for the appointment and contract for a Presiding Municipal Court Judge and Associate Municipal Court Judges for the Municipal Court of Duncanville; and, authorizing the Mayor to sign.

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

STAFF RESPONSIBLE:
Richard Summerlin, CPA, CGFO
Finance Director

BACKGROUND/HISTORY:
Section 7-2 of the Code of Ordinances of the City of Duncanville, Texas provides for the appointment of Presiding and Associate Municipal Court Judges. Municipal Court Judges serve at the pleasure of the Council. Associate Municipal Court Judges are subject to the same qualifications as the Presiding Municipal Judge. Government Code, Title 2. Judicial Branch, Subtitle A. Courts, Chapter 30. Municipal Courts of Record, Subchapter A. General Law For Municipal Courts of Record, Sec. 30.00006.Judge
(a) A municipal court of record is presided over by one or more municipal judges.
(b) The governing body shall by ordinance appoint its municipal judges.
(c) A municipal judge must:
(1) be a resident of this state;
(2) be a citizen of the United States;
(3) be a licensed attorney in good standing; and
(4) have two or more years of experience in the practice of law in this state.

Municipal Judges may grant writs of mandamus, attachment, and other writs necessary to the enforcement of the jurisdiction of the court. Municipal Judges may issue writs of habeas corpus in cases in which the offense charged is with the jurisdiction of the court and a municipal judge is a magistrate. Municipal Judges may also issue administrative search warrants. Each appointment is for a term of two years which will run from February 1, 2021 thru January 31, 2023.

POLICY EXPLANATION:
The City Council is responsible for the selection and appointment of the municipal court judges, including selection of a presiding judge and selection of associate judges.

FUNDING SOURCE:
Funds are budgeted through the General Fund, Municipal Court.

Contract Log #:
N/A

RECOMMENDATION:
Staff recommends that City Council consider an Ordinance providing for the appointment and contract for a Presiding Municipal Court Judge and Associate Municipal Court Judges for the Municipal Court of Duncanville; and, authorizing the Mayor to sign.

ATTACHMENTS:
Attachment 1 - Rizo Resume 2021
Attachment 2 - Austin Resume 2021
Attachment 3 - Eiland Resume 2021
Ordinance No. - 2359R - Appointment of Municipal Court Judges - 2019 - Pdf

ATTACHMENT 1

JOHN B. RIZO, SR.
Rizo & Associates, PLLC
[redacted].
Dallas, Texas 75223

[redacted]

Tel: [redacted]
Fax: 214.572.7259

BIOGRAPHY

John Rizo is a 1984 graduate of the Harvard Law School. He has 32 years of experience in the practice of law. He has served as an Assistant District Attorney for Dallas County, in-house counsel for a major corporation, J. C. Penney, and has worked in various civil law firms. He is of Hispanic origin and is bilingual (Spanish/English). He currently serves as Presiding Judge for the Municipal Court of the City of Duncanville, Texas.

Mr. Rizo has tried numerous cases before judges or juries in state and federal courts in Texas and across the country. He has experience in handling various types of matters, including -- accident, injury, civil, criminal, family, adoption, divorce, child custody, child support, CPS, business, immigration, intellectual property, ERISA, and appellate.

Mr. Rizo is admitted to practice before all courts of the State of Texas, the United States District Courts for the Northern, Eastern, Southern, and Western Districts of Texas, and the United States Courts of Appeals for the Second, Third, and Fifth Circuits.

He is a member of the Texas Bar.

Mr. Rizo is a volunteer with Youth Ministry at his church as well a Commissioner of Adult and Family Ministry.

ATTACHMENT 2

KATHY A. AUSTIN

[redacted] ❖ DUNCANVILLE, TEXAS ❖ 75137-2826 ❖ [redacted] ❖ [redacted]

OBJECTIVE

TO HAVE A CHALLENGING EXPERIENCE IN A PROGRESSIVE CITY WHICH WILL UTILIZE MY EXPERIENCES OF THE PAST THIRTY YEARS.

EMPLOYMENT

RESPONSIBLE FOR MAGISTRATE DUTIES, HEARING TRIALS, REVIEWING AND SIGNING SEARCH WARRANTS, CAPIAS WARRANTS AND JUDGMENTS IN THE FOLLOWING CITIES

ASSOCIATE JUDGE — YEARS EMPLOYED (2015 - 2021)
DUNCANVILLE MUNICIPAL COURT — DUNCANVILLE, TEXAS

ASSOCIATE JUDGE — YEARS EMPLOYED (2012 - 2020)
DESOTO MUNICIPAL COURT — DESOTO, TEXAS

ASSOCIATE JUDGE — YEARS EMPLOYED (1995 - 2020)
RED OAK MUNICIPAL COURT — RED OAK, TEXAS

ASSOCIATE JUDGE — YEARS EMPLOYED (2015 - 2020)
FERRIS MUNICIPAL COURT — FERRIS, TEXAS

PRESIDING JUDGE — YEARS EMPLOYED (1992 - 2015)
GLENN HEIGHTS MUNICIPAL COURT — GLENN HEIGHTS, TEXAS

EDUCATION

SOUTHERN METHODIST UNIVERSITY — YEARS ATTENDED (1992- 1995)
6425 BOAZ LANE
DALLAS, TEXAS 75205

DOCTOR OF JURISPRUDENCE / JURIS DOCTOR (J.D.)

SOUTHERN METHODIST UNIVERSITY — YEARS ATTENDED (1989- 1991)
6425 BOAZ LANE
DALLAS, TEXAS 75205

BACHELOR OF ARTS - PSYCHOLOGY

- I AM CURRENT ON ALL JUDICIAL REQUIREMENTS FOR CLE

ATTACHMENT 3

Anthony P. Eiland

[redacted], Texas 75150

[redacted]

EDUCATION

George Washington University School of Law, Washington, DC
- **LLM, Litigation and Dispute Resolution** May 2007

Southern University Law Center, Baton Rouge, LA
- **JURIS DOCTOR** May 2006
- Rank: Top 1/3 of Class

University of Louisiana at Monroe
- **B.A. in Legal Studies/Pre-Law** May 2002
- Member of President's and Dean's List

PROFESSIONAL EXPERIENCE

Licensed Texas Attorney November 2006

Duncanville Municipal Court January 2019-Present
Associate Judge
Presiding Judge, John Rizo
- Presides over jury trials, bench trials, attorney dockets and city ordinance violations
- Signs off on both felony and misdemeanor arrest warrants
- Magistrates individuals arrested by Duncanville Police

Allstate Insurance Company/Susan L. Florence and Associates January 2019-January 2020
Senior Trial Attorney
Saul Friedman, Supervising Attorney
- Defended car accident cases on behalf of Allstate Insurance
- Engaged in depositions, mediations, motion hearings
- Lead attorney on several jury trials to verdict
- Prepared motions, reviews discovery, prepares clients for depositions and trial

Redmond & Eiland, PLLC February 2013-Present
Managing Partner/Co-Founder (469) 301-2400
- Provides criminal defense to clients in both Federal and State Court
- Member of CJA Panel for Federal Northern District of Texas
- Member of Dallas and Navarro County Felony and Misdemeanor Court Appointment Wheel
- Appointed lead special prosecutor on high profile Dallas cases from 2015-2018

Dallas County District Attorney's Office October 2007-February 2013
Assistant District Attorney, Child Abuse Division and Felony Trial Section
Supervisor: Felony Trial Bureau Chief, Kevin Brooks: (214) 653-3600
- Prosecuted felony criminal offenses
- Lead trial prosecutor on over 40 trials including, murder, robbery, assault, and burglary
- Interviewed witnesses, investigated crime scenes, prepared and argued motions, provided discovery, and prepared witnesses for trial
- Responsible for prosecution of murders, assaults, robberies, child abuse and most other 1st, 2nd, and 3rd degree felonies

Wichita County Public Defender's Office July 2007-October 2007
Assistant Public Defender
Supervisor: Anthony Odiorne, Public Defender
- Represented individuals charged with criminal offenses

Federal Communications Commission January 2007-May 2007
Enforcement Division Intern
Supervisor: Special Counsel, David Janas: (202) 418-2913
- Conducted research regarding complex media issues
- Prepared briefs and memoranda

ORDINANCE NO. 2359R

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, PROVIDING FOR THE APPOINTMENT AND CONTRACT FOR JOHN B. RIZO SR., PRESIDING MUNICIPAL COURT JUDGE; KATHY A. AUSTIN, AS AN ASSOCIATE MUNICIPAL COURT JUDGE; AND ANTHONY P. EILAND, AS AN ASSOCIATE MUNICIPAL COURT JUDGE; AND, AUTHORIZING THE MAYOR TO SIGN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 7-2 of the Code of Ordinances of the City of Duncanville, Texas provides for the appointment of Municipal Court Judges, who shall serve at the pleasure of the Council for a period of two (2) years; and

WHEREAS, John B. Rizo, Kathy A. Austin, and Anthony P. Eiland presently serve as a Municipal Court Judges; and

WHEREAS, the Council finds that it is necessary to appoint a presiding Municipal Court Judge and two Associate Municipal Judges for a 2 year term; and

WHEREAS, the City Council finds it to be in the public interest to appoint John B. Rizo Sr., Presiding Municipal Court Judge, Kathy A. Austin, as an Associate Municipal Court Judge, and Anthony P. Eiland, as an Associate Municipal Court Judge for the Duncanville Municipal Court of Record and authorize the Mayor to enter into an agreement with John B. Rizo Sr., Kathy A. Austin and Anthony P. Eiland, regarding the terms and conditions of said appointment.

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

SECTION 1. John B. Rizo Sr., Presiding Municipal Court Judge; Kathy A. Austin, Associate Municipal Court Judge; and Anthony P. Eiland, Associate Municipal Court Judge, are hereby appointed to serve a two (2) year term for the Municipal Court of Record in the City of Duncanville, Texas commencing on February 1, 2021.

SECTION 2. The Mayor is hereby authorized to execute agreements with John B. Rizo Sr., Kathy A. Austin, and Anthony P. Eiland, setting forth the terms and conditions of said appointment as provided in the attached Exhibit A through C, respectively.

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

DULY ORDAINED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

THE STATE OF TEXAS §
§ **PRESIDING MUNICIPAL JUDGE**
COUNTY OF DALLAS §

This agreement is made by and between the City of Duncanville (herein called "City"), a home rule municipal corporation located in Dallas County, Texas, and John B. Rizo (herein called "Presiding Municipal Judge").

W I T N E S S E T H :

1. The City, acting by and through its city council, exercising its discretion pursuant to the City Charter, Code of Ordinances and the laws of State of Texas hereby appoints John B. Rizo as the Presiding Municipal Judge of the Duncanville Municipal Court of Record and agrees to compensate the Presiding Municipal Judge for his services as hereinafter set forth.

2. The Presiding Municipal Judge agrees to perform the services of Presiding Municipal Judge of the Duncanville Municipal Court of Record and to maintain eligibility and the appropriate licenses as may be required by law to serve in such capacity for a term of two (2) years commencing the 1st day of February, 2021 and concluding on the 31st day of January, 2023, unless sooner terminated in accordance with the Texas Law and this Contract.

3. Compensation shall be at a rate of one hundred forty dollars ($ 140.00) per hour, portal to portal, which would include presiding over municipal court proceedings under Texas law and the City Home Rule Charter for and on behalf of the Duncanville Municipal Court as its Presiding Municipal Judge and to conduct such services as may be required from time-to-time, including but not limited to, arraignments, issuance of search, arrests, and/or capias warrants, and such administrative duties and responsibilities as are necessary and incidental to the office of the Presiding Municipal Judge of the Municipal Court of the City of Duncanville.

4. The Presiding Municipal Judge shall provide time and billing records to the City to reflect the time dedicated to the services for and on behalf of the Municipal Court.

5. The Presiding Municipal Judge is not and shall not be deemed an employee of the City for any purpose and agrees that he serves solely as an independent contractor.

6. The Presiding Municipal Judge further acknowledges and agrees that he shall undertake to exercise his discretion as Judge free from improper influences and shall act as he deems appropriate under his independent judgment as the Presiding Judge of the Municipal Court.

7. The Presiding Municipal Judge shall perform all services in accordance with the Code of Judicial Conduct applicable to judges of courts in the State of Texas and agrees to conduct himself in a judicial demeanor at all times in representing the City.

8. The Presiding Municipal Judge is not precluded from performing such legal services in maintaining his private practice of law and nothing construed herein shall preclude his from maintaining his private legal practice, other municipal court judicial appointments or other

matters permitted in accordance with judicial ethics and disciplinary regulations of the Texas State Bar.

9. The Presiding Municipal Judge hereby agrees not to knowingly undertake or involve himself in any matter that would compromise or conflict with his duties and responsibilities as the Municipal Court Judge or otherwise knowingly undertake to represent a client on a legal matter against the City.

10. The Parties to this agreement hereby acknowledge that the Presiding Municipal Judge can be removed for cause in accordance with State Law as provided for in such cases.

11. City agrees, with regard to the services provided herein, to indemnify and hold harmless the Presiding Municipal Judge for any act, claim or liability for negligence or gross negligence acting on behalf of the City and shall maintain adequate insurance or liability coverage to effectuate this provision.

12. This Contract consists of this document, upon which the parties have affixed their signatures, and those documents specifically incorporated herein by reference. This Contract as so constituted is the entire agreement between the parties, with respect to the subject matter hereof, and supersedes all other previous statement, communications, or agreements, whether oral or written. No modification, alteration, or waiver of any provision hereof shall be binding upon the parties unless evidenced in writing and signed by both parties.

13. The City or the Presiding Municipal Judge may terminate this contract in accordance with state law. If the contract is terminated as provided herein, the Presiding Municipal Judge's fee would be paid for hours worked, which have not already been compensated, performing the services of the City covered by this contract.

14. That the City shall reimburse the Presiding Municipal Judge’s tuition and travel expenses, which shall include lodging and meals, for mandatory judicial continuing education.

15. Both the Presiding Municipal Judge and the City represent that they have full capacity and authority to grant all rights and assume all obligations that they have granted and assumed under this Contract.

16. The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties, shall be governed by the law of the State of Texas and any venue for any action concerning this Contract shall be in Dallas County, Texas.

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

THIS AGREEMENT IS MADE, ENTERED INTO AND EXECUTED on this 16th day of February, 2021.

PRESIDING MUNICIPAL JUDGE

BY: _____
Presiding Municipal Judge

CITY OF DUNCANVILLE, TEXAS

BY: _____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

THE STATE OF TEXAS §
§ **ASSOCIATE MUNICIPAL JUDGE**
COUNTY OF DALLAS §

This agreement is made by and between the City of Duncanville (herein called "City"), a home rule Municipal Corporation located in Dallas County, Texas, and Kathy A. Austin (herein called "Associate Municipal Judge").

W I T N E S S E T H :

1. The City, acting by and through its city council, exercising its discretion pursuant to the City Charter, Code of Ordinances and the laws of State of Texas hereby appoints Kathy A. Austin as the Associate Municipal Judge of the Duncanville Municipal Court of Record and agrees to compensate the Associate Municipal Judge for her services as hereinafter set forth.

2. The Associate Municipal Judge agrees to perform the services of Associate Municipal Judge of the Duncanville Municipal Court of Record and to maintain eligibility and the appropriate licenses as may be required by law to serve in such capacity for a term of two (2) years commencing the 1st day of February, 2021 and concluding on the 31st day of January, 2023, unless sooner terminated in accordance with the Texas Law and this Contract.

3. Compensation shall be at a rate of one hundred twenty-five dollars ($ 125.00) per hour, portal to portal, which would include presiding over municipal court proceedings under Texas law and the City Home Rule Charter for and on behalf of the Duncanville Municipal Court as its Associate Municipal Judge and to conduct such services as may be required from time-to-time, including but not limited to, arraignments, issuance of search arrests and/or capias warrants, and such administrative duties and responsibilities as are necessary and incidental to the office of the Associate Municipal Judge of the Municipal Court of the City of Duncanville.

4. The Associate Municipal Judge shall provide time and billing records to the City to reflect the time dedicated to the services for and on behalf of the Municipal Court.

5. The Associate Municipal Judge is not and shall not be deemed an employee of the City for any purpose and agrees that she serves solely as an independent contractor.

6. The Associate Municipal Judge further acknowledges and agrees that she shall undertake to exercise her discretion as Judge free from improper influences and shall act as she deems appropriate under her independent judgment as the Associate Judge of the Municipal Court.

7. The Associate Municipal Judge shall perform all services in accordance with the Code of Judicial Conduct applicable to judges of courts in the State of Texas and agrees to conduct herself in a judicial demeanor at all times in representing the City.

8. The Associate Municipal Judge is not precluded from performing such legal services in maintaining her private practice of law and nothing construed herein shall preclude her from maintaining her private legal practice, other municipal court judicial appointments or other

matters permitted in accordance with judicial ethics and disciplinary regulations of the Texas State Bar.

9. The Associate Municipal Judge hereby agrees not to knowingly undertake or involve herself in any matter that would compromise or conflict with her duties and responsibilities as the Municipal Court Judge or otherwise knowingly undertake to represent a client on a legal matter against the City.

10. The Parties to this agreement hereby acknowledge that the Associate Municipal Judge can be removed for cause in accordance with State Law as provided for in such cases.

11. City agrees, with regard to the services provided herein, to indemnify and hold harmless the Associate Municipal Judge for any act, claim or liability for negligence or gross negligence acting on behalf of the City and shall maintain adequate insurance or liability coverage to effectuate this provision.

12. This Contract consists of this document, upon which the parties have affixed their signatures, and those documents specifically incorporated herein by reference. This Contract as so constituted is the entire agreement between the parties, with respect to the subject matter hereof, and supersedes all other previous statement, communications, or agreements, whether oral or written. No modification, alteration, or waiver of any provision hereof shall be binding upon the parties unless evidenced in writing and signed by both parties.

13. The City or the Associate Municipal Judge may terminate this contract in accordance with state law. If the contract is terminated as provided herein, the Associate Municipal Judge's fee would be paid for hours worked, which have not already been compensated, performing the services of the City covered by this contract.

14. That the City shall reimburse the Associate Municipal Judge’s tuition and travel expenses, which shall include lodging and meals, for mandatory judicial continuing education.

15. Both the Associate Municipal Judge and the City represent that they have full capacity and authority to grant all rights and assume all obligations that they have granted and assumed under this Contract.

16. The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties, shall be governed by the law of the State of Texas and any venue for any action concerning this Contract shall be in Dallas County, Texas.

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

THIS AGREEMENT IS MADE, ENTERED INTO AND EXECUTED on this 16th day of February, 2021.

ASSOCIATE MUNICIPAL JUDGE

BY: _____
Associate Municipal Judge

CITY OF DUNCANVILLE, TEXAS

BY: _____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

THE STATE OF TEXAS §
§ **ASSOCIATE MUNICIPAL JUDGE**
COUNTY OF DALLAS §

This agreement is made by and between the City of Duncanville (herein called "City"), a home rule Municipal Corporation located in Dallas County, Texas, and Anthony P. Eiland (herein called "Associate Municipal Judge").

W I T N E S S E T H :

1. The City, acting by and through its city council, exercising its discretion pursuant to the City Charter, Code of Ordinances and the laws of State of Texas hereby appoints Anthony P. Eiland as the Associate Municipal Judge of the Duncanville Municipal Court of Record and agrees to compensate the Associate Municipal Judge for her services as hereinafter set forth.

2. The Associate Municipal Judge agrees to perform the services of Associate Municipal Judge of the Duncanville Municipal Court of Record and to maintain eligibility and the appropriate licenses as may be required by law to serve in such capacity for a term of two (2) years commencing the 1st day of February, 2021 and concluding on the 31st day of January, 2023, unless sooner terminated in accordance with the Texas Law and this Contract.

3. Compensation shall be at a rate of one hundred twenty-five dollars ($ 125.00) per hour, portal to portal, which would include presiding over municipal court proceedings under Texas law and the City Home Rule Charter for and on behalf of the Duncanville Municipal Court as its Associate Municipal Judge and to conduct such services as may be required from time-to-time, including but not limited to, arraignments, issuance of search arrests and/or capias warrants, and such administrative duties and responsibilities as are necessary and incidental to the office of the Associate Municipal Judge of the Municipal Court of the City of Duncanville.

4. The Associate Municipal Judge shall provide time and billing records to the City to reflect the time dedicated to the services for and on behalf of the Municipal Court.

5. The Associate Municipal Judge is not and shall not be deemed an employee of the City for any purpose and agrees that she serves solely as an independent contractor.

6. The Associate Municipal Judge further acknowledges and agrees that she shall undertake to exercise her discretion as Judge free from improper influences and shall act as she deems appropriate under her independent judgment as the Associate Judge of the Municipal Court.

7. The Associate Municipal Judge shall perform all services in accordance with the Code of Judicial Conduct applicable to judges of courts in the State of Texas and agrees to conduct herself in a judicial demeanor at all times in representing the City.

8. The Associate Municipal Judge is not precluded from performing such legal services in maintaining her private practice of law and nothing construed herein shall preclude her from maintaining her private legal practice, other municipal court judicial appointments or other

matters permitted in accordance with judicial ethics and disciplinary regulations of the Texas State Bar.

9. The Associate Municipal Judge hereby agrees not to knowingly undertake or involve herself in any matter that would compromise or conflict with her duties and responsibilities as the Municipal Court Judge or otherwise knowingly undertake to represent a client on a legal matter against the City.

10. The Parties to this agreement hereby acknowledge that the Associate Municipal Judge can be removed for cause in accordance with State Law as provided for in such cases.

11. City agrees, with regard to the services provided herein, to indemnify and hold harmless the Associate Municipal Judge for any act, claim or liability for negligence or gross negligence acting on behalf of the City and shall maintain adequate insurance or liability coverage to effectuate this provision.

12. This Contract consists of this document, upon which the parties have affixed their signatures, and those documents specifically incorporated herein by reference. This Contract as so constituted is the entire agreement between the parties, with respect to the subject matter hereof, and supersedes all other previous statement, communications, or agreements, whether oral or written. No modification, alteration, or waiver of any provision hereof shall be binding upon the parties unless evidenced in writing and signed by both parties.

13. The City or the Associate Municipal Judge may terminate this contract in accordance with state law. If the contract is terminated as provided herein, the Associate Municipal Judge's fee would be paid for hours worked, which have not already been compensated, performing the services of the City covered by this contract.

14. That the City shall reimburse the Associate Municipal Judge’s tuition and travel expenses, which shall include lodging and meals, for mandatory judicial continuing education.

15. Both the Associate Municipal Judge and the City represent that they have full capacity and authority to grant all rights and assume all obligations that they have granted and assumed under this Contract.

16. The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties, shall be governed by the law of the State of Texas and any venue for any action concerning this Contract shall be in Dallas County, Texas.

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

THIS AGREEMENT IS MADE, ENTERED INTO AND EXECUTED on this 16th day of February, 2021.

ASSOCIATE MUNICIPAL JUDGE

BY: _____
Associate Municipal Judge

CITY OF DUNCANVILLE, TEXAS

BY: _____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider a Resolution approving the terms and conditions of an agreement by and between the City of Duncanville and Wells Fargo Bank N.A. as a Merchant Processing Services provider for an initial term of a three (3) year period with the option to extend the contract for three (3) additional two-year periods under the same terms and conditions

STAFF RESPONSIBLE:
Richard Summerlin, CPA, CGFO, Finance Director
Tia Pettis, CGFO, Assistant Finance Director
Sheila Baker, MPA, CPM, Purchasing Manager
Tracy Beekman, IT Director

BACKGROUND/HISTORY:
The City currently has a contract with Chase Paymentech to provide Merchant Processing Services. Over the past several years, the City has experienced terminal issues primarily in the Utility Billing area which Chase has been unable to resolve. This unresolved issue coupled with City-wide changes moving to Tyler Technology Software in Finance, Public Works, and Utility Billing precipitated the decision to request proposals for Merchant Processing Services (MPS). Due to the complicity of MPS, our investment advisory firm, Valley View Consulting, LLC, assisted staff in obtaining and evaluating proposals due to their expertise with the subject.

The Request for Proposal RFP-21-001 was advertised in the Focus Daily Newspaper on October 18, 2020, and, October 25, 2020. The proposal was also emailed to fourteen (14) banks and six (6) were Minority Banks. The process for selecting an MPS is governed by the State of Texas Local Government Code Chapters 176, 252, and 271; State of Texas Government Code Chapters 2252; and the City's purchasing policy.

The RFP project was conducted as follows:

1. Analyzed current technical setup and transactional history to determine a list of requirements.
2. Drafted the RFP for City review and approval.
3. Posted the notice and advertised the RFP.
4. By the closing deadline, proposals were received from:

    a. Certified Merchant Services
    b. First Data Merchant Services, LLC /(fiserv/BBVA)
    c. Impact PaySystem, LLC
    d. PayZang
    e. TIB – The Independent Bank, N.A.
    f. Valli Information Systems, Inc.

g. Wells Fargo Bank, N.A.

The evaluation of the proposals was based on, but not limited to, the following criteria:

1. Cost of services
2. Ability to perform and provide the required and requested services
3. Reputation of MPS to provide services based on MPS references
4. Financial strength and stability of the firm
5. Timeliness of funding schedule
6. Strength of operating rules and data security program
7. Completeness of proposal and agreement to points outlined

POLICY EXPLANATION:

The analysis of the Proposals began with an overall review of each firms general financial strength and ability to provide the services necessary to meet the City's current and future service needs. Each of the responding firms exhibited acceptable financial strength and the ability to provide services the City requested.

The analysis of proposed fees is summarized below.

Net Cost

Each MPS proposed fee schedule was analyzed based on the City's actual transaction levels using the City's merchant statements for a one year period from August 2019 to July 2020. Using the data collected from those statements and the submitted pricing proposals, estimates were calculated for the interchange and vendor costs for each proposal.

Table 1 Estimated Annual Costs

	BBVA/First Data/fiserv	BCMS	Impact PaySystem	PayZang	TIB	Valli Info Systems	Wells Fargo
VENDOR	$7,950	$31,283	$22,720	$20,515	$23,033	$21,316	$14,640
INTERCHANGE	$158,883	$158,883	$158,883	$158,883	$158,883	$158,883	$158,883
ASSOCIATION	$14,753	$14,753	$14,753	$14,753	$14,753	$14,753	$14,753
OTHER FEES	$3,498	$6,857	$4,059	$8,113	$4,349	$1,320	$3,300
Grand Total	**$185,084**	**$211,776**	**$200,415**	**$202,264**	**$201,018**	**$196,272**	**$191,576**

In addition to the estimated processing costs, the City will need to replace the current terminals with terminals that are technologically improved and will provide enhanced PCI (Payment Card Industry) security.

The estimated cost of the equipment replacement will range between $7,500 and $16,000 depending on the final selection of equipment to be used in each City department.

The estimates for interchange and association fees were based on the most recent interchange rates published by MasterCard, Visa and Discover as of October 2020. Interchange rates are released in April and October of each year. Should a subsequent release include changes to one of the rates used in this estimate, the actual interchange cost will vary accordingly. The interchange fees will be the same for all

providers as these are assessed by MasterCard, Visa, and Discover, and the vendor we select will have no control over those rates.

The estimate for vendor fees is based on the proposed fees presented in each proposal and would be locked in at the contracts signing and would only be impacted by changes in actual transaction volumes.

Conclusion:

Based on the strengths of the proposals, First Data Merchant Services, LLC (BBVA) and Wells Fargo Bank, N.A. were invited to provide online demonstrations of their proposals to explain how their services could be implemented by the City.

The City formed an internal evaluation team consisting of representation from the Purchasing Department, Finance Department, and Information Technology Department. The Primary focus of the evaluation was as follows:

Performance related – Could the applicant meet all of the requirements of outlined in the RFP,
Financial related – overall annual costs for services provided; and
Service related – Indications of the MPS responsiveness and commitment to customer service.

While the Wells Fargo Bank, N.A. proposal was slightly higher ($6,492 annually); they did offer a higher degree of compatibility with the City's current processing systems. The dedicated customer service team offered by Wells Fargo, N.A. was also an important factor in the decision.

Based on the overall analysis results, evaluation criteria, and product service demonstrations, it was determined that the proposal provided by Wells Fargo Bank, N.A. represents the "best value" to the City.

FUNDING SOURCE:
Applicable funds include General Fund, Utility Fund, and Fieldhouse Fund.

Contract Log #:
N/A

RECOMMENDATION:
Staff recommends approval of a Resolution approving the terms and conditions of an agreement by and between the City of Duncanville and Wells Fargo Bank N.A. as a Merchant Processing Services provider for an initial term of a three (3) year period with the option to extend the contract for three (3) additional two-year periods under the same terms and conditions

ATTACHMENTS:
Resolution No. - 2021-017 - Merchant Processing Services (MSP) - Pdf

RESOLUTION NO. 2021-017

A RESOLUTION OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DUNCANVILLE, TEXAS AND WELLS FARGO BANK N.A. AS MERCHANT PROCESSING SERVICES PROVIDER FOR AN INITIAL TERM OF A THREE (3) YEAR PERIOD WITH THE OPTION TO EXTEND THE CONTRACT FOR THREE (3) ADDITIONAL TWO-YEAR PERIODS UNDER THE SAME TERMS AND CONDITIONS; AUTHORIZING THE CITY MANAGER OR HIS/HER DESIGNEE TO NEGOTIOATE AND EXECUTE THE NECESSARY DOCUMENTS AND/OR PAYMENTS; AND, SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is desired to replace the City's current Merchant Processing Services (MSP) provider with a new MSP provider to provide solutions compatible with the City's new ERP and other Tyler Technology software; and

WHEREAS, Wells Fargo Bank N.A. has submitted the best value proposal.

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

SECTION 1. The City Council hereby authorizes, approves and accepts the terms and conditions of an agreement by and between the City of Duncanville, Texas and Wells Fargo Bank, N.A. as merchant processing services for an initial term of three (3) year period with the option to extend the contract for three (3) additional two-year periods under the same terms and conditions.

SECTION 2. That the City Council of the City of Duncanville hereby authorizes the City Manager or designee to execute said Agreement subject to City Attorney's approval as to form.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 2nd day of March, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Consider appointments to boards and commissions, being appointments to fill existing vacancies on the Zoning Board of Adjustment and the Sign Control Board.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **1. Most engaged citizens in America**
  - **Goal 1: Foster a values-based environment where employees are supported and encouraged to develop, in order to achieve and sustain a healthy relationship between the organization's stakeholders.**

STAFF RESPONSIBLE:
Kristin Downs, City Secretary

BACKGROUND/HISTORY:
During its regular board and commission appointment process, the Zoning Board of Adjustment and Sign Control Board, had one vacancy each remaining. City Council directed staff to continue to advertise for board vacancies. We now have applications from three (3) citizens specifically interested in serving on the Sign Control Board or the Zoning Board of Adjustment.

Those applicants are:

	Boards Interested In:	
Applicants:	**Sign Control Board**	**Zoning Board of Adjustment**
Mr. Edward Stith	Yes	Yes
Mr. Javar Avery	Yes	Yes
Mr. Jarred Davis	No	Yes

- The Zoning Board of Adjustment currently has one (1) vacancy to fill (Alternate #2).
- The Sign Control Board currently has one (1) vacancy to fill.

POLICY EXPLANATION:
Board and commission members serve at the will and pleasure of the City Council and the City Council reserves the right to appoint or remove board or commission members at any time. Applications of interested citizens are attached.

FUNDING SOURCE:
N/A

Contract Log #:

N/A

RECOMMENDATION:
Staff recommends City Council make appointments to boards and commissions, being appointments to fill existing vacancies on the Zoning Board of Adjustment and the Sign Control Board.

ATTACHMENTS:
Edward Stith - District 1
Javar Avery - District 2
Jarred Davis - District 4

Duncanville
City of Champions

Received:	
Appointed to:	
Date Approved:	
Term Dates:	
District #:	

FOR OFFICE USE ONLY

The Duncanville City Council is committed to building a "vibrant and inclusive community, driven by a commitment to democratic principles and service above self." Through a diverse and inclusive voice from our Boards and Commissions, we hope to bridge the gap between citizens and City Council, forging the future of Duncanville! To begin the process, we would like for you to answer some questions below. It is our desire to partner you with a Board or Commission that you not only have a desire to serve with, but also matches your talents. Thank you again for your interest and desire to serve your community!

City of Duncanville Boards and Commission Application

PUBLIC INFORMATION NOTICE

Certain information submitted on the Boards and Commission Application is subject to the Texas Information Act and may be disclosed to anyone requesting this information. The act allows a board member of a governmental body to choose whether to allow public access to the information in the custody of the city that relates to the home address and phone numbers. This designation can be made on the application.

I ELECT TO WITHHOLD THE FOLLOWING INFORMATION FROM PUBLIC ACCESS: (circle selection)

HOME ADDRESS TELEPHONE NUMBER

To be eligible to serve, one must be a resident of the City of Duncanville, and not be in arrears on City of Duncanville ad valorem taxes, fines or fees.

Name: Edward Stith	Occupation: Librarian
Home Address: [redacted] District 1	
Telephone Number: [redacted]	Email Address: [redacted]
Registered Voter: (Yes) / No	Resident for # of Years in City: 4

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 5

City Planning & Zoning Commission		Parks & Recreation Advisory Board	
Civil Service Commission		Senior Advocacy Commission	
Duncanville Community & Economic Development Corporation (DCEDC)		Sign Control Board	
Keep Duncanville Beautiful Board		Tax Increment Finance Reinvestment Zone Board	
Library Advisory Board		Tri-City Animal Shelter	

Multicultural Social Engagement Partnership		Zoning Board of Adjustment	X
Neighborhood Vitality Commission			

Why are you interested in applying for this specific Board or Commission?
I would like to make contributions to Duncanville's growth.

What do you hope to accomplish by serving on this Board or Commission?
I want to help in any way I can to make Duncanville a growing and vibrant community. I also think I will learn a great deal on this Board, and I can offer my research skills to the members on the Board.

What experience do you possess that will be helpful to the mission of this Board or Commission?
I am an experienced researcher who can analyze zoning adjustment recommendations to that of similar cities and assess what benefits have been accomplished, per the adjustment, by reviewing data driven business intelligence documents.

How will you engage other citizens to provide to you a perspective or recommendations?
I can utilize social media such as NextDoor and place informational notices with contact information at strategic locations around the city. In addition, I am willing to conduct polls in diverse areas of the city.

What concerns, if any, do you have about issues facing Duncanville?
Profitable and equitable zoning of the land in Duncanville.

Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below.
No.

Have you ever been convicted of a felony? If yes, please explain below.
No.

Pursuant to Ordinance No. 1975 members of boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law and shall not be delinquent in the payment of any fine owing to the City.

The following information is needed for verification purposes.

Complete legal name: Edward Seymour Stith

Complete legal name of spouse:

Home address: [redacted]

List all properties that you own or have an interest within the City of Duncanville:
[redacted]

List all businesses that you own or have an interest within the City of Duncanville:
N/A

Signature: Edward Smith **Date:** 11/05/20

Please return your completed application to the City Secretary's Office at City Hall, 203 E Wheatland Rd., Duncanville, TX 75116 or via electronic mail (e-mail) at kdowns@duncanville.com

2

APPLICATIONS ARE KEPT ON FILE FOR A YEAR AND ARE ALWAYS WELCOME AS VACANCIES MAY OCCUR THROUGHOUT THE YEAR.

Duncanville
City of Champions

FOR OFFICE USE ONLY	
Received:	
Appointed to:	
Date Approved:	
Term Dates:	
District #:	

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City of Duncanville Boards and Commission Application

PUBLIC INFORMATION NOTICE

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I ELECT TO WITHHOLD THE FOLLOWING INFORMATION FROM PUBLIC ACCESS: (circle selection)
HOME ADDRESS TELEPHONE NUMBER

To be eligible to serve, one must be a resident of the City of Duncanville, and not be in arrears on City of Duncanville ad valorem taxes, fines or fees.

Name: Javar Avery	Occupation: President/Managing Partner
Home Address: [redacted] District 2	
Telephone Number: [redacted]	Email Address: [redacted]
Registered Voter: (Yes) / No	Resident for # of Years in City: 6 months

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 5

City Planning & Zoning Commission	3	Parks & Recreation Advisory Board	
Civil Service Commission		Senior Advocacy Commission	
Duncanville Community & Economic Development Corporation (DCEDC)	2	Sign Control Board	
Keep Duncanville Beautiful Board		Tax Increment Finance Reinvestment Zone Board	4
Library Advisory Board		Tri-City Animal Shelter	
Multicultural Social Engagement Partnership		Zoning Board of Adjustment	1
Neighborhood Vitality Commission			

Why are you interested in applying for this specific Board or Commission?

City boards aligns with my purpose of not just being a resident of the city, but being an active constiuent. All boards impact the residents in some form. it's my goal to make sure that the impact is thoughtful and carried out in the correct manner.

What do you hope to accomplish by serving on this Board or Commission? **Make a contribution to my community, and further enhance my knowledge base of how cities function.**
What experience do you possess that will be helpful to the mission of this Board or Commission? **I have an entrepreneurial background with a focus on mergers and acquisitions. I have gained a great deal of knowledge in finance from this. I am a team player, purpose driven/mission oriented, I am a thought leader, and possess the skills to think through difficult situations.**
How will you engage other citizens to provide to you a perspective or recommendations? **I will get to know my neighboors to understand their concerns. I will also listen via social media.**
What concerns, if any, do you have about issues facing Duncanville? **I am fairly new to the city. I am not aware of the issues facing the city yet. However, I see others concerns on Nextdoor.**
Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below. **No**
Have you ever been convicted of a felony? If yes, please explain below. **No**

Pursuant to Ordinance No. 1975 members of boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law and shall not be delinquent in the payment of any fine owing to the City.

The following information is needed for verification purposes.

Complete legal name: Javar Dawayne Avery
Complete legal name of spouse: [redacted]
Home address: [redacted]
List all properties that you own or have an interest within the City of Duncanville: N/A
List all businesses that you own or have an interest within the City of Duncanville: President/Managing partner of Sun And Moon Capital LLC.

Signature: Javar Avery **Date:** 01/04/2020

Please return your completed application to the City Secretary's Office at City Hall, 203 E Wheatland Rd., Duncanville, TX 75116 or via electronic mail (e-mail) at kdowns@duncanville.com

2

APPLICATIONS ARE KEPT ON FILE FOR A YEAR AND ARE ALWAYS WELCOME AS VACANCIES MAY OCCUR THROUGHOUT THE YEAR.

Duncanville
City of Champions

FOR OFFICE USE ONLY	
Received:	
Appointed to:	
Date Approved:	
Term Dates:	
District #:	

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City of Duncanville Boards and Commission Application

PUBLIC INFORMATION NOTICE

Certain information submitted on the Boards and Commission Application is subject to the Texas Information Act and may be disclosed to anyone requesting this information. The act allows a board member of a governmental body to choose whether to allow public access to the information in the custody of the city that relates to the home address and phone numbers. This designation can be made on the application.

I ELECT TO WITHHOLD THE FOLLOWING INFORMATION FROM PUBLIC ACCESS: (circle selection)
HOME ADDRESS TELEPHONE NUMBER

To be eligible to serve, one must be a resident of the City of Duncanville, and not be in arrears on City of Duncanville ad valorem taxes, fines or fees.

Name: Jarred Davis	Occupation: Human Resources Executive
Home Address: [redacted] District 4	
Telephone Number: [redacted]	Email Address: [redacted]
Registered Voter: Yes / No	Resident for # of Years in City: 1 year

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 5

City Planning & Zoning Commission	2	Parks & Recreation Advisory Board	3
Civil Service Commission	4	Senior Advocacy Commission	
Duncanville Community & Economic Development Corporation (DCEDC)	1	Sign Control Board	
Keep Duncanville Beautiful Board		Tax Increment Finance Reinvestment Zone Board	
Library Advisory Board	5	Tri-City Animal Shelter	
Multicultural Social Engagement Partnership		Zoning Board of Adjustment	
Neighborhood Vitality Commission			

Why are you interested in applying for this specific Board or Commission?

see last page

What do you hope to accomplish by serving on this Board or Commission?

see last page

What experience do you possess that will be helpful to the mission of this Board or Commission?

see last page

How will you engage other citizens to provide to you a perspective or recommendations?

see last page

What concerns, if any, do you have about issues facing Duncanville?

see last page

Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below.
No.

Have you ever been convicted of a felony? If yes, please explain below.
No.

Pursuant to Ordinance No. 1975 members of boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law and shall not be delinquent in the payment of any fine owing to the City.

The following information is needed for verification purposes.

Complete legal name: Jarred D'Shea Davis
Complete legal name of spouse: N/A
Home address: [redacted]
List all properties that you own or have an interest within the City of Duncanville:
[redacted]
List all businesses that you own or have an interest within the City of Duncanville:
N/A

Signature: Jarred D'Shea Davis **Date:** 7/7/21

Please return your completed application to the City Secretary's Office at City Hall, 203 E Wheatland Rd., Duncanville, TX 75116 or via electronic mail (e-mail) at kdowns@duncanville.com

2

APPLICATIONS ARE KEPT ON FILE FOR A YEAR AND ARE ALWAYS WELCOME AS VACANCIES MAY OCCUR THROUGHOUT THE YEAR.

Davis, Jarred
Board and Commission Application Questions/Response

Why are you interested in applying for this specific Board or Commission?

As a staunch believer in a participatory democracy, I have always been interested in and committed to board and commission service. I am specifically interested in this opportunity, which will allow me to bring my civic and professional experience and expertise into one service opportunity and contribute to the City of Duncanville in an effective and meaningful way.

What do you hope to accomplish by serving on this Board or Commission?

I hope to support the strategic goals and priorities of the Corporation or Commission by bringing my network and past professional and board service experience to support the successful implementation of programs and initiatives that further and bolster economic and community development priorities.

What experience do you possess that will be helpful to the mission of this Board or Commission?

I feel my previous board service, community involvement, and professional career in human resources has prepared me to positively contribute to this board or commission. My previous board experience includes serving on as board director for the Texas A&M University-Commerce Alumni Association, City of Dallas Planning and Zoning Commission Vice Chairman, Oak Cliff Chamber of Commerce Education Chair, and Dallas ISD CityLab Highschool Foundation board director.

How will you engage other citizens to provide to you a perspective or recommendations?

I will ensure there are well-established lines of communication to receive input and share with the community to work of the respective board or commission. In previous capacities as a commissioner, I was intentional about planning opportunities that engage the community and key stakeholders. I consider this to be primary function and expectation of a person chosen to serve in this capacity.

What concerns, if any, do you have about issues facing Duncanville?

I don't have any at this time.

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Receive the Fiscal Year 2021 First Quarter Investment Report as of December 31, 2020.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

STAFF RESPONSIBLE:
Richard Summerlin, CPA, CGFO
Finance Director

BACKGROUND/HISTORY:
PFIA (Public Funds Investment Act) recommends quarterly investment reports to be provided to the governing body. This report will cover Fiscal Year 2021 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 1, 2020 thru December 31, 2020. All investments must comply with PFIA requirements and guidelines.

POLICY EXPLANATION:
The beginning investment balance at September 30, 2020 was $60,384,812 with an ending balance at December 31, 2020 of $67,508,967. The portfolio increased $7,124,155 overall as property tax payments began ramping up in the month of December. Interest rates declined during the quarter as the economy struggles under the weight of the pandemic. The LOGIC government investment pool declined from 25.7 basis points to 15.4 basis points 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 3 of the attached report. The City average rate of return declined from 103 basis points to 70.7 basis points during the period.

All CD's and Money Market investments are fully secured at 102% 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 $119,736.63 for the quarter ended December 31, 2020.

FUNDING SOURCE:
N/A

Contract Log #:
N/A

RECOMMENDATION:
There is no City Council action required.

ATTACHMENTS:
Investment Report 1st QTR 2021

INVESTMENT PORTFOLIO SUMMARY

City Of Duncanville, Texas

For The Quarter Ended
December 31, 2020

City Of Duncanville , Texas
Investment Portfolio Summary Activity
For The Quarter Ended
December 31, 2020

This report is prepared in accordance with chapter 2256 of the Texas Public Funds Investment Act ("PFIA").Section 2256.023(a) of the PFIA states that:"Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period" This report is signed by the City Of Duncanville Investment officers and includes the disclosures required by the PFIA.

The investment portfolio complies with the PFIA and the City of Duncanville's approved investment policy and strategy throughout the period. All investment transactions made in the portfolio during this period were in full compliance with the PFIA and approved Investment policy.

Officers Names and Titles:

Richard Summerlin, CPA, CGFO
Finance Director

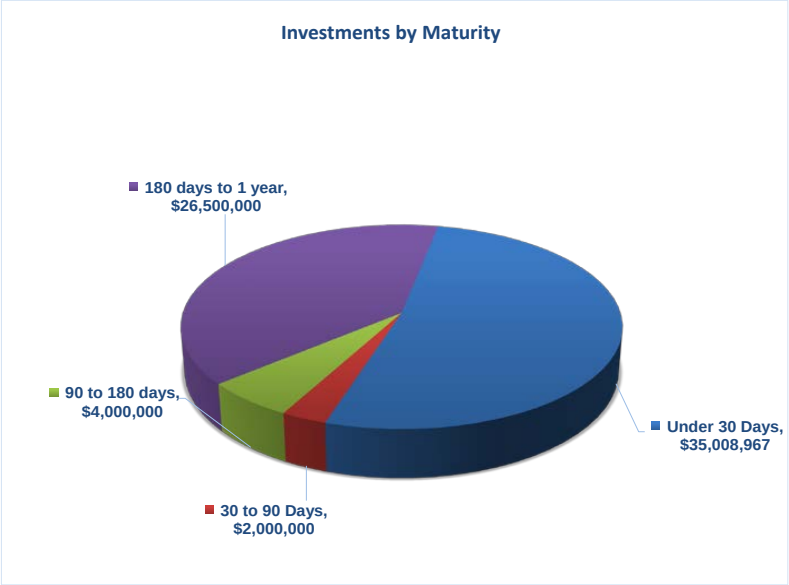
Tia Pettis, CGFO
Assistant Finance Director

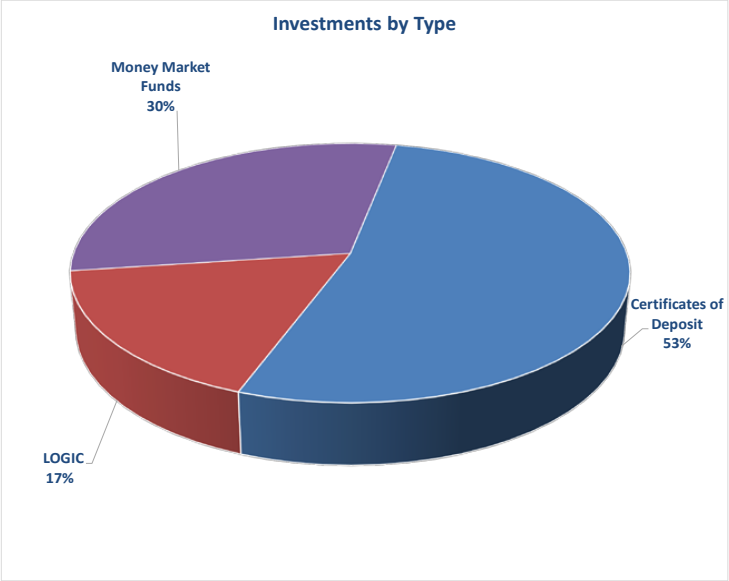
City Of Duncanville

Executive Summary
Investment Portfolio
For the Quarter Ended
December 31, 2020

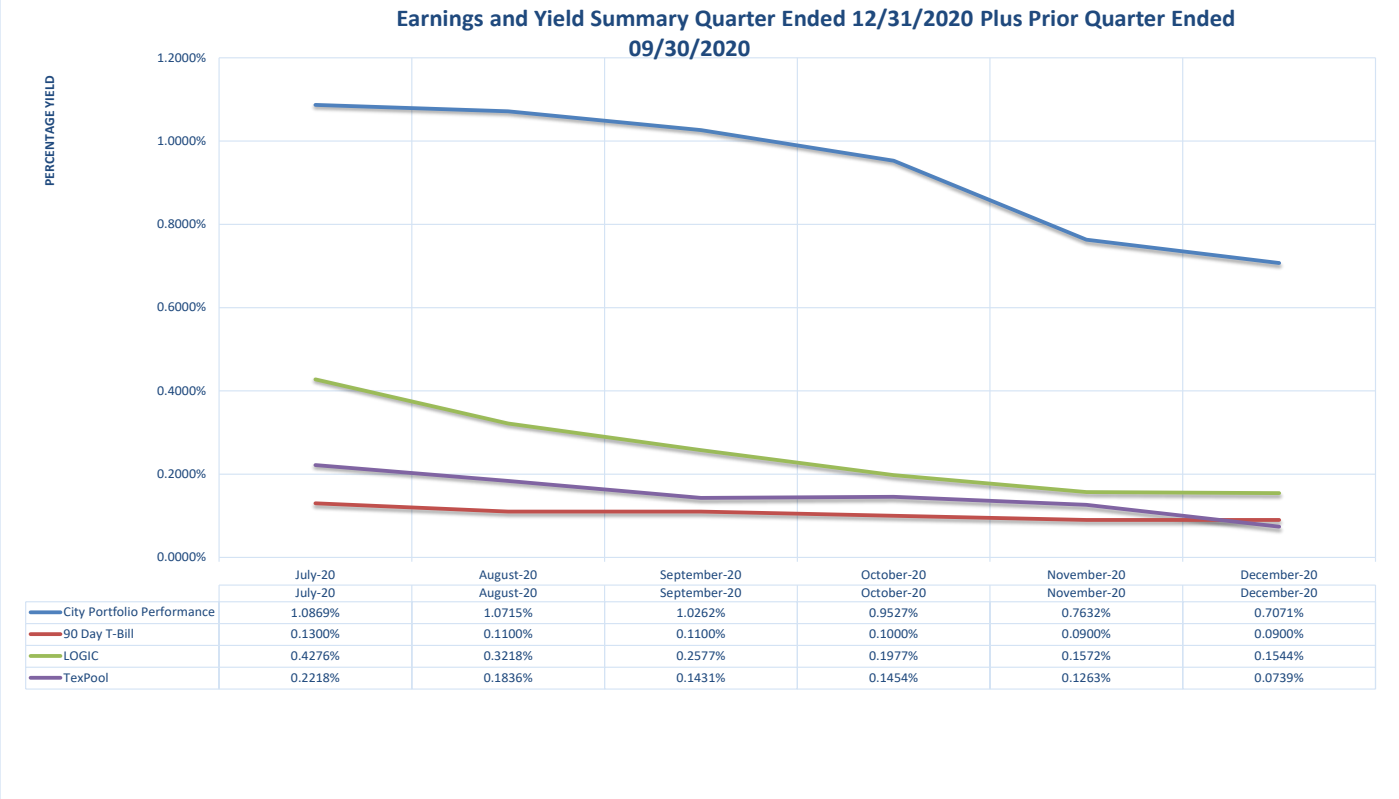
Account Summary

	Book Value		Market Value
Investments at 09/30/2020	$ 60,384,812		$ 60,384,812
Investment Purchases	31,424,154		31,424,154
Investment Maturities	24,300,000		24,300,000
Investments at 09/30/2020	$ 67,508,967		$ 67,508,967





City of Duncanville Benchmark Comparison
Yield Summary For The Quarter Ended
December 31, 2020



	July-20	August-20	September-20	October-20	November-20	December-20
City Portfolio Performance	1.0869%	1.0715%	1.0262%	0.9527%	0.7632%	0.7071%
90 Day T-Bill	0.1300%	0.1100%	0.1100%	0.1000%	0.0900%	0.0900%
LOGIC	0.4276%	0.3218%	0.2577%	0.1977%	0.1572%	0.1544%
TexPool	0.2218%	0.1836%	0.1431%	0.1454%	0.1263%	0.0739%

City of Duncanville

Investment Portfolio Summary

For Quarter Ending
December 31, 2020

Purchase Date	Maturity Date	CD Number	Security Type	Par Value	Coupon	Purchase			Book Value	Gain / (loss)	Current D - T - M
						Price	Yield	Principal			
31-Dec-20	31-Dec-20	Open	LOGIC	$ 11,611,775.81	0.17%	100.00	0.17%	$ 11,611,775.81	$ 11,611,775.81		0
31-Dec-20	31-Dec-20	Open	Prosperity Bank MM	2,001,503.15	0.25%	100.00	0.25%	2,001,503.15	2,001,503.15		0
31-Dec-20	31-Dec-20	Open	NEX Bank MM	18,390,652.58	0.45%	100.00	0.45%	18,390,652.58	18,390,652.58		0
31-Dec-20	31-Dec-20	Open	TEXPOOL	5,035.03	0.12%	100.00	0.12%	5,035.03	5,035.03		0
15-Jan-20	15-Jan-21	15833	Southside CD	3,000,000.00	1.69%	100.00	1.69%	3,000,000.00	3,000,000.00		15
20-Mar-19	19-Mar-21	8595	Prosperity Bank CD	2,000,000.00	2.75%	100.00	2.75%	2,000,000.00	2,000,000.00		78
02-Apr-20	02-Apr-21	10004	Prosperity Bank CD	4,000,000.00	0.90%	100.00	0.90%	4,000,000.00	4,000,000.00		92
10-Sep-20	10-Sep-21	000029	Prosperity Bank CD	6,500,000.00	0.40%	100.00	0.40%	6,500,000.00	6,500,000.00		253
20-Mar-19	20-Sep-21	8596	Prosperity Bank CD	1,000,000.00	2.80%	100.00	2.80%	1,000,000.00	1,000,000.00		263
30-Dec-20	30-Sep-21	000065	Prosperity Bank CD	3,000,000.00	0.25%	100.00	0.25%	3,000,000.00	3,000,000.00		273
22-Oct-20	22-Oct-21	000048	Prosperity Bank CD	7,000,000.00	0.30%	100.00	0.30%	7,000,000.00	7,000,000.00		295
19-Nov-20	19-Nov-21	000055	Prosperity Bank CD	6,000,000.00	0.30%	100.00	0.30%	6,000,000.00	6,000,000.00		323
23-Sep-20	23-Nov-21	000036	Prosperity Bank CD	3,000,000.00	0.40%	100.00	0.40%	3,000,000.00	3,000,000.00		327
TOTALS				$ 67,508,966.57				$ 67,508,966.57	$ 67,508,966.57		

Distribution by Maturity

	Par Value	Percent
Under 30 Days	$ 35,008,967	51.86%
30 to 90 Days	$ 2,000,000	2.96%
90 to 180 days	$ 4,000,000	5.93%
180 days to 1 year	$ 26,500,000	39.25%
1 to 2 years		0.00%
Totals	$ 67,508,967	100.00%

Distribution by Investment Type

	Percent	Book Value
U. S. Treasury Bills / Notes /	0.00%	
U. S. Agencies & Instrument	0.00%	
Certificates of Deposit	52.59%	$ 35,500,000
LOGIC	17.20%	$ 11,611,776
TEXPOOL	0.01%	$ 5,035
Money Market Funds	30.21%	$ 20,392,156
Repurchase Agreements	0.00%	
Totals	100.00%	$ 67,508,967

MM	Money Market Account
CD	Certificates of Deposit
UST NOTES	U. S. Treasury Notes
UST BILL	U. S. Treasury Bills

City of Duncanville
Investment Transaction Detail Report
For Quarter Ending
December 31, 2020

Investment Purchase Transaction Information

	Fund No.	Transactions							Total
Date Purchase									
Date Maturity									
CUSIP Number		Open	Nexbank	Open	Prosperity	Prosperity	Prosperity	Prosperity	
Security Type		LOGIC	Money Market	Texpool	Money Market	CD #000048	CD #000055	CD #000065	
Par Value		$ 15,402,083.48	$ 20,812.14	$ 1.45	$ 1,257.25	$ 7,000,000.00	$ 6,000,000.00	$ 3,000,000.00	$ 31,424,154.32
Book Value		15,402,083.48	20,812.14	1.45	1,257.25	7,000,000.00	6,000,000.00	3,000,000.00	31,424,154.32
Market Value		15,402,083.48	20,812.14	1.45	1,257.25	7,000,000.00	6,000,000.00	3,000,000.00	31,424,154.32
General	001	13,400,729.90	7,193.91	1.45	942.94	7,000,000.00	6,000,000.00		26,408,868.20
Utility	002	2,000,203.32	4,189.51		314.31				2,004,707.14
Debt Services	005	108.70							108.70
Employee Benefit	007								-
Comp. Self Ins.	008	101.41							101.41
Hotel/Motel Tax	010	53.06							53.06
Economic Development	012	207.51							207.51
Grant Fund	013								-
Drainage Fees	015	50.84							50.84
Capital Replacement	016	86.88	596.35						683.23
Utility Capital Improvement	017	63.38							63.38
Court Technology	235	49.69							49.69
Solid Waste	019	171.61							171.61
Street	020								-
Parks	024								-
Capital Improvement	025								-
Capital Projects Construction	026	0.20	8,832.37					$ 3,000,000.00	3,008,832.57
Traffic Enforcement Program	031								-
Court Security	225	165.62							165.62
Juvenile Case Manager	230	91.36							91.36

Investment Maturities Transaction Information

	Fund No.	Transactions				Total
Date Purchase						
Date Maturity						
CUSIP Number		Open	Prosperity	Southside	Southside	
Security Type		LOGIC	CD #8594	CD #10629	CD #12311	
Par Value		$ 10,300,000.00	$ 3,000,000.00	$ 5,000,000.00	$ 6,000,000.00	$ 24,300,000.00
Book Value		10,300,000.00	3,000,000.00	5,000,000.00	6,000,000.00	24,300,000.00
Market Value		10,300,000.00	3,000,000.00	5,000,000.00	6,000,000.00	24,300,000.00
General	001	7,900,000.00		5,000,000.00	4,000,000.00	16,900,000.00
Utility	002	1,300,000.00			2,000,000.00	3,300,000.00
Debt Services	005					-
Employee Benefit	007					-
Comp. Self Ins.	008	200,000.00				200,000.00
Hotel/Motel Tax	010					-
Economic Development	012	500,000.00				500,000.00
Grant Fund	013					-
Drainage Fees	015					-
Capital Replacement	016	400,000.00				400,000.00
Utility Capital Improvement	017					-
Court Technology	235					-
Solid Waste	019					-
Street	020					-
Parks	024					-
Capital Improvement	025					-
Capital Projects Construction	026		3,000,000.00			3,000,000.00
Traffic Enforcement Program	031					-
Court Security	225					-
Juvenile Case Manager	230					-

City of Duncanville
Schedule of Market Value of Investments
By Maturity Dates and Fund
For Quarter Ending
December 31, 2020

	Fund No.									
Date Purchase						22-Oct-20	19-Nov-20	30-Dec-20	20-Mar-19	20-Mar-19
Date Maturity						22-Oct-21	19-Nov-21	30-Sep-21	21-Dec-20	19-Mar-21
CUSIP Number		Open	Open	Open	Open	CD #000048	CD #000055	CD #000065	CD #8594	CD #8595
Security Type		LOGIC	TexPool	Nexbank MM	Prosperity MM	Prosperity Bank	Prosperity Bank	Prosperity Bank	Prosperity Bank	Prosperity Bank
Par Value		$ 11,611,775.81	$ 5,035.03	$ 18,390,652.58	$ 2,001,503.15	$ 7,000,000.00	$ 6,000,000.00	$ 3,000,000.00		$ 2,000,000.00
Beginning Book Value		6,509,692.33	5,033.58	18,369,840.44	2,000,245.90				3,000,000.00	2,000,000.00
Beginning Market Value		6,509,692.33	5,033.58	18,369,840.44	2,000,245.90				3,000,000.00	2,000,000.00
Ending Book Value		11,611,775.81	5,035.03	18,390,652.58	2,001,503.15	7,000,000.00	6,000,000.00	3,000,000.00		2,000,000.00
Ending Market Value		11,611,775.81	5,035.03	18,390,652.58	2,001,503.15	7,000,000.00	6,000,000.00	3,000,000.00		2,000,000.00
General	001	7,137,024.53	5,035.03	6,364,637.67	1,501,127.37	7,000,000.00	6,000,000.00			
Utility	002	2,091,018.99		3,706,566.58	500,375.78					
Debt Services	005	225,296.43								
Comp. Self Ins.	008	210,093.93								
Hotel/Motel Tax	010	109,987.01								
Economic Development	012	430,072.06								
Drainage Fees	015	105,343.35								
Capital Replacement	016	179,998.87		527,596.51						
Utility Capital Improvement	017	131,418.75								
Court Technology	235	103,008.72								
Solid Waste	019	355,662.65								
Capital Projects Construction	026	415.67		7,791,851.82				3,000,000.00		2,000,000.00
Court Security	225	343,166.56								
Juvenile Case Manager	230	189,268.29								

	Fund No.							Total
Date Purchase		20-Mar-19	02-Apr-20	10-Sep-20	23-Sep-20	15-Oct-19	13-Nov-19	15-Jan-20	
Date Maturity		20-Sep-21	02-Apr-21	10-Sep-21	23-Nov-21	15-Oct-20	13-Nov-20	15-Jan-21	
CUSIP Number		CD #8596	CD #10004	CD #000029	CD #000036	CD #10629	CD #12311	CD #15833	
Security Type		Prosperity Bank	Prosperity Bank	Prosperity Bank	Prosperity Bank	Southside	Southside	Southside	
Par Value		$ 1,000,000.00	$ 4,000,000.00	$ 6,500,000.00	$ 3,000,000.00			$ 3,000,000.00	$ 67,508,966.57
Beginning Book Value		1,000,000.00	4,000,000.00	6,500,000.00	3,000,000.00	5,000,000.00	6,000,000.00	3,000,000.00	$ 60,384,812.25
Beginning Market Value		1,000,000.00	4,000,000.00	6,500,000.00	3,000,000.00	5,000,000.00	6,000,000.00	3,000,000.00	$ 60,384,812.25
Ending Book Value		1,000,000.00	4,000,000.00	6,500,000.00	3,000,000.00			3,000,000.00	$ 67,508,966.57
Ending Market Value		1,000,000.00	4,000,000.00	6,500,000.00	3,000,000.00			3,000,000.00	$ 67,508,966.57
General	001			6,500,000.00	1,500,000.00			2,000,000.00	$ 38,007,824.60
Utility	002				1,500,000.00			1,000,000.00	$ 8,797,961.35
Debt Services	005								$ 225,296.43
Comp. Self Ins.	008								$ 210,093.93
Hotel/Motel Tax	010								$ 109,987.01
Economic Development	012								$ 430,072.06
Drainage Fees	015								$ 105,343.35
Capital Replacement	016								$ 707,595.38
Utility Capital Improvement	017								$ 131,418.75
Court Technology	235								$ 103,008.72
Solid Waste	019								$ 355,662.65
Capital Projects Construction	026	1,000,000.00	4,000,000.00						$ 17,792,267.49
Court Security	225								$ 343,166.56
Juvenile Case Manager	230								$ 189,268.29

City of Duncanville
Investment Interest Revenue Report
For Quarter Ending
December 31, 2020

Security Type	General 001	Utility 002	Debt Service 005	Comp. Self - Ins. 008	Hotel / Motel Tax 010	Economic Development 012	Drainage Fees 015	Capital Replacement 016
Pooled Investments								
Logic	$ 729.90	$ 203.32	$ 108.70	$ 101.41	$ 53.06	$ 207.51	$ 50.84	$ 86.88
Texpool	1.45							
NEX Bank Money Market	7,193.91	4,189.51						596.35
Prosperity Money Market	942.94	314.31						
Prosperity Bank CD #8594								
Prosperity Bank CD #8595								
Prosperity Bank CD #8596								
Prosperity Bank CD #10004								
Prosperity Bank CD #000029	$ 6,553.43							
Prosperity Bank CD #000036	$ 1,512.33	$ 1,512.33						
Prosperity Bank CD #000048	$ 4,084.93							
Prosperity Bank CD #000055	$ 2,120.55							
Prosperity Bank CD #000065								
Southside CD #10629	$ 4,315.76							
Southside CD #12311	8,552.68	4,276.34						
Southside CD #15833	8,519.46	4,259.72						
Total	**$ 44,527.34**	**$ 14,755.53**	**$ 108.70**	**$ 101.41**	**$ 53.06**	**$ 207.51**	**$ 50.84**	**$ 683.23**

Security Type	Utility Capital Improvement 017	Solid Waste 019	Capital Projects Construction 026	Court Security 225	Juvenile Case Worker 230	Court Technology 235	Total
Pooled Investments							
Logic	$ 63.38	$ 171.61	$ 0.20	$ 165.62	$ 91.36	$ 49.69	$ 2,083.48
Texpool							1.45
NEX Bank Money Market			8,832.37				20,812.14
Prosperity Money Market							1,257.25
Prosperity Bank CD #8594			19,859.71				19,859.71
Prosperity Bank CD #8595			13,863.02				13,863.02
Prosperity Bank CD #8596			7,057.53				7,057.53
Prosperity Bank CD #10004			9,073.97				9,073.97
Prosperity Bank CD #000029							6,553.43
Prosperity Bank CD #000036							3,024.66
Prosperity Bank CD #000048							4,084.93
Prosperity Bank CD #000055							2,120.55
Prosperity Bank CD #000065			20.55				20.55
Southside CD #10629							4,315.76
Southside CD #12311							12,829.02
Southside CD #15833							12,779.18
Total	**$63.38**	**$171.61**	**$58,707.35**	**$165.62**	**$91.36**	**$49.69**	**$ 119,736.63**

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Receive Police Department 2020 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:
Robert D. Brown, Jr., Chief of Police
Mark LiVigni, 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:
$2,500.00 is allocated in the General Fund budget for the analysis and preparation of an annual report on racial profiling.

Contract Log #:
1490

RECOMMENDATION:
No action is required by Council. The 2019 Annual Report on Racial Profiling is presented to City Council in compliance with the Texas Code of Criminal Procedure, Article 2.134 (b).

ATTACHMENTS:
Attachment 1 - Cover Letter to Mayor & Council (2020 Report)
Attachment 2 - Final Racial Profiling Analysis Duncanville PD 2020
Attachment 3 - Final Racial Profiling Report Duncanville PD 2020

February 16, 2021

To: Mayor Barry Gordon and Duncanville City Council

From: Robert D. Brown, Jr., Chief of Police

CC: Mr. Paul Frederiksen, Interim City Manager
Mrs. Aretha Ferrell-Benavides, City Manager (as of February 22, 2021)

Subject: 2020 Annual Report on Racial Profiling

The Duncanville Police Department 2020 Racial Profiling Comparative Analysis 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 methodology, Dr. Fritsch may be contacted at (940) 453-0278 or by email, at fritsch@jrcresearch.com.

The Executive Summary of the analysis, located on page 1 and 2, 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 2020, the Duncanville Police Department received no complaints alleging racial profiling. 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.

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 2020 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.

Robert D. Brown, Jr.
Chief of Police

Attachment 2

DUNCANVILLE
POLICE DEPARTMENT

2020

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 2020. 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 2020. 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 periodically provides written updates on matters which may impact how officers follow racial profiling laws.

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 2020 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.

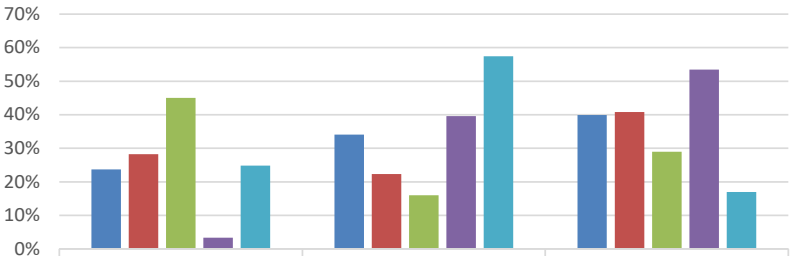
Analysis of the Data

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 4,303 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2020.[1]

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



	White	Black	Hispanic
% City Population	23.70%	34.10%	39.90%
% County Population	28.20%	22.30%	40.80%
% Regional Population	45.00%	16.00%	29.00%
% Campus Population	3.30%	39.60%	53.50%
% Stops	24.80%	57.45%	16.92%

White drivers constituted 24.80 percent of all drivers stopped, whereas Whites constitute 23.70 percent of the city population, 28.20 percent of the county population, and 45.00 percent of the region population.[2] As an additional population comparison, White students constitute 3.30 percent of the Duncanville Independent School District (DISD) student population. [3]

[1] There were 24 motor vehicle stops where the race/ethnicity of the motorist was Asian/Pacific Islander and 12 stops where the race/ethnicity 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 2020 (4,303), these data are not represented in the first chart.

[2] City, County and Regional populations were derived from the 2019 American Community Survey (ACS) 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.

[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 57.45 percent of all drivers stopped, whereas Blacks constitute 34.10 percent of the city population, 22.30 percent of the county population, 16.00 percent of the region population, and 39.60 percent of the DISD population.

Hispanic drivers constituted 16.92 percent of all drivers stopped, whereas Hispanics constitute 39.90 percent of the city population, 40.80 percent of the county population, 29.00 percent of the region population, and 53.50 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 2019 ACS 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.

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 2020. 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 4,303 motor vehicle stops in 2020 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 67 percent of stops resulted in a **verbal warning** (2,869/4,303). Less than 1 percent of stops resulted in a **written warning**, roughly 31 percent resulted in a **citation**, less than 1 percent resulted in a **citation and arrest**, and roughly 2 percent resulted in an **arrest** only. **Written warning and arrest** did not occur in 2020.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 71 percent of stops involving White motorists (762/1,067), Black motorists received a verbal warning in roughly 68 percent of stops of Black motorists, and Hispanic motorists received a verbal warning in roughly 55 percent of stops of Hispanic motorists.

White motorists received a **citation** in roughly 27 percent of stops involving White motorists (286/1,067), Black motorists received a citation in roughly 30 percent of stops of Black motorists, and Hispanic motorists received a citation in roughly 43 percent of stops of Hispanic motorists.

Specific to sole **arrests**, White motorists were arrested in roughly 2 percent of stops involving White motorists (19/1,067), Black motorists were arrested in roughly 2 percent of stops of Black motorists, and Hispanic motorists were arrested in roughly 2 percent of stops of Hispanic motorists. Most arrests were based on either an outstanding warrant (65.06%; 54/83) or violation of the penal code (32.53%).

Finally, as presented in Table 1, **physical force resulting in bodily injury** was not used in 2020. Of the 4,303 total motor vehicle stops, no stops involved physical force resulting in bodily injury.

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	1,067	2,472	728	24	12	4,303
Gender						
Female	379	978	280	11	3	1,651
Male	688	1,494	448	13	9	2,652
Reason for Stop						
Violation of Law	39	96	8	0	0	143
Preexisting Knowledge	9	30	6	0	0	45
Moving Traffic Violation	855	1,900	625	23	9	3,412
Vehicle Traffic Violation	164	446	89	1	3	703
Result of Stop						
Verbal Warning	762	1,677	404	17	9	2,869
Written Warning	0	1	0	0	0	1
Citation	286	743	311	7	3	1,350
Written Warning and Arrest	0	0	0	0	0	0
Citation and Arrest	0	5	1	0	0	6
Arrest	19	46	12	0	0	77
Arrest Based On						
Violation of Penal Code	7	12	8	0	0	27
Violation of Traffic Law	1	1	0	0	0	2
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	11	38	5	0	0	54
Physical Force Resulting in Bodily Injury Used?						
No	1,067	2,472	728	24	12	4,303
Yes	0	0	0	0	0	0

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 2020, a total of 261 **searches** of motorists were conducted, or roughly 6 percent of all stops resulted in a search (261/4,303). Among searches within each racial/ethnic group, White motorists were searched in roughly 5 percent of all stops of White motorists (56/1,067), Black motorists were searched in roughly 7 percent of all stops of Black motorists, and Hispanic motorists were searched in roughly 4 percent of all stops of Hispanic motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (71.26%; 186/261). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in 63 percent of all searches of White motorists (35/56), Black motorists were searched based on probable cause in roughly 76 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 59 percent of all searches of Hispanic motorists.

Finally, it should be noted that only 28 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 (4,303), discretionary consent searches occurred in 0.65 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in 13 percent of all searches of White motorists (7/56), Black motorists were searched based on consent in roughly 10 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 11 percent of all searches of Hispanic motorists.

Of the searches that occurred in 2020, and as shown in Table 2, **contraband was discovered** in 73 or roughly 28 percent of all searches (73/261 total searches). Among the searches in which contraband was discovered, the majority of the time the contraband discovered was drugs.[4]

[4] Note, that the number of contraband finds (Description of Contraband) equals 87, which is more than the number of searches where contraband was found (73). 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	56	178	27	0	0	261
No	1,011	2,294	701	24	12	4,042
Reason for Search						
Consent	7	18	3	0	0	28
Contraband in Plain View	3	5	1	0	0	9
Probable Cause	35	135	16	0	0	186
Inventory	7	8	3	0	0	18
Incident to Arrest	4	12	4	0	0	20
Was Contraband Discovered						
Yes	13	48	12	0	0	73
No	1,054	2,424	716	24	12	4,230
Description of Contraband						
Drugs	10	40	7	0	0	57
Weapons	2	16	2	0	0	20
Currency	0	4	1	0	0	5
Alcohol	1	0	1	0	0	2
Stolen Property	0	1	0	0	0	1
Other	1	0	1	0	0	2

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 2020, internal records indicate that the Duncanville Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

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 2020, 4,303 motor vehicle stops were made by the Duncanville Police Department. Of these stops, 1,651 or roughly 38 percent were female drivers (1,651/4,303), and roughly 62 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 2020, 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 2020 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 illustrated in Table 3, of the 4,303 motor vehicle stops in 2020, the officer knew the race/ethnicity of the motorist prior to the stop in 3.39% of the stops (146/4,303). 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.[5] 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 throughout 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

[5] 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.

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	146
No	4,157
Approximate Location of Stop	
City Street	4,224
US Highway	52
County Road	3
State Highway	16
Private Property/Other	8
Number of Complaints of Racial Profiling	**0**
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

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 2020, 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

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.

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

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

Attachment 3

Racial Profiling Report | Full

Agency Name: DUNCANVILLE POLICE DEPT.
Reporting Date: 02/05/2021
TCOLE Agency Number: 113210

Chief Administrator: ROBERT D. BROWN JR

Agency Contact Information:
Phone: (972) 780-5034
Email: rdbrown@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
Assistant Chief of Police

Date: 02/05/2021

Motor Vehicle Racial Profiling Information

Total stops: 4303

Street address or approximate location of the stop	
City street	4224
US highway	52
County road	3
State highway	16
Private property or other	8
Was race or ethnicity known prior to stop?	
Yes	146
No	4157
Race / Ethnicity	
Alaska Native / American Indian	12
Asian / Pacific Islander	24
Black	2472
White	1067
Hispanic / Latino	728
Gender	
Female	**1651**
Alaska Native / American Indian	3
Asian / Pacific Islander	11
Black	978
White	379
Hispanic / Latino	280
Male	**2652**
Alaska Native / American Indian	9
Asian / Pacific Islander	13
Black	1494
White	688
Hispanic / Latino	448
Reason for stop?	
Violation of law	**143**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	96
White	39

Hispanic / Latino	8
Preexisting knowledge	**45**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	30
White	9
Hispanic / Latino	6
Moving traffic violation	**3412**
Alaska Native / American Indian	9
Asian / Pacific Islander	23
Black	1900
White	855
Hispanic / Latino	625
Vehicle traffic violation	**703**
Alaska Native / American Indian	3
Asian / Pacific Islander	1
Black	446
White	164
Hispanic / Latino	89
Was a search conducted?	
Yes	**261**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	178
White	56
Hispanic / Latino	27
No	**4042**
Alaska Native / American Indian	12
Asian / Pacific Islander	24
Black	2294
White	1011
Hispanic / Latino	701
Reason for Search?	
Consent	**28**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	18
White	7

Hispanic / Latino	3
Contraband	**9**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	3
Hispanic / Latino	1
Probable	**186**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	135
White	35
Hispanic / Latino	16
Inventory	**18**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	7
Hispanic / Latino	3
Incident to arrest	**20**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	12
White	4
Hispanic / Latino	4

For this report (2020) below data was not statutorily required nor was this data available from system. However, it will be in 2021 and system has been adapted to do so.

		(total should equal previous column)	
Was Contraband discovered?			
Yes	**73**		
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	48	Yes 0	No 0
White	13	Yes 0	No 0
Hispanic / Latino	12	Yes 0	No 0
No	**4230**		
Alaska Native / American Indian	12		
Asian / Pacific Islander	24		
Black	2424		
White	1054		
Hispanic / Latino	716		

Description of contraband	
Drugs	**57**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	40
White	10
Hispanic / Latino	7
Weapons	**20**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	16
White	2
Hispanic / Latino	2
Currency	**5**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	0
Hispanic / Latino	1
Alcohol	**2**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
Stolen property	**1**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Other	**2**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
Result of the stop	
Verbal warning	**2869**

Alaska Native / American Indian	9
Asian / Pacific Islander	17
Black	1677
White	762
Hispanic / Latino	404
Written warning	**1**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Citation	**1350**
Alaska Native / American Indian	3
Asian / Pacific Islander	7
Black	743
White	286
Hispanic / Latino	311
Written warning and arrest	**0**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Citation and arrest	**6**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	0
Hispanic / Latino	1
Arrest	**77**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	46
White	19
Hispanic / Latino	12
Arrest based on	
Violation of Penal Code	**27**
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	12
White	7
Hispanic / Latino	8
Violation of Traffic Law	**2**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	0
Violation of City Ordinance	**0**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	**48**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	33
White	11
Hispanic / Latino	4

Was physical force resulting in bodily injury used during stop?

Yes	**0**
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
No	**4303**
Alaska Native / American Indian	12
Asian / Pacific Islander	24
Black	2472
White	1067
Hispanic / Latino	728

Number of complaints of racial profiling

Total	**0**
Resulted in disciplinary action	**0**
Did not result in disciplinary action	**0**

Submitted electronically to the



The Texas Commission on Law Enforcement

STAFF REPORT

MEETING: City Council - 02 Mar 2021

TITLE:
Receive the Monthly Financial Report as of January 31, 2021.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **1. Most engaged citizens in America**
  - **Goal 2: Maximize city and community resources to improve quality of life in a sustainable manner.**

STAFF RESPONSIBLE:
Richard Summerlin, Finance Director

BACKGROUND/HISTORY:
The Financial Report is presented to provide actual revenues and expenditures in comparison to the budget. The report provides financial data on key funds including the General, Utility, Sanitation, Economic Development, Fieldhouse, and Comprehensive Self-Insurance.

POLICY EXPLANATION:
January 2021 is the fourth month in fiscal year 2021 and we would expect revenues and expenditures to be at about 33.3% of their budgets. The beginning fund balances in this report are preliminary and are subject to change pending fiscal year 2020 accrual entries, fiscal year end closing and the external audit. Below are financial highlights as of the January 2021 Financial Report.

General Fund:

- General Fund ending fund balance is $20.6 million, which is approximately 235 days of operations based on the adopted budget.
  - Fiscal year 2021 beginning fund balance is greater than expected due to final fiscal year 2020 transactions including:
    - A transfer in from the Emergency Fund for $417 thousand. A portion of CARES Act funding was allocated to offset eligible General Fund public safety payroll.
    - A transfer in (offsetting expenditures) from the closure of the Medical Insurance fund for $340 thousand.
- Overall General Fund revenues and transfers in are at 52.8% of the budget.
  - Current property tax payments are at 78.8% of the budget. This is -3.1% lower than the same time last year. Property taxes are due by the end of January.
  - Sales tax revenue is -3.6% lower than the same time last year primarily due to the continued effect of the COVID-19 pandemic on local businesses. The data here reflects two months of revenue (November sales tax received in January.)
- Overall General Fund operating expenditures and transfers out are at 24.4% of the budget.

Other Funds:

- The Utility Fund ending fund balance is $2.4 million (after the reserved fund balance deduction of $5.0 million for AMI), which is approximately 44 days of operations based on the budget.
    - Total utility revenues are at 25.2% of the budget. Water and sewer revenues run one month in the arrears, so this report reflects three months (October-December) of revenue. Water revenues are -3.6% lower than the same time last year, while sewer revenues are down by -2.3%.
    - Total expenditures are at 29.2% of the budget. This includes three months of payments to Dallas Water Utilities (water services) and five months of payments to Trinity River Authority (wastewater services).
- The Sanitation Fund has an ending fund balance of $720 thousand, which is approximately 64 days of operations.
- A financial update on one-time projects is included as the last page of the financial report.

FUNDING SOURCE:
N/a

Contract Log #:
N/a

RECOMMENDATION:
There is no City Council action required.

ATTACHMENTS:
Attachment 1 - Monthly Financial Report as of January 2021

Attachment 1

CITY OF DUNCANVILLE
MONTHLY FINANCIAL REPORT

Fiscal Year 2020-2021

YEAR-TO-DATE OPERATIONS

AS OF JANUARY 31, 2021

OCTOBER 1, 2020 TO JANUARY 31, 2021

Prepared by
FINANCE DEPARTMENT
2/22/2021

**Beginning balances in this report are preliminary and subject to change based on accruals and final audit entries.*

Attachment 1

CITY OF DUNCANVILLE

FUND BALANCES AT JANUARY 31, 2021

FUND	BEGINNING BALANCE (OCT 1) [1]	REVENUES	EXPENDITURES	RESERVED FOR ONE TIME PROJECTS [2]	ENDING BALANCE YTD
GENERAL FUND[3]	$11,714,696	$17,218,674	($8,380,980)	$0	**$20,552,390**
UTILITY FUND	$8,451,077	$4,591,274	($5,638,693)	($5,000,000)	**$2,403,658**
SANITATION FUND	$847,903	$1,018,029	($1,145,611)	$0	**$720,320**
ECONOMIC DEVELOPMENT	$3,709,167	$414,555	($159,464)	$0	**$3,964,258**
FIELDHOUSE	($1,430,436)	$323,047	($236,123)	$0	**($1,343,512)**
COMPREHENSIVE SELF INS	$889,834	$156,014	($344,066)	$0	**$701,781**

DAYS OF OPERATIONS AT JANUARY 31, 2021

FUND	YTD FUND BALANCE	BUDGETED OPERATING RESERVE # DAYS	BUDGETED OPERATING RESERVE ($)	YTD ACTUAL # DAYS OF OPERATIONS
GENERAL FUND	$20,552,390	75	$6,551,562	**235**
UTILITY FUND	$2,403,658	60	$3,274,700	**44**
SANITATION FUND	$720,320	60	$675,173	**64**

Note 1- Beginning balances in this report are preliminary and subject to change based on accruals and final FY20 audit entries.
Note 2 - Utility Fund reserved balance has been earmarked for future AMI project.
Note 3- One Time Project funds are accounted for in a separate fund and not included in General fund balance available for operations calculation.

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND REVENUES AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
51 - TAXES	**$15,581,121**	**$27,094,091**	**$27,094,091**	**$11,512,970**	**57.5%**
501101 - CURRENT TAXES	$13,966,189	$17,717,398	$17,717,398	$3,751,209	78.8%
501102 - DELINQUENT TAXES	$91,085	$140,000	$140,000	$48,915	65.1%
501103 - PENALTIES AND INTEREST	$28,410	$140,000	$140,000	$111,590	20.3%
501201 - STATE SALES TAX CITY PORTION	$828,603	$4,876,462	$4,876,462	$4,047,860	17.0%
501202 - SALES TAX PROPERTY TAX RELIEF	$414,301	$2,438,231	$2,438,231	$2,023,930	17.0%
501204 - ALCOHOLIC BEVERAGE TAX	$13,364	$69,000	$69,000	$55,636	19.4%
501301 - FRANCHISE FEE ELECTRIC	$238,001	$1,100,000	$1,100,000	$861,999	21.6%
501302 - FRANCHISE FEE GAS	$771	$313,000	$313,000	$312,229	0.2%
501303 - FRANCHISE FEE TELEPHONE	$397	$175,000	$175,000	$174,603	0.2%
501304 - FRANCHISE FEE CABLE TV	($0)	$125,000	$125,000	$125,000	0.0%
52 - PERMITS & FEES	**$414,769**	**$1,237,500**	**$1,237,500**	**$822,731**	**33.5%**
502101 - BUILDING PERMITS	$128,334	$250,000	$250,000	$121,666	51.3%
502102 - ELECTRICAL PERMITS	$10,322	$13,000	$13,000	$2,678	79.4%
502103 - SOLICITOR LICENSES	($0)	$1,500	$1,500	$1,500	0.0%
502105 - EMERGENCY MEDICAL SERVICE	$182,810	$750,000	$750,000	$567,190	24.4%
502106 - SIGN PERMITS	$6,725	$12,000	$12,000	$5,275	56.0%
502107 - WRECKER AND STORAGE FEES	($0)	$3,000	$3,000	$3,000	0.0%
502108 - HEALTH FOOD INSPECTION FEES	$19,535	$46,000	$46,000	$26,465	42.5%
502109 - PLUMBING AND AC PERMITS	$29,085	$40,000	$40,000	$10,915	72.7%
502111 - ZONING & SPEC USE PERMIT	$3,100	$8,500	$8,500	$5,400	36.5%
502112 - EMS SVCS COST SETTLEMENT	($0)	($0)	($0)	($0)	
502113 - SMALL CELL/ NETWORK NODE FEES	$250	$500	$500	$250	50.0%
502114 - RENTAL PROPERTY REGISTRATION	$22,425	$50,000	$50,000	$27,575	44.9%
502120 - ALARM PERMITS	$11,584	$60,000	$60,000	$48,416	19.3%
502122 - POOL OR SPA INSPECTION FEE	$600	$3,000	$3,000	$2,400	20.0%
53 - FINES	**$91,513**	**$557,000**	**$557,000**	**$465,487**	**16.4%**
503101 - MUNICIPAL COURT FINES	$67,206	$400,000	$400,000	$332,794	16.8%
503102 - COURT RELATED FEES	$17,203	$130,000	$130,000	$112,797	13.2%
503103 - SCHOOL CROSSING FEES	$1,813	$3,000	$3,000	$1,187	60.4%
503201 - LIBRARY FINES	$1,952	$9,000	$9,000	$7,048	21.7%
503301 - FALSE ALARM FINES	$3,339	$15,000	$15,000	$11,661	22.3%
54 - INTERGOVERNMENTAL	**$11,448**	**$175,490**	**$175,490**	**$164,042**	**6.5%**
504102 - DISD SCHOOL CROSSING GUARDS	($0)	$35,000	$35,000	$35,000	0.0%
504103 - DALLAS COUNTY CROSSING GUARD	$11,448	$36,000	$36,000	$24,552	31.8%
504109 - REIMB FOR REG EMERG MANAGER	($0)	$104,490	$104,490	$104,490	0.0%
55 - INTEREST	**$49,298**	**$290,000**	**$290,000**	**$240,702**	**17.0%**
505101 - INTEREST ON GOVT POOL INVEST	$1,627	$55,000	$55,000	$53,373	3.0%
505103 - CERT OF DEPOSIT INTEREST	$36,898	$100,000	$100,000	$63,102	36.9%
505106 - MONEY MARKET INTEREST	$10,773	$135,000	$135,000	$124,227	8.0%
57 - RECREATIONAL FEES	**$66,720**	**$266,000**	**$266,000**	**$199,280**	**25.1%**
507102 - RECREATION FEES	$60,646	$240,000	$240,000	$179,354	25.3%
507104 - SENIOR CENTER ANNUAL USER FEE	$63	$4,000	$4,000	$3,938	1.6%
507107 - RECREATION CENTER CLASSES	$3,747	$8,000	$8,000	$4,253	46.8%
507108 - RECREATION CENTER SPECIAL EVEN	$2,264	$8,000	$8,000	$5,736	28.3%
507109 - SENIOR CLASS/TRIPS	($0)	-$6,000	$6,000	$6,000	0.0%

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND REVENUES AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
59 - OTHER REVENUES	**$126,672**	**$367,880**	**$367,880**	**$241,208**	**34.4%**
509101 - SALE OF FIXED ASSETS	($0)	($0)	($0)	($0)	
509102 - GAIN/ LOSS ON SALE FIXED ASSET	($0)	$0	($0)	($0)	
509105 - SALE OF MATERIALS	$1,182	$1,000	$1,000	($182)	118.2%
509201 - INSURANCE RECOVERY	($0)	($0)	($0)	($0)	
509501 - COLLECTION OF BAD DEBTS	($0)	$2,000	$2,000	$2,000	0.0%
509502 - MISCELLANEOUS W/O	$37	$100	$100	$63	37.4%
509601 - MISCELLANEOUS	$38,424	$65,000	$65,000	$26,576	59.1%
509602 - CASH OVER AND SHORT	$101	$0	($0)	($101)	
509603 - COPIES	$2,205	$18,000	$18,000	$15,795	12.2%
509604 - POLICE ACCIDENT REPORTS	$1,151	$4,500	$4,500	$3,349	25.6%
509606 - AUCTION PROCEEDS	($0)	$5,000	$5,000	$5,000	0.0%
509607 - ANIMAL PERMITS	$10	$50	$50	$40	20.0%
509609 - RETURN CHECK FEES	$70	$230	$230	$160	30.4%
509611 - SCRAP METAL SALES	($0)	($0)	($0)	($0)	
509612 - CITY SERVICES REIMBURSEMENT	$11,091	$58,000	$58,000	$46,910	19.1%
509613 - WORKERS COMP REIMBURSEMENT	$10,743	$20,000	$20,000	$9,257	53.7%
509614 - RENTAL OF TOWER	$60,833	$194,000	$194,000	$133,167	31.4%
509617 - LEASE INCOME	($0)	($0)	($0)	($0)	
509618 - GAS WELL OIL REVENUE	$826	$0	($0)	($826)	
81 - OTHER FINANCE SOURCE	**$877,133**	**$2,631,399**	**$2,631,399**	**$1,754,266**	**33.3%**
801102 - TRANSF IN UTILITY FUND WATER	$587,237	$1,761,710	$1,761,710	$1,174,473	33.3%
801104 - TRANSF IN UTIL FUND SANITATION	$64,099	$192,297	$192,297	$128,198	33.3%
801108 - TRANSF IN EDC SALES TAX	$30,747	$92,242	$92,242	$61,495	33.3%
801110 - TRANSF IN HOTEL TAX FUND	$18,879	$56,637	$56,637	$37,758	33.3%
801150 - TRANSF IN PILOT FRANCHISE TAX	$176,171	$528,513	$528,513	$352,342	33.3%
Grand Total	**$17,218,674**	**$32,619,360**	**$32,619,360**	**$15,400,686**	**52.8%**

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND EXPENDITURES AT JANUARY 31, 2021

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
0000 - OTHER	**$168,409**	**$1,511,250**	**$1,511,250**	**$1,342,841**	**11.1%**
001 - GENERAL FUND NON-ORG	$168,409	$1,511,250	$1,511,250	$1,342,841	11.1%
0101 - GENERAL GOVERNMENT	**$894,798**	**$3,118,795**	**$3,154,277**	**$2,259,479**	**28.4%**
01011000 - MAYOR AND COUNCIL	$32,224	$140,897	$140,897	$108,673	22.9%
01011100 - CITY ADMINISTRATION	$150,266	$705,922	$705,922	$555,657	21.3%
01011300 - HUMAN RESOURCES	$88,529	$348,242	$348,242	$259,714	25.4%
01011400 - INFO TECHNOLOGY	$345,308	$820,205	$855,687	$510,379	40.4%
01011500 - PUBLIC INFORMATION OFFICE	$40,989	$168,533	$168,533	$127,544	24.3%
01011600 - PUBLIC LIBRARY	$237,482	$934,996	$934,996	$697,514	25.4%
0102 - FINANCE	**$412,195**	**$1,519,742**	**$1,519,742**	**$1,107,547**	**27.1%**
01022000 - FINANCE ADMINISTRATION	$239,026	$792,642	$792,642	$553,616	30.2%
01022300 - MUNICIPAL COURT	$116,208	$482,262	$482,262	$366,054	24.1%
01022500 - PURCHASING	$32,091	$113,731	$113,731	$81,639	28.2%
01022700 - CITY MARSHAL	$24,870	$131,107	$131,107	$106,237	19.0%
0104 - PARK AND RECREATION	**$921,840**	**$3,884,640**	**$3,884,640**	**$2,962,801**	**23.7%**
01044000 - PARK & REC ADMINISTRATION	$75,302	$254,663	$254,663	$179,361	29.6%
01044100 - REC PROGRAM ADMIN	$118,518	$396,028	$396,028	$277,510	29.9%
01044101 - REC PROGRAM CLASSES	$174	$5,682	$5,682	$5,508	3.1%
01044200 - SPECIAL EVENTS ADMIN	$30,465	$208,183	$208,183	$177,718	14.6%
01044300 - ATHLETIC PROGRAMMING	$99,971	$425,373	$425,373	$325,401	23.5%
01044500 - HORTICULTURE	$48,539	$176,298	$176,298	$127,759	27.5%
01044600 - PARK GROUNDS MAINTENANCE	$275,464	$1,327,185	$1,327,185	$1,051,721	20.8%
01044800 - BUILDING MAINTENANCE	$242,233	$881,280	$881,280	$639,047	27.5%
01044900 - SENIOR CENTER	$31,175	$204,749	$204,749	$173,575	15.2%
01044901 - SENIOR CENTER CLASSES	$0	$4,600	$4,600	$4,600	0.0%
01044911 - SENIOR CENTER TRIPS	$0	$600	$600	$600	0.0%
0105 - POLICE	**$2,867,710**	**$9,694,511**	**$9,694,511**	**$6,826,800**	**29.6%**
01055000 - POLICE ADMINISTRATION	$156,288	$552,907	$552,907	$396,618	28.3%
01055100 - PATROL	$1,430,302	$4,832,383	$4,832,383	$3,402,081	29.6%
01055200 - CRIMINAL INVESTIGATION	$412,655	$1,492,834	$1,492,834	$1,080,180	27.6%
01055300 - ANIMAL CONTROL	$150,155	$477,758	$477,758	$327,603	31.4%
01055400 - SCHOOL GUARDS	$23,753	$85,211	$85,211	$61,458	27.9%
01055500 - CRIME PREVENTION	$41,674	$151,748	$151,748	$110,074	27.5%
01055700 - RECORDS	$410,898	$1,319,716	$1,319,716	$908,818	31.1%
01055800 - DETENTION SERVICES	$108,946	$270,000	$270,000	$161,054	40.4%
01055900 - POLICE SPECIAL SERVICES	$133,039	$511,954	$511,954	$378,915	26.0%
0106 - PUBLIC WORKS	**$1,165,221**	**$6,874,523**	**$6,939,916**	**$5,774,695**	**16.8%**
01066000 - ENGINEERING	$114,146	$387,903	$387,903	$273,758	29.4%
01066100 - BUILDING INSPECTION	$149,948	$507,481	$549,773	$399,825	27.3%
01066200 - STREET MAINTENANCE	$430,008	$3,543,590	$3,543,590	$3,113,582	12.1%
01066300 - TRAFFIC OPERATIONS	$140,769	$926,743	$926,743	$785,974	15.2%
01066400 - PLANNING	$45,237	$159,358	$159,358	$114,121	28.4%
01066500 - CODE SERVICES	$82,473	$266,308	$289,409	$206,937	28.5%
01066700 - EQUIPMENT SERVICES	$202,639	$1,083,139	$1,083,139	$880,500	18.7%

Attachment 1

CITY OF DUNCANVILLE

GENERAL FUND EXPENDITURES AT JANUARY 31, 2021

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
0107 - FIRE	**$1,895,010**	**$7,072,886**	**$7,072,886**	**$5,177,877**	**26.8%**
01077000 - FIRE ADMINISTRATION	$172,035	$649,945	$649,945	$477,910	26.5%
01077100 - FIRE PREVENTION	$70,556	$254,258	$254,258	$183,702	27.7%
01077200 - FIRE SUPPRESSION	$1,188,237	$4,330,457	$4,330,457	$3,142,219	27.4%
01077300 - ADVANCED LIFE SUPPORT	$458,201	$1,697,817	$1,697,817	$1,239,615	27.0%
01077500 - EMERGENCY MANAGEMENT ADMIN	$5,980	$140,409	$140,409	$134,429	4.3%
0108 - NON DEPARTMENTAL	**$55,798**	**$589,792**	**$594,792**	**$538,994**	**9.4%**
01088000 - GENERAL NON DEPARTMENTAL	$55,798	$589,792	$594,792	$538,994	9.4%
Total Operating Expenses & Transfers Out	**$8,380,980**	**$34,266,139**	**$34,372,014**	**$25,991,034**	**24.4%**

Attachment 1

CITY OF DUNCANVILLE

UTILITY FUND AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
41 - WATER	**$2,009,431**	**$8,216,000**	**$8,216,000**	**$6,206,569**	**24.5%**
510101 - WATER SALES	$1,321,514	$5,400,000	$5,400,000	$4,078,486	24.5%
510102 - WATER TAPS	$6,607	$10,000	$10,000	$3,393	66.1%
510104 - MULTI-FAMILY WATER SALES	$201,992	$770,000	$770,000	$568,008	26.2%
510105 - COMMERCIAL WATER SALES	$315,459	$1,360,000	$1,360,000	$1,044,541	23.2%
510106 - WATER SALES OTHER	$311	$1,000	$1,000	$690	31.1%
510107 - WATER SALES IRRIGATION	$129,166	$510,000	$510,000	$380,834	25.3%
510108 - SCHOOL WATER SALES	$34,383	$165,000	$165,000	$130,617	20.8%
42 - SEWER	**$2,451,331**	**$9,551,600**	**$9,551,600**	**$7,100,269**	**25.7%**
511101 - SEWER SERVICE	$1,694,631	$6,500,000	$6,500,000	$4,805,369	26.1%
511102 - SEWER TAPS	($0)	$3,600	$3,600	$3,600	0.0%
511105 - MULTI-FAMILY SEWER SERVICE	$379,273	$1,455,000	$1,455,000	$1,075,727	26.1%
511106 - COMMERCIAL SEWER SERVICE	$350,903	$1,470,000	$1,470,000	$1,119,097	23.9%
511108 - SCHOOL WASTEWATER SALES	$26,523	$123,000	$123,000	$96,477	21.6%
45 - PENALTIES	**$56,019**	**$165,000**	**$165,000**	**$108,981**	**34.0%**
513101 - PENALTIES	$56,019	$165,000	$165,000	$108,981	34.0%
54 - INTERGOVERNMENTAL	**($0)**	**$600**	**$600**	**$600**	**0.0%**
504111 - REIMB FOR SUMMIT TANK FROM CH	($0)	$600	$600	$600	0.0%
55 - INTEREST	**$17,138**	**$120,000**	**$120,000**	**$102,862**	**14.3%**
505101 - INTEREST ON GOVT POOL INVEST	$491	$120,000	$120,000	$119,509	0.4%
505103 - CERT OF DEPOSIT INTEREST	$10,658	($0)	($0)	($10,658)	
505106 - MONEY MARKET INTEREST	$5,988	($0)	($0)	($5,988)	
59 - OTHER REVENUES	**$57,355**	**$169,500**	**$169,500**	**$112,145**	**33.8%**
509101 - SALE OF FIXED ASSETS	($0)	($0)	($0)	($0)	
509301 - REFUNDS FROM TRA	($0)	($0)	($0)	($0)	
509401 - SERVICE CHARGES	$47,805	$130,000	$130,000	$82,195	36.8%
509601 - MISCELLANEOUS	$300	$5,000	$5,000	$4,700	6.0%
509602 - CASH OVER AND SHORT	($93)	($0)	($0)	$93	
509609 - RETURN CHECK FEES	$2,170	$5,000	$5,000	$2,830	43.4%
509611 - SCRAP METAL SALES	($0)	$3,500	$3,500	$3,500	0.0%
509612 - CITY SERVICES REIMBURSEMENT	$7,173	$26,000	$26,000	$18,827	27.6%
Grand Total	**$4,591,274**	**$18,222,700**	**$18,222,700**	**$13,631,426**	**25.2%**

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
002 - UTILITY FUND NON-ORG	$2,430,074	$7,290,223	$7,290,223	$4,860,149	33.3%
02311000 - UTILITIES ADMINISTRATION	$99,968	$384,747	$384,747	$284,779	26.0%
02312000 - WATER SERVICES	$935,417	$4,643,674	$4,643,924	$3,708,506	20.1%
02313000 - WASTEWATER SERVICES	$1,830,531	$5,796,452	$5,796,202	$3,965,671	31.6%
02411000 - UTILITIES ACCOUNTING	$342,702	$1,091,798	$1,191,648	$848,945	28.8%
Grand Total	**$5,638,693**	**$19,206,894**	**$19,306,743**	**$13,668,050**	**29.2%**

Attachment 1

CITY OF DUNCANVILLE

SANITATION FUND AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
43 - GARBAGE	**$1,017,826**	**$4,168,000**	**$4,168,000**	**$3,150,174**	**24.4%**
512101 - RESIDENTIAL GARBAGE	$902,201	$3,420,000	$3,420,000	$2,517,799	26.4%
512104 - LANDFILL COMMERCIAL	$33,601	$430,000	$430,000	$396,399	7.8%
512105 - COMMERCIAL COLLECT FRANCHISE	$56,226	$220,000	$220,000	$163,774	25.6%
512106 - COMMERCIAL GARBAGE	$25,798	$98,000	$98,000	$72,202	26.3%
55 - INTEREST	**$203**	**$6,000**	**$6,000**	**$5,797**	**3.4%**
505101 - INTEREST ON GOVT POOL INVEST	$203	$6,000	$6,000	$5,797	3.4%
505103 - CERT OF DEPOSIT INTEREST	($0)	($0)	($0)	($0)	
Grand Total	**$1,018,029**	**$4,174,000**	**$4,174,000**	**$3,155,971**	**24.4%**

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
019 - SANITATION NON-ORG	$114,099	$342,297	$342,297	$228,198	33.3%
19011000 - SANITATION ADMIN	$965,364	$3,796,084	$3,796,084	$2,830,719	25.4%
19012000 - LITTER CONTROL CREW	$66,148	$249,188	$249,188	$183,040	26.5%
Grand Total	**$1,145,611**	**$4,387,569**	**$4,387,569**	**$3,241,957**	**26.1%**

Attachment 1

CITY OF DUNCANVILLE

ECONOMIC DEVELOPMENT AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
51 - TAXES	**$414,301**	**$2,438,231**	**$2,438,231**	**$2,023,930**	**17.0%**
501203 - ECONOMIC DEVELOPMENT SALES TAX	$414,301	$2,438,231	$2,438,231	$2,023,930	17.0%
55 - INTEREST	**$254**	**$20,000**	**$20,000**	**$19,746**	**1.3%**
505101 - INTEREST ON GOVT POOL INVEST	$254	$20,000	$20,000	$19,746	1.3%
505103 - CERT OF DEPOSIT INTEREST	($0)	($0)	($0)	($0)	
Grand Total	**$414,555**	**$2,458,231**	**$2,458,231**	**$2,043,676**	**16.9%**

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
012 - ECONOMIC DEVELOP NON-ORG	$30,747	$630,042	$630,042	$599,295	4.9%
12011000 - ECONOMIC DEVELOPMENT ADMIN	$72,245	$335,478	$335,478	$263,233	21.5%
12011100 - KEEP DUNCANVILLE BEAUTIFUL	$883	$12,000	$12,000	$11,117	7.4%
12011600 - DEBT SERVICE EDC	$0	$488,346	$488,346	$488,346	0.0%
12011700 - SUSTAINABLE BEAUTIFICATION	$0	$15,000	$15,000	$15,000	0.0%
12011800 - BEAUTIFICATION	$16,495	$126,777	$126,777	$110,282	13.0%
12051000 - DESIGN INCENTIVES	$0	$190,000	$190,000	$190,000	0.0%
12051100 - FAÇADE INCENTIVES	$0	$60,000	$60,000	$60,000	0.0%
12051200 - GRANTS/REBATE INCENTIVES	$0	$0	$0	$0	
12052000 - EDC SPECIAL PROJECTS	$39,093	$0	$204,075	$164,982	19.2%
Grand Total	**$159,464**	**$1,857,644**	**$2,061,719**	**$1,902,255**	**7.7%**

Attachment 1

CITY OF DUNCANVILLE

FIELDHOUSE FUND AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
48 - SPORTS FACILITY	**$133,515**	**$616,000**	**$616,000**	**$482,485**	**21.7%**
520101 - SPONSORSHIP REVENUE	$24,603	$50,000	$50,000	$25,397	49.2%
520120 - FOOD SALES	$37,359	$157,000	$157,000	$119,641	23.8%
520130 - BEVERAGE SALES	$29,744	$80,000	$80,000	$50,256	37.2%
520140 - MERCHANDISE REVENUE	$53	$5,000	$5,000	$4,947	1.1%
520170 - OTHER SPORTS ACTIVITY REV	$28,580	$68,000	$68,000	$39,420	42.0%
520180 - CAMP/AFTERSCHOOL PROG REV	($0)	$226,000	$226,000	$226,000	0.0%
520190 - CLASS REVENUE	$13,175	$30,000	$30,000	$16,825	43.9%
59 - OTHER REVENUES	**$189,532**	**$469,390**	**$469,390**	**$279,858**	**40.4%**
509601 - MISCELLANEOUS	$55,787	$80,390	$80,390	$24,603	69.4%
509602 - CASH OVER AND SHORT	$275	($0)	($0)	($275)	
509606 - AUCTION PROCEEDS	($0)	($0)	($0)	($0)	
509615 - RENTAL	$6,369	$34,000	$34,000	$27,631	18.7%
509620 - RENTALS- BASKETBALL	$98,910	$325,000	$325,000	$226,090	30.4%
509621 - RENTALS- VOLLEYBALL	$28,191	$30,000	$30,000	$1,809	94.0%
81 - OTHER FINANCE SOURCE	**($0)**	**$537,800**	**$537,800**	**$537,800**	**0.0%**
801129 - TRANSF IN DCEDC	($0)	$537,800	$537,800	$537,800	0.0%
Grand Total	**$323,047**	**$1,623,190**	**$1,623,190**	**$1,300,143**	**19.9%**

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
456 - FIELDHOUSE NON-ORG	$0	$538,300	$538,300	$538,300	0.0%
45601000 - FH ADMIN/OPS	$203,050	$924,580	$924,580	$721,529	22.0%
45602000 - FH CAFÉ/ FOOD COURT	$31,651	$131,740	$131,740	$100,089	24.0%
45602500 - FH GENERAL STORE	$314	$3,750	$3,750	$3,437	8.4%
45651100 - FIELDHOUSE CAMPS	$0	$83,500	$83,500	$83,500	0.0%
45651200 - FIELDHOUSE CLASSES	$0	$0	$0	$0	
45651300 - FIELDHOUSE OTHER ACTIVITIES	$1,108	$9,550	$9,550	$8,442	11.6%
Grand Total	**$236,123**	**$1,691,420**	**$1,691,420**	**$1,455,297**	**14.0%**

Attachment 1

CITY OF DUNCANVILLE

COMPREHENSIVE SELF-INSURANCE FUND AT JANUARY 31, 2021

REVENUES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
46 - PREMIUMS AND OTHER	**$155,876**	**$468,205**	**$468,205**	**$312,329**	**33.3%**
514107 - GENERAL FUND CONTRIBUTIONS	$126,637	$380,489	$380,489	$253,852	33.3%
514108 - UTILITY FUND CONTRIBUTIONS	$17,287	$51,861	$51,861	$34,574	33.3%
514109 - HOTEL TAX FUND CONTRIBUTIONS	$1,186	$3,557	$3,557	$2,371	33.3%
514110 - EDC FUND CONTRIBUTIONS	$3,876	$11,628	$11,628	$7,752	33.3%
514111 - SANITATION FUND CONTRIBUTIONS	$2,937	$8,812	$8,812	$5,875	33.3%
514112 - DRAINAGE FUND CONTRIBUTIONS	$1,581	$4,743	$4,743	$3,162	33.3%
514113 - FIELDHOUSE FUND CONTRIBUTIONS	$2,372	$7,115	$7,115	$4,743	33.3%
55 - INTEREST	**$137**	**$6,000**	**$6,000**	**$5,863**	**2.3%**
505101 - INTEREST ON GOVT POOL INVEST	$137	$6,000	$6,000	$5,863	2.3%
Grand Total	**$156,014**	**$474,205**	**$474,205**	**$318,191**	**32.9%**

EXPENDITURES	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD LEFT IN BUDGET	% OF ANNUAL BUDGET YTD
008 - COMPREHENSIVE INSURANCE NONORG					
700446 - INSURANCE PREMIUMS TML	$321,011	$365,141	$365,141	$44,130	87.9%
700455 - WORKERS COMPENSATION CLAIMS	$15,892	$280,000	$280,000	$264,108	5.7%
700456 - LIABILITY CLAIMS	$7,163	$61,200	$61,200	$54,037	11.7%
Grand Total	**$344,066**	**$706,341**	**$706,341**	**$362,275**	**48.7%**

Attachment 1

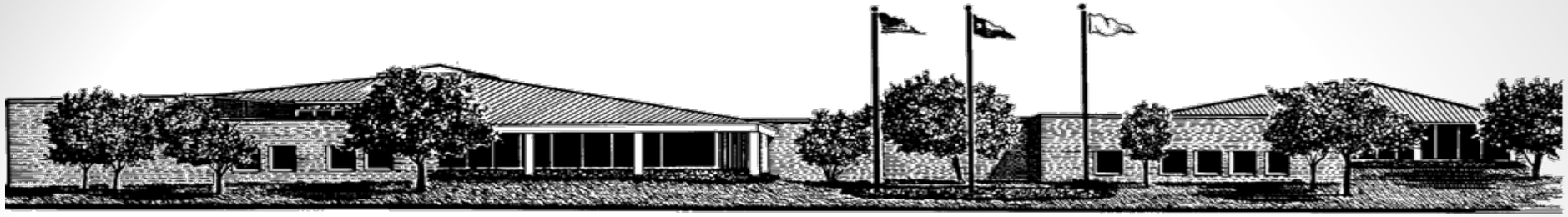
CITY OF DUNCANVILLE

ONE-TIME PROJECTS AT JANUARY 31, 2021

	DESCRIPTION	DEPT	PROJECT TO DATE ACTUAL	TOTAL PROJECT BUDGET	TOTAL REMAINING BUDGET	PROJECT FINANCIAL STATUS
1	FY18 ZONING ORDINANCE UPDATE	PW	144,150	150,000	5,850	
2	FY19 ROOF REPLACEMENT	PARKS	726,500	1,637,250	910,750	
3	FY19 PUBLIC WORKS ERP SYSTEM	PW	195,816	226,000	30,184	
4	FY19 US 67 GATEWAY SIGNAGE	PW	24,000	500,000	476,000	
5	MAIN ST CORRIDOR STUDY	PW	-	150,000	150,000	
6	FY 20 SECURITY UPGRADES (CAMERAS)	GEN GOV	-	115,000	115,000	ON HOLD
7	FY 20 PYBURN PARK FITNESS EQUIPMENT	PARKS	44,462	50,000	5,538	
8	FY 20 BI LASERFICHE	PW	-	10,000	10,000	
9	FY 20 FUEL TANKS	PW	11,797	141,508	129,711	
10	FY 20 LED LIGHTING AMPHITHEATRE	PARKS	-	20,000	20,000	ON HOLD
11	FY20 & FY21 RESERVED FOR P-25 COMPLIANT RADIOS	POL/FIRE	-	1,188,003	1,188,003	
	TOTAL ONE TIME PROJECT BUDGET		**$1,146,725**	**$4,187,761**	**$3,041,036**	

Unallocated Budget - Savings/(Overages) from Completed Projects $83,113

Note: Completed projects are highlighted in yellow.



City of Duncanville

LIBRARY QUARTERLY REPORT

JULIO VELASQUEZ, LIBRARY DIRECTOR

FEBRUARY 16, 2021

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

Departmental Accomplishments

- Expanded public access to library 10am-6pm Monday-Friday – browse and check-out materials, fax services, copier/scanner, notary, limited computers, and public wifi all available
- 24/7 Online access to library resources including catalog and all databases continued
- 24/7 Access to all e-materials including e-books, e-magazines, and e-audiobooks continued
- Staff members available to answer all questions via phone or email during operating hours 10-6PM Monday - Friday
- Curbside/home delivery of materials requested and placed on hold by patrons continues

Spring Activities and Programs

- Weekly online Stories With Ms. Danene: weekly video storytimes uploaded to the library's YouTube channel that patrons can view at their convenience
- Black History Month take home crafts
- Black History Month songs and stories with Storyteller Oba King also uploaded to the library's YouTube channel

City of Duncanville

New Library Furniture

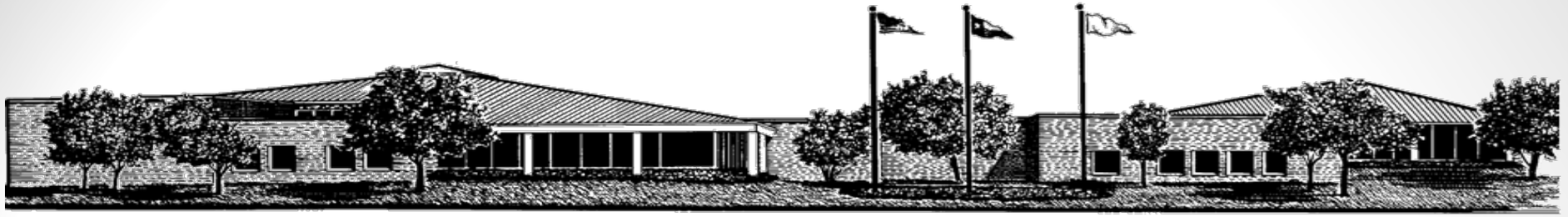
- Utilizing available CARES Act funds the library was able to purchase new computer carrels that allowed for deployment of additional computer assets while maintaining social distancing needs.
- This allows for more patrons to visit the library and use the computers during operating hours while still being safe.

City of Duncanville



New Library Furniture

QUESTIONS?



City of Duncanville

PUBLIC WORKS UPDATE
1ST QUARTER FY21

MARCH 02, 2021

BRYAN G. RAMEY II, P.E.
DIRECTOR OF PUBLIC WORKS

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

Personnel

- Utilities Maintenance Workers Hired
  - Thomas Farris began employment on December 9
    - Thomas was previously employed by the Duncanville ISD as a welding/shop teacher
  - Samuel Vargas began employment on December 10
    - Samuel's background is in pipeline and plumbing as a part of his family's business
  - Tre Jenkins began his employment on January 8.
    - Tre's background is in automotive preventive maintenance.

City of Duncanville

Personnel (cont'd)

- Building Inspector
  - Kevin Patton began his employment on December 28, 2020.
    - Kevin was previously employed by the City of Grand Prairie and has 21 years of experience in this field.

City of Duncanville



Recent Accomplishments – Winter Storm 2021

Utility and Street Crews worked diligently to minimize the effects of Winter Storm Eri.

- Streets Division sanded intersections and other roads
- Utilities Division rapidly repaired/isolated Water Main Breaks to reduce water loss (five water main breaks)
- Traffic Division restored signals
- Equipment Services Division maintained emergency vehicles and generators
- Thanks to the efforts of Utility Billing and the Duncanville Residents, the City was able to maintain sufficient water supplies and water pressure to support structure fire at The Greene and avoid “Boil Notice”





City of Duncanville

Recent Accomplishments – Planning

Zoning Ordinance Update

- Joint meetings were held with the City Council during the month of October, November and December to discuss the Zoning Ordinance update with consultants Freese and Nichols.
- A virtual open house was hosted on November 19th, followed by a community survey until December 3rd. Through social media and signage, citizens were encouraged to learn about proposed changes and provide feedback.
- Adoption of the revised zoning ordinances are expected next year (2021).

IN THE ZONE
THE DUNCANVILLE ZONING ORDINANCE

City of Duncanville

Recent Accomplishments – Code Enforcement

- Property at 301 W. Camp Wisdom being converted to a new business: Don's Taco.



Before 09/16/2020

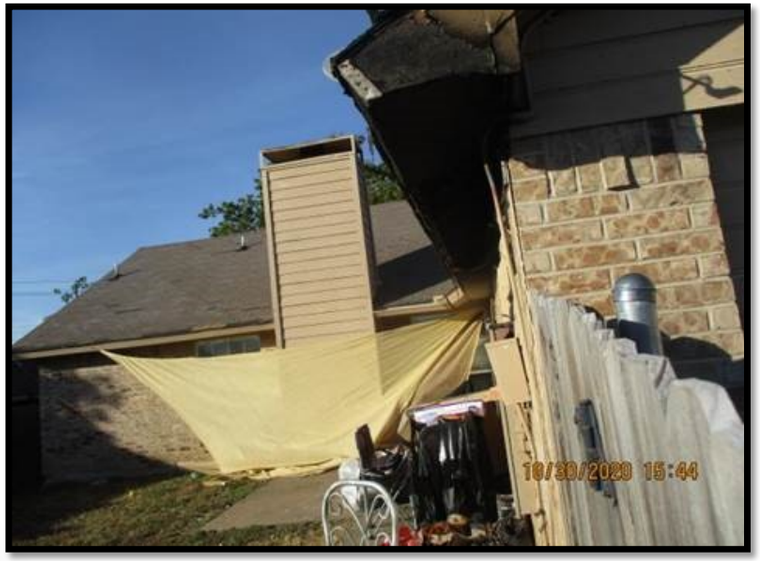


After 02/22/2021

I left this one in case you wanted both.

Recent Accomplishments – Code Enforcement

- Property burned on October 21, 2020, in the Hollywood Park Subdivision.
- Property was demolished December 16, 2020.





City of Duncanville

Current Sidewalk Projects

City of Duncanville

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Agenda Item #6.E.

Performance Indicators – Oct 1 to Dec 31

- Utilities Operations
  - Water pumped last fiscal year – 1,592,391,000 gallons

	1Q2020	1Q2019
▫ Water pumped (gallons)	413,676,000	383,312,000

	Annual Goal	1Q	YTD
◦ Gallons water loss (flushing & leaks)	<131.2M	6.8M	6.8M
◦ Valves exercised of 1,802	901	60	60
◦ Large meters (1.5” to 4”) replaced of 321	16	2	2

Performance Indicators – Oct 1 to Dec 31

- Utilities Operations

	Annual Goal	1Q	YTD
◦ Tanks cleaned of 7	3	0	0
◦ Miles sewer lines televised of 154.95	3.1	.92	.92
◦ Lateral lines repaired of 10,160	102	6	6

City of Duncanville

Performance Indicators – Oct 1 to Dec 31

- Street Maintenance

	Annual Goal	1Q	YTD
◦ Potholes patched w/in 48 hrs. of notice	100%	100%	100%
▫ 125 potholes patched			
◦ Drop inlets inspected/cleaned	3,000	50	50
◦ Utility cut repairs w/in 10 working days	90%	63%	63%
▫ 27 utility cut repairs			
◦ Bridge headwalls cleaned w/in 24 hrs. of rain event	100%	100%	100%
▫ 12 headwalls cleaned / 72 inspected			

City of Duncanville

Performance Indicators – Oct 1 to Dec 31

- Traffic & Signal Operations

	Annual Goal	1Q	YTD
◦ Traffic cabinets replaced of 35	3	0	0
◦ Signalized intersections rewired of 35	4	0	0
◦ Operational readiness:			
▫ School zone flashers	90%	99.7%	99.7%
▫ Traffics signals	90%	100%	100%

City of Duncanville

Performance Indicators – Oct 1 to Dec 31

- Equipment Services

	Annual Goal	1Q	YTD
◦ Operational readiness			
▫ Patrol vehicles	95%	90.6%	90.6%
▫ Fire apparatus	95%	79.4%	79.4%
▫ Ambulance	95%	92.0%	92.0%
▫ Backhoe	95%	96.2%	96.2%
▫ F-350 & F-450 trucks	95%	96.1%	96.1%

Performance Indicators – Oct 1 to Dec 31

- Code Enforcement & Building Inspection

	Annual Goal	1Q	YTD
◦ Code Enforcement voluntary compliance	≥90%	88%	88%
◦ Code Enforcement forced compliance	≤10%	12%	12%
◦ ≤$50K commercial permits issued w/in 5 days	≥90%	80%	80%
◦ >$50K commercial permits issued w/in 3 weeks	≥90%	0%	0%
◦ Non-structural residential permits issued w/in 3 days	≥95%	98%	98%

City of Duncanville

City of Duncanville

QUESTIONS?