Duncanville City Council Meeting Agenda

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

Tuesday, August 16, 2022
6:00 P.M. - Work Session/Briefing
7:00 P.M. - Regular Session
or immediately following the 6:00 pm Work Session/Briefing

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

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

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

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, August 16, 2022 in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by in person and video conference.

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

To view the live meeting or previous meetings click on the link below.
https://duncanvilletx.new.swagit.com/views/454/

To submit a comment via email the following information is required:

- Submit a comment by 4:00 p.m. on Tuesday, August 16, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – August 16th.
- First and Last Name; and address

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

1. DISCUSS AGENDA ITEMS

2. BRIEFINGS / PRESENTATIONS

A. Discuss and review the plans for the outdoor fitness project. 6 - 7
Outdoor Fitness Project

B. Discuss City Council Calendar.

EXECUTIVE SESSION

1. City Council shall convene into closed executive session pursuant to Section 551.072 Texas Govt Code to deliberate the sale, exchange, lease or value of real property owned by the City south of Wheatland, east of Main and west of SH 67.

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 - Holy Spirit Catholic Church - Deacon Gene Freeman
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"

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

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- Email citysecretary@duncanville.com
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4. CONSENT AGENDA

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

A. Consider the Minutes for the Date, Year City Council Regular Meeting. 8 - 37

2022-06-07 - City Council - Minutes - UNAPPROVED
2022-06-21 - City Council - Minutes - UNAPPROVED
2022-06-27 - Special - City Council - Minutes - UNAPPROVED
2022-07-18 - Special - City Council - Minutes - UNAPPROVED
2022-07-21- Special - City Council - Minutes - UNAPPROVED
2022-07-26- Special - City Council - Minutes - UNAPPROVED
2022-07-25 - Special - City Council - Minutes - UNAPPROVED

B. Consider a Resolution approving the terms and conditions of contract amendment #3 to Professional Engineering Services Agreement 19-035 for the design of the Danieldale Rd Street and Subsurface Utilities Reconstruction from Main Street to US-67. 38 - 44

Danieldale Rd Street

C. Consider a Resolution approving an interlocal agreement between the City of Dallas, Texas, and the City of Duncanville, Texas, for the Duncanville 16-Inch Water Transmission Main Relocation Project. 45 - 60

Water Transmission Main Relocation Project

D. Consider a Resolution approving the proposal for city paid employee and retiree medical and prescription plan with Blue Cross Blue Shield of Texas for a one-year agreement. 61 - 80

Blue Cross Blue Shield of Texas

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Conduct a Public Hearing for consideration and action regarding the request of Peter D'Amato, applicant and owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, Duncanville, Dallas County, Texas. 81 - 114

SUP - 203 North Casa Grande

B. Conduct a Public Hearing for consideration and action regarding the request of Peter D'Amato, applicant and owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, Duncanville, Dallas County, Texas. 115 - 147

SUP - 211 North Casa Grande

C. Conduct a Public Hearing regarding the request of Alejandro Mora, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, Duncanville, Dallas County, Texas. 148 - 175

218 Cedar Street

D.	Conduct a Public Hearing regarding the request of Telese Clark, Applicant, representing Jordan Myller of B H Industrial LLC, Owner, to include a Specific Use Permit “SUP” for Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, Duncanville, Dallas County, Texas. 328 East Camp Wisdom Road	176 - 207
E.	Consider an Ordinance revising the operating budget for Fiscal Year 2021-2022 by appropriating supplemental revenues and revising expenditures. Operating Budget Revisions for Fiscal Year 2021-2022	208 - 218
F.	Consider approval of an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by amending Chapter 20, “Water, Sewer and Sewage Disposal,” by amending Article II, “Water Services Charges”, Section 20-16, “Rates Established, Determination by Meter Readings,” Subsections (a)(1)a. through e., (a)(2)a. 1 through 5, (a)(2)b. 1 through 5, to provide New Water Rates for FY 2022-2023 through FY 2026-2027 for Residential, Multi-Family, Commercial, School, and Municipal Customers; and, by amending Subsections (b)(1) through (b)(4) to provide New Water Rates for FY 2022-2023 through FY 2026-2027 for Commercial and Irrigation Customers; and, by amending Subsections (e)(1), (e)(3)a.,(e)(3)b., (e)(4)a, (e)(4)b., (e)(5)a., (e)(5)b., to provide New Wastewater Rates for Residential, Multi-Family, Commercial, School, and Municipal Customers. Water Services Charges	219 - 224
G.	Consider appointments to various Boards and Commissions including Audit Committee, Board of Adjustment, City Planning & Zoning Commission, Duncanville Community and Economic Development Corporation Board (DCEDC), Duncanville Neighborhood Vitality Commission, Keep Duncanville Beautiful Board, Library Advisory Board, Park & Recreation Advisory Board, Sign Control Board, and TIF (Tax Increment Financing Reinvestment Zone Number One). Appointments to Various Boards and Commissions	225 - 228
H.	Consider a Resolution confirming the City Manager's reappointment of Lia Polk as a member of the Duncanville Civil Service Commission for a three (3) year term, to expire October 31, 2025. Civil Service Commission	229 - 235
I.	Consider a Resolution authorizing the City Manager to accept a grant in the amount of $252,801.25 from the Texas Office of the Governor, Public Safety Office – Criminal Justice Division, body-worn camera grant program fy22, to provide funding for the police department, to authorize the cash match amount of $84,267.09 to purchase 65 body-worn-cameras, related storage, charging and docking equipment, and maintenance and warranty agreements for use by police officers. Body-Worn Camera Grant Program	236 - 241
J.	Consider a Resolution authorizing the purchase of nineteen (19) in-car cameras and sixty-five (65) body-worn cameras, cloud storage, an evidence library platform, and maintenance and warranty agreements	242 - 283

for five years from Axon Integrated Camera System, in an amount not to exceed $580,975.40

In-Car and Body-worn cameras

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

6. STAFF AND BOARD REPORTS

A. Receive the Library Quarterly Report. 284 - 295

Quarterly Report

B. Receive the Parks & Recreation Quarterly Report. 296 - 307

Quarterly Report

C. Receive the Fieldhouse Quarterly Report.

D. Receive the Monthly Financial Report as of June 30, 2022. 308 - 340

Monthly Financial Report

E. Receive the Fiscal Year 2022 Third Quarter Investment Report as of June 30, 2022. 341 - 350

Third Quarter Investment Report

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Duncanville City Hall, a place convenient and readily accessible to the general public, as well as to the City's website www.duncanville.com and said Notice was posted on the following date and time: **Friday, August 12, 2022 at 5:00 P.M.** and remained posted for at least two hours after said meeting was convened.

Kristin Downs, City Secretary

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

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

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Discuss and review the plans for the outdoor fitness project.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Advance: Marketing Strategy of the City and Community Engagement Plan**
  - **Strengthen communication and engagement within the community while championing the City of Duncanville regionally, nationally, and internationally.**
- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Bart Stevenson, Parks and Recreation Director

BACKGROUND/HISTORY:
The Council directed staff to allocate $250k in ARPA funds for outdoor fitness equipment at Armstrong, Lions, and Red Bird parks. The fitness equipment representative will share the proposed plan for each park and answer any questions the Council may have.

POLICY EXPLANATION:
N/A

FUNDING SOURCE:

ORG and Object Number
N/A

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

ACTION ALTERNATIVES:

N/A

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, June 7, 2022

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, June 7, 2022, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:	Mayor Barry L. Gordon Mayor Pro Tem Patrick Harvey Councilmember Don McBurnett Councilmember Jeremy Koontz Councilmember Karen Cherry Councilmember Greg Contreras – via ZOOM
COUNCIL ABSENT:	Councilmember Joe Veracruz

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, June 7, 2022 in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by in-person and video conference.

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

Pursuant to City practice, Citizen Comments and Reports during Election Season, March 1st – May 7th, and during a Run-Off Election period are not broadcast or recorded.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Tuesday, June 7, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 7th.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_BWJhMfJISOGMEgz07U4qqQ

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 the record, and City Manager Ferrell-Benavides reviewed each item.

{Councilmember Contreras left the meeting at 6:02 p.m.}
{Councilmember Contreras returned to the meeting at 6:04 p.m.}

I.2. BRIEFINGS / PRESENTATIONS

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

UNAPPROVED

Council concluded to cancel the July 5th City Council meeting.

Councilmember McBurnett stated he would like to make sure the Rules of Procedures meeting is scheduled.

I.2.B. ***Briefing on the Ladd Committee.***
Assistant to the City Manager Kees introduced Jim Jones of the Ladd Committee.

Discussion took place on parking, who would oversee grants and donations, costs, and traffic concerns with the Charter School.

Council accepted the report and recommendations and asked staff to look at the budget and costs that would be associated and bring back to Council.

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

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

II. EXECUTIVE SESSION

Executive Session moved after Board and Staff Reports.

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 relating to prohibition on camping in a public place and/or to otherwise prohibit camping by homeless individuals."***

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

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

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. REPORTS

III.1.A. ***Mayor's Report.***
Mayor Gordon recognized Cassandra Shed as the Champion of the City.

III.1.B. ***Councilmembers' Reports***
There were no reports.

III.1.C. ***City Manager's Report.***
There were no reports.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Proclamation in recognition of Juneteenth Day in Duncanville 2022.***
Councilwoman Cherry presented the proclamation.

III.2.B. ***Presentation of the Keep Duncanville Beautiful May 2022 Business Beautification Award Plaque and Proclamation to the Starbucks located at 106 East Hwy. 67.***
Councilmember Koontz presented the item.

III.2.C. ***Recognition of Keep Duncanville Beautiful Summer 2022 Curb Appeal Residential Properties.***
Keep Duncanville Beautiful Liaison Hamilton presented the item.

District 1: Ronald & Leatrice Morris - 607 Green Hills Rd.

District 2: Susie Taylor - 250 Timothy Trail

District 3: Rosalba & Tereso Retana - 507 Flamingo Way

UNAPPROVED

District 4: Moses Padierna - 303 Silver Creek Dr.

District 5: Samuel & Teri Germany - 1247 Lodema Lane

III.2.D. ***Discussion of potential TxDOT sites for beautification with 2021 GCAA award funds.***

Keep Duncanville Beautiful Liaison Hamilton presented the item.

- Keep Duncanville Beautiful awarded $210,000 in April 2021
- Goal is a landscape project that fulfills the winning city's expectations
- Project must be located in TXDOT right-of-way
- Gateway monuments are no longer approved by the Federal Highway Administration (originator of the funds)
- Staff is seeking direction on the City Council's preference between the 2 areas vetted by TxDOT

Council recommended Option A.

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

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, June 7, 2022, email citysecretary@duncanville.com and title the email. "Public Comment – June 7th". You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Tuesday, June 7, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 7th.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

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

Justin Edwards, 226 Mizell - spoke on the maintenance of plants.

Gilbert Cavello Jr, 703 San Juan Dr – submitted a comment on streetlights, speeding vehicles, and homeless issues.

Christopher Price, 214 Cliffwood Dr – submitted a comment on homeless issues.

Allan Yeldell, 727 Flamingo Way – litter along highways.

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 May 10, 2022 City Council Special Meeting, the May 17, 2022 City Council Regular Meeting, and the May 26, 2022 City Council Special Meeting.***

III.4.B. ***Consider a Resolution authorizing a cooperative purchasing agreement with Rockdale Country Ford, LLC through BuyBoard Contract #601-19 to approve the procurement of eight Ford SUVs in the total expenditure amount of $252,385.00.***

III.4.C. ***Consider a Resolution authorizing the acceptance of a grant from the Texas Department of Transportation Selective Traffic Enforcement Program in the amount of $12,000.00, utilized to fund high visibility speed deterrence patrols during operation slow down.***

III.4.D. ***Consider a Resolution authorizing Fiscal Year 2021 and Fiscal Year 2022 procurement of Police Ammunition from GT Distributors, Inc, Austin, TX, through Buyboard contract #603-20, for the contractually discounted price, in an amount not to exceed $128,000.00***

III.4.E. ***Consider a Resolution authorizing the final contract renewal with Core & Main, LP, with an estimated expenditure amount of $250,000.00.***

III.4.F. ***Consider a Resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the Public as required by law; requiring notice of this Resolution to the company and legal counsel for the Steering Committee.***

III.4.G. ***Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY22-23 Budget in the amount of $85,000 to Hoopfest Basketball Organization for the 14th Annual Thanksgiving Hoopfest to directly enhance and promote tourism and the hotel industry; conditional upon approval in the FY 22-23 Budget.***

III.4.H. ***Consider a Resolution approving the submittal of the FY2022 Community Development Block Grant (CDBG) Project/Activity Applications for CDBG funds with Dallas County.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing (2022-10) for consideration and action regarding the request of Antonio Zampella, Applicant, representing Eagle Rose Construction, LLC., Owner, to include a Planned Development "PD" for Planned Development/Single-Family Residential District on Woodhaven, Block 5, Lots 4-6, more commonly known as 618, 702, and 708 Cavan Road, Duncanville, Dallas County, Texas.***

{Mayor Gordon recused himself at 7:58 p.m.}

Neighborhood Services Director Tennant presented the item.

Applicant Request:

- To allow a Planned Development/Single-Family Residential District 6 (SFR-6) to allow 42 single-family lots along with a community park and pet park on approximately 8.816 acres.
- Future Land Use Map Designation
- Parks and Open Space
- Zoning District
- SF-10 Single-Family Residential District

UNAPPROVED

SF – Single Family District Development Standards	
Maximum Height	2.5 stories
Minimum Front Yard Setback	20'
Minimum Side Yard Setback	5'
Minimum Side Yard Setback on corner	10'
Minimum Rear Yard Setback	15'
Minimum Lot Width (at building line)[1]	50'
Minimum Lot Depth[2]	73'
Minimum Lot Area	5,000 sq. ft.
Minimum number garage spaces	2
Number of other drive spaces	2
Maximum Lot Coverage (gross lot area)	50%
Minimum Living Floor Area	2,000 sq. ft.

What is a Planned Development?

- Also commonly referred to as a PD 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.

Planning & Zoning Recommendation

- On May 9, 2022, the Planning and Zoning Commission recommended approval of the applicant's request.
- 112 notifications were mailed.
- As of June 7, 2022, staff has received 6 citizen comment cards, not in favor of the request.

Mayor Pro Tem Harvey opened the Public Hearing at 8:25 p.m.

In Favor:
None.

Opposed:
Jay Hunter, 719 Holliday Lane – spoke.
Christine Park Rosales, 710 Cavan Rd – submitted a card in opposition.
Jonathan Gabel, 602 Cavan Rd – spoke.
Elizabeth & Shanna Gabel, 602 Cavan Rd – submitted a card in opposition.
Rosa Quintanilla, 1362 Winding Trail – submitted a card in opposition.
Janie Nichols, 702 Woodhaven Blvd – submitted a letter of opposition.
Christine Rosales, 710 Cavan Rd – submitted a letter of opposition.
Michael Rosales, 710 Cavan Rd - submitted a letter of opposition.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent.

Public Hearing closed at 8:44 p.m.

Eli Fried, Eagle Rose Development presented.

Councilmember Contreras, Councilmember Koontz, Councilmember McBurnett, and Councilwoman Cherry discussed why they would be voting against the item.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 0 for,

UNAPPROVED

5 against (Mayor Pro Tem Patrick Harvey, Councilmember Don McBurnett, Councilmember Jeremy Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras), with Councilmember Joe Veracruz absent. Item failed.

{Mayor Gordon returned to the meeting at 9:02 p.m.}

III.5.B. ***Consider a Resolution approving the allocation for an ambulance, additional funds for Small Business Grants, and outdoor fitness equipment from the American Rescue Plan Act Funding for Coronavirus State and Local Fiscal Recovery Funds in accordance with U.S. Department of Treasury guidelines.***

Chief Innovation Officer Otey presented the item.

ARPA - Recap

- American Rescue Plan Act – signed into law March 11, 2021
- Duncanville to receive - $9,600,000
- First payment of $4,800,000 received August 2021
- Second payment of $4,800,000 to be received August 2022
- Used for:
  - COVID-19 response and mitigation
  - Employee premium pay
  - Replace lost revenue
  - Water, Sewer, Broadband infrastructure

ARPA – Current Projects Status

PROJECT	ALLOCATION	SPENT OR OBLIGATED	STATUS
Employee Premium Pay	$1,300,000	$1,231,136	COMPLETE
Small Business Grants	$350,000	$0.00	60 + applications received – staff in process of reviewing and approving
Facility Generators/Ventilation Improvements	$1,695,000	$0.00	Generators – 12 months at least turnaround time; building quotes for Fieldhouse and 103 E. Wheatland
Digital Literacy & Youth Leadership Programs	$70,000	$0.00	Staff to revisit the programs
Other Public Safety Needs	$300,000	$108,733	Purchased ESRI, Body Cam/Vests, adverse weather backup equipment, cellular units
	$3,715,000	**$1,339,869**	

ARPA – Additional Requests

PROJECT	ALLOCATION	PURPOSE
Ambulance	$375,650	2 ambulances are to be purchased this Fiscal Year. 1 from the Fleet Rotation and 1 is requested utilizing ARPA funds
Small Business Grants	$350,000	Staff requests additional amount to allow for further assistance with local businesses
Outdoor fitness equipment	$350,000	Installed equipment cost approximately $13k-$15k. Approximately 23 units with amount. Armstrong, Lions, Redbird Park
	$1,075,650	

UNAPPROVED

ARPA - Budget

- First payment received $4,800,000
- Current allocation amount - $3,715,000
- Additional funds requested - $1,075,650
  Remaining amount $ 9,350
- Second payment of $4,800,000 to be received August 2022

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

III.5.C. ***Consider a Resolution approving the Guaranteed Maximum Price (GMP) Amendment to the terms and conditions of the Standard Form of Agreement RFQ #19-026 with Core Construction Services of Texas, Inc., in the proposed amount of $7,591,908.00 to provide for the construction of a new Fire Station No. 1.***

Chief Rohde and Interim Public Works Jackie Culton presented the item.

Re-Cap of Fire Station No. 1 Facility Needs

- Fire Station No. 1 was built in 1966 and is 56 years old. No major renovations to the Station have occurred.
- A 2018 Facilities Condition Assessment Study indicated the fire station was greatly in need of replacement.
  - Apparatus bays are too small, and overhead doors are too low for modern fire engines.
  - There are limited facilities for female firefighters, and the station needs adequate restroom facilities with showers for both male and female staff.
  - Facilities are not ADA compliant.
  - Kitchen and dining areas are too small.
  - Lacks apparatus bay support areas for the cleaning and storage of protective gear.

Bond and Design Development Timeline

- Nov. 6, 2018: Proposition C Bond Election passed, $6.0M for fire-fighting facilities, and land purchase.
- Feb. 5, 2019: Council approved sell of bonds.
- Dec. 3, 2019: CORE Construction selected as the Construction Manager at Risk (CMAR).
- March 11, 2020: Covid-19 was declared a Pandemic.
- May 19, 2020: Brown, Reynolds, Watford (BRW) Architects selected.
- Dec. 15, 2020: Briefed City Council on Budget, Floor Plan, and Exterior Façade.
- April 29 – May 4, 2021: Fire Station Town Hall, Public Survey Conducted, and Briefed Council on Feedback.
- May 18, 2021: Council Approved Exterior Design (Option 2).
- March – April 2022: Final Design Completed by BRW and CORE bid the project.

GMP Contractual Provisions

- Guaranteed Maximum Price (GMP) CMAR Contract Amendment sets the construction budget for Fire Station No. 1. CMAR must cover any non-city-initiated costs exceeding the budget. (CMAR Fee = 4% of GMP)
- Defines CMAR provided materials and labor.
- Defines materials and labor to be supplied by City: furniture, equipment, IT costs (e.g., Fiber, CCTV, Key Cards, LAN Equip, EOC Equip, AV Equip.), generator, permits, geotech, etc.
- Provides for CMAR to conduct weekly construction status meetings and inspect subcontractor work. The City will also inspect the work.
- Final payment to CMAR requires City Council approval.

UNAPPROVED

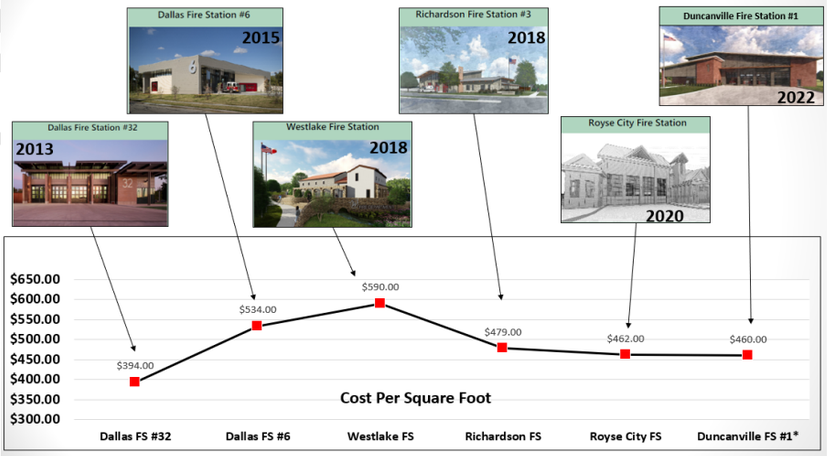
Guaranteed Maximum Price (GMP)

Bid Item Description	Base Price
Demolition/Off-Site Infrastructure	$54,914
Site Work (Rough)	$509,635
Site Work (Finish)	$642,437
Structure	$1,530,901
Enclosure	$415,125
Interior Finishes	$1,001,532
Specialties	$238,466
Equipment	$82,597
Mechanical, Electrical and Plumbing (MEP) Systems	$1,606,680
Special Systems	$43,280
Contingencies & Allowances	$379,595
General Requirements	$681,743
Insurance, Bonds, and Builders Risk	$139,229
Contractor's Fee (as CMAR) (4% of the cost of construction)	$265,776
TOTAL	**$7,591,908**

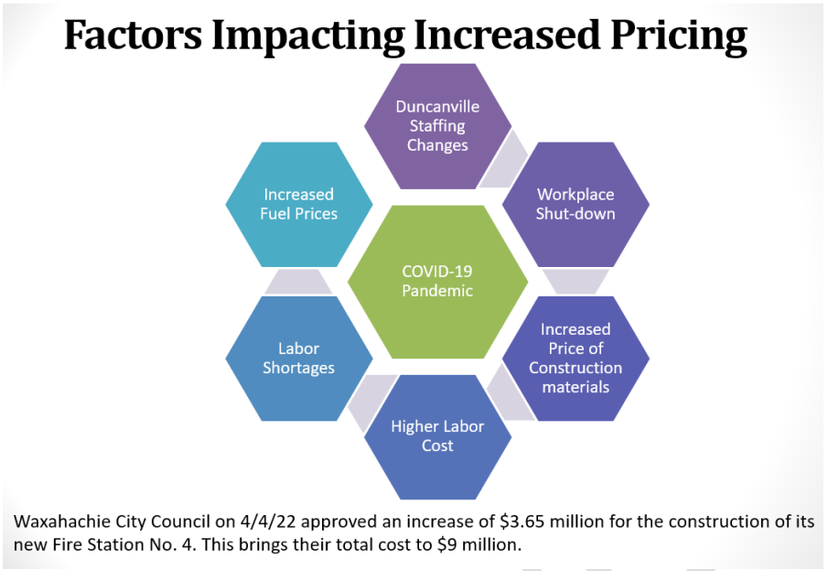
Bond Funds vs. Cost

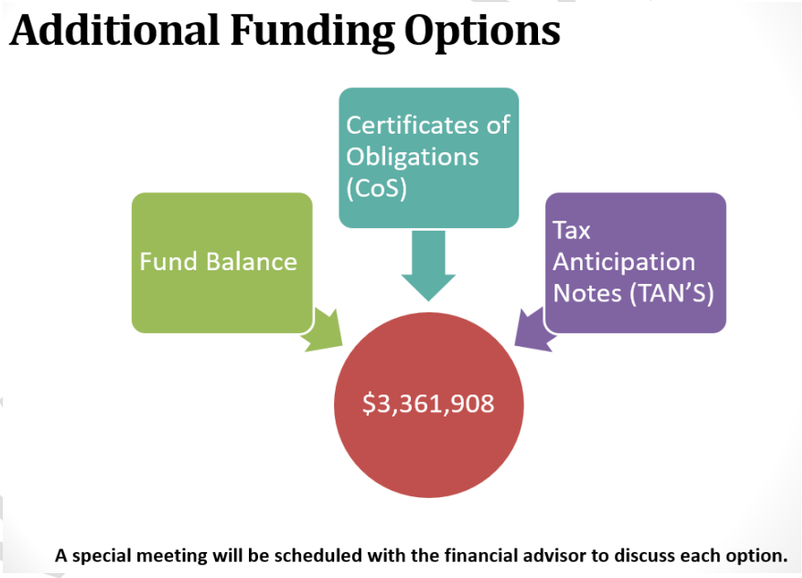
Item	Budget	Initial Estimate Dec 2020	Revised Estimate May 2022
Design	$500,000.00	$525,630.00	$750,000.00
CMAR (Pre-Construction)	$20,000.00	$20,000.00	$20,000.00
Construction + CMAR fee (4%) (GMP)	$4,480,000.00	$5,391,477.00	$7,591,908.00
Land Acquisition	$1,000,000.00	$600,000.00	$1,000,000.00
Total*	$6,000,000.00	$6,877,107.00	$9,361,908.00
Difference		**$-877,107.00**	**(-$3,361,908.00)**
Additional Expense covered with operating budget: Furniture, Equipment, and IT		*$1,500,000.00*	*$1,500,000.00*

Comparable Fire Station Costs



* Pre-2020 costs adjusted to 2020 dollars





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

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

III.6. STAFF AND BOARD REPORTS

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

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

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

Mayor Gordon recessed Regular Session at 10:13 p.m. for Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:20 p.m. and City Attorney Hager read the item into record.

Councilmember Contreras joined Executive Session at 10:27 p.m.

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney relating to prohibition on camping in a public place and/or to otherwise prohibit camping by homeless individuals."***

The Council closed the Executive Session at 11:04 p.m.

Mayor Gordon reconvened Regular Session at 11:05 p.m.

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

IV. ADJOURNMENT

The meeting was adjourned at 11:06 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, June 21, 2022

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, June 21, 2022, at 6:01 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

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

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, June 21, 2022 in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by in person and video conference.

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

To speak during Citizen Comments via ZOOM, you must register with the City Secretary before 4pm on Tuesday, June 21, 2022, email citysecretary@duncanville.com and title the email "Public Comment – June 21st". You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your microphone 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 technical issues that may arise.

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- Submit a comment by 4:00 p.m. on Tuesday, June 21, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 21st**.**
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_PiHct8jkRZuPsqmHbxILDw

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 the record, and City Manager Ferrell-Benavides reviewed each item. Mayor Gordon stated Item 5B has been withdrawn by the applicant and would like Executive Session on Items 5C, 5D, and 5E.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. ***Duncanville Capital Project Funding Options.***
Managing Director, Fiscal Services Atmore presented the item.

UNAPPROVED

Discussion included options for funding shortages, project savings, tax notes issuance proposal, CO issuance proposal, recommendations for financing shortages, and other debt information.

Jason Hughes, Managing Director with Hilltop Securities Inc. discussed pricing and options for shortages.

I.2.B. ***State of City Vehicles Presentation.***
Asa Low, Equipment Services Superintendent presented the item.
Discussion included vehicle purchases, future purchases, funding sources for purchases, leasing options, electric vehicle options, alternative fuel vehicle options, and the vehicle service and repair process.

{Mayor Pro Tem Harvey left the meeting at 6:46 p.m.}
{Mayor Pro Tem Harvey returned to the meeting at 6:48 p.m.}

Mayor Gordon Stated Executive Session is moved until after Staff and Board Reports.

Briefing Session was recessed at 7:00 p.m.

II. EXECUTIVE SESSION

Executive Session was moved until after Staff & Board Reports.

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 City Attorney regarding legal issue for city facilities; and, Section 551.076 of the Texas Government Code to deliberate the deployment and implementation of security personnel on devices for city facilities."***

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

The City Council convened into Regular Session in the Council Chambers at 7:19 p.m. with Mayor Gordon presiding.

Councilmember Koontz delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. REPORTS

III.1.A. ***Mayor's Report.***
Mayor spoke on the Gateway Monuments and thanked all the First Responders on the incident that occurred at the Fieldhouse.

III.1.B. ***Councilmembers' Reports***
None.

III.1.C. ***City Manager's Report.***
Assistant City Manager Brown read the City Manager's Report.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Mayor Gordon recognizes City Champion.***
Item moved to July 19, 2022 Regular City Council meeting.

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" At this time, two-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City

UNAPPROVED

Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. In accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time. Issues may be referred to City Staff for research and possible future action.

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, June 21, 2022, email citysecretary@duncanville.com and title the email. "Public Comment – June 21st". You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

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- Email citysecretary@duncanville.com
- Email title: Public Comment – June 21st.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

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

Tedra Williams, 866 Astaire – spoke on the safety in neighborhoods and enforcement.

Patria Ebert, 115 South Greenstone Ln – submitted a comment on the Duncanville Independent School District announcements.

Misty Bain, 102 Walnut Street – submitted a comment on Short Term Rentals.

Erika Browning, 442 East Cherry Street - spoke on SUP's and Ordinance.

Alyssa Grimberg, 935 Green Rock Drive – submitted a comment on Ruth and Stu Carlson.

Vivian Gomez Pozzi, 1924 Honey Laurel Drive, Conroe – submitted a comment on Ruth and Stu Carlson.

Judith Reed, 935 Green Rock Drive – submitted a comment on Ruth and Stu Carlson.

Bryce Daniels, 238 Kimberly Hill, Palmer – submitted a comment on Ruth and Stu Carlson.

Caroline Rosendall, 710 Markwood Drive – submitted a comment on Ruth and Stu Carlson.

Jessie Bonnet, 616 Lacewood Drive, Dallas – submitted a comment on Ruth and Stu Carlson.

Peter D'Amato, 211 N. Casa Grande Circle – submitted a comment on Ruth and Stu Carlson.

Nathaniel Rosendall, 6615 Nyman Drive, Dallas – submitted a comment on Ruth and Stu Carlson.

Dexter Hall, 1023 Stewart Avenue - spoke on theft in Hollywood Park.

Brittany Hall, 1023 Stewart Avenue - spoke on Short Term Rentals.

{Mayor Pro Tem Harvey left the meeting at 7:58 p.m.}

UNAPPROVED

{Mayor Pro Tem Harvey returned to the meeting at 8:03 p.m.}

Evelyn Kirby, 710 Markwood Drive – spoke in support for the Carlson's.

Stephen Landtroop, 1315 Heather Glen Street – spoke in support of Short-Term Rentals.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider a Resolution approving the award of IFB #22-0016 to Reynold's Asphalt & Construction Company for mill and overlay street improvements through the City's competitive bid process, with an estimated expenditure amount of $365,846.60.***

III.4.B. ***Consider a Resolution approving the award of IFB #22-0015 to Cam-Crete Contracting, Inc, for pavement replacement and curb/gutter repair services through the City's competitive bid process, with an estimated expenditure amount of $508,355.00.***

III.4.C. ***Consider a Resolution approving the second contract renewal option for IFB #20-018 Pavement Markings Supply and Installation Services with Elite Striping, LLC in the estimated expenditure amount of $104,976.00.***

III.4.D. ***Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY 21-22 budget in an amount not to exceed $3,000 to the College Football Officials Developmental Conference Organization for ground transportation cost for attendees from and to the airport to the National Conference USA Football Official Developmental Conference Clinic held in Duncanville.***

III.4.E. ***Consider a Resolution authorizing the procurement of a two Osage ambulances from Lone Star Emergency Group, Ltd. located in Houston, Texas, through the Buy Board Contract #605-21 in the expenditure amount of $647,078.58, and authorizing procurement of two LifePak LP-15 cardiac defibrillator/monitors and a five year maintenance agreement for the LifePak LP-15 cardiac defibrillator/monitors from Stryker Corporation in the amount of $93,872.68.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing (2022-12) for consideration and action regarding the request of Eric and Joanna Banda, Applicant, representing Monte Anderson of Main Commons Duncanville, Owner, to include a Specific Use Permit "SUP" for Self-Serve Pet Grooming Shop on Main Commons, Block 3, Lot 1AACS 0.617, more commonly known as 100 North Main Street, Duncanville, Dallas County, Texas.***

Director of Planning Neighborhood Services Tennant presented the item.

Variance Request:

- To allow a self-serve pet groom shop use to be allowed at the petitioned address.
- Future Land Use Map Designation
  - Downtown District
- Zoning District
  - Downtown District (General Main Street)

<u>Code Section & Requirements – Comprehensive Zoning Ordinance</u>

- Per 7.02 Land Use Terms animal services, no outside pens is defined as a 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.
- Section 3.03 – Animal Services, No outside Pens

UNAPPROVED

- A Specific Use Permit (SUP) is required within the Downtown General Main Street District
- 10 Notifications Sent Out
- 0 Replied in Favor
- 1 Replied in Not In Favor

On May 23, 2022, the Planning and Zoning Commission recommended approval of the request.

Proviso(s)/Condition(s) for Consideration

1. No dogs or other animals shall be kept in any grooming shop between 9:30 p.m. and 7:00 a.m., provided this subsection shall not apply to an establishment where grooming is incidental to the operation of a veterinary hospital, licensed pet shop or licensed boarding kennel or commercial kennel.
2. The floor and walls in any room in which grooming operations are conducted or in which animals are kept shall be covered with an impervious, smooth, cleanable surface. Wood which animals can bite, chew, claw or any way have contact with is not considered impervious. Unsealed wood or rusted metal is not considered impervious. The floor shall be cleaned and disinfected daily.
3. All animal hair and feces shall be removed from the floors daily and shall be stored in tightly covered, waterproof containers in such a manner as to prevent a nuisance until final disposal.
4. The premises shall be kept free from insect and rodent infestations.
5. The premises shall be maintained and operated in a nuisance free manner.
6. Any pens, enclosures, cages or surfaces upon which an animal is groomed, as well as grooming supplies, shall be sanitized between grooming.
7. The Specific Use Permit may be revoked if one or more of the conditions imposed by this permit has not been met or has been violated.

Mayor Gordon opened the Public Hearing at 8:11 p.m.

Favor:
No one spoke.

Opposed:
No one spoke.

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

Public Hearing closed at 8:12 p.m.

Eric and Joanna Banda, the applicant spoke. Discussion with Council included a special dumpster, explanation of a dogwash, outside grassy area and clean up, maintenance of the facility, and aggressive and excited dogs and their handling.

City Attorney Hager stated it is the liability of the applicants to maintain safety and provide healthy conditions.

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

III.5.B. ***Conduct a Public Hearing (2022-11) and consider an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing SF-10 Single-Family Residential District to include a Specific Use Permit to allow for Short-Term Rental on***

UNAPPROVED

Merribrook Estates instrument number 2, block J, lot 2, approximately 0.38 acres, more commonly known as 106 Willowbrook Drive.
Item withdrawn by applicant
Mayor Gordon called for Executive Session for Items 5C, 5D, and 5E.

Mayor Gordon recessed Regular Session at 8:30 p.m. for Council to convene into Executive Session.

II. EXECUTIVE SESSION

Executive Session was opened at 8:37 p.m.
Executive Session was closed at 9:23 p.m.

Mayor Gordon reconvened Regular Session at 9:26 p.m.

III.5.C. ***Conduct a Public Hearing and consider an Ordinance granting a Specific Use Permit "SUP" for Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, Duncanville, Dallas County, Texas, more commonly known as 822 Sherrill Boulevard.***
Mayor Gordon stated Items 5C, 5D, and 5E are all owned by the Carlson's, the Public Hearing will be opened for all three items.

Mayor Gordon opened the Public Hearing at 9:29 p.m. for items 5C, 5D, and 5E.

Mayor Gordon opened a public hearing for items 5C, 5D, and 5E
at 9:29 PM

In Favor of Items 5C, 5D, and 5E

Ruth Carlson, 822 Sherrill Blvd.
Linda Hubel, 635 Sherrill Blvd.
Anna Hall, 103 South Capri Drive
Alla Wilkins, 415 Hustead Street
James Wilkins, 415 Hustead Street
Stuart Carlson, 822 Sherrill Blvd.
Judith Reed, 935 Green Rock Drive
Nathaniel Rosendall, 6615 Nyman Drive, Dallas
Caroline Rosendall, 710 Markwood Drive
Joe Lesko, 822 Sherrill Blvd.
Siew D'Amato, 211 North Casa Grande Circle
Peter D'Amato, 211 North Casa Grande Circle
Evelyn Kirby, 710 Markwood Drive
Paul Carlson, 710 Markwood Drive
Bryce Daniels, 238 Kimberly Hill, Palmer
Stephen Landtroop, 1315 Heather Glen Street

Cards submitted and not in attendance:
Joshua D'Amato, 211 North Casa Grande Circle
Kathy Lewis, 202 Willowbrook Drive
Robert Maier, 202 Willowbrook Drive
Mike Median, 103 South Capri
Agustina Demagistris, 1924 Honey Laurel Drive, Conroe
Keara Graham, 76 West 37th Avenue, Vancouver, BC
Lily Ta, 350 Linklea Drive
Rachel Xing, 103 South Capri
Ola Awode, 103 South Capri

In Opposition of Items 5C, 5D, and 5E

Marlene Skinner, 359 Linklea Drive
Charles Bateman, 907 Huntington Drive
Ramon Herrera, 210 Brookwood Drive
Rene Sanchez, 839 West Center Street

UNAPPROVED

Cards submitted and chose not to speak:
Peggy Whigha, 118 Willowbrook Drive
Barbara Hoffman, 135 South Capri Drive

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

The Public Hearing closed at 9:47 p.m.

City Attorney Hager stated as a result of Executive Session under the Single Family Residential Districts under the Zoning Ordinance a short-term rental is allowed by a specific use permit our Ordinance defines a short-term rental as a residential unit offered for rent to guests for residential purposes for a period of one to thirty days, examples include are not limited to Airbnb, vacation rentals, owner home away, and other such brokers, such rentals may include shared room, a single room, an entire dwelling unit, these uses are conducted by the homeowner or tenant not by a hotel or other business. It is owner-occupied, so the owner has to live there and then rent their home. That is the City's definition.

The Boarding Houses definition is a temporary or permanent resident that provides housing for four or more unrelated people such use is not licensed by the State. If you rent a room in your house or you have four rooms in a house that you are renting out individually that is a boarding house. Boarding homes are not allowed by specific use permit or for any other reason in a single-family residential district.

I have read the staff report and heard all the comments that have been made with regard to the operation of the houses. Sherrill is the actual home. The other two houses are businesses. The City Attorney stated that Council cannot entertain the relief of the request of the property owner because he does not meet the definition of a short-term rental. The Staff report and comments from the applicant, and the individuals speaking in favor of the applicant clearly indicate that the rentals for these properties in many instances exceed thirty days, they are not vacation rentals. They are rentals for the purpose of supporting job relocation, access for public health care officials, job relocation, and for reasons other than true vacation rentals. The City Attorney asked Council to table this matter for a minimum ninety-day period to allow the City Attorney to meet with the representatives of the Carlson's and see if we can accommodate this kind of use or a modification of this use. Council cannot grant a short-term rental request because that is not what they have.

Mayor Pro Tem Patrick Harvey made a motion to approve to table the item for ninety days, Councilmember Greg Contreras seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremy Koontz). Item tabled.

III.5.D. ***Conduct a Public Hearing and consider an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing SF-7 Single-Family Residential District to grant a Specific Use Permit to allow for Short-Term Rental on real property located on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive.***
Item tabled for ninety days. See Item 5C.

III.5.E. ***Conduct a Public Hearing and consider an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing SF-10 Single-Family Residential District to grant a Specific Use Permit to allow for Short-Term Rental on real property located on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive.***
Item tabled for ninety days. See Item 5C.

III.5.F. ***Take any necessary action as a result of the Executive Session.***
No action on Items 5C, 5D, and 5E.

UNAPPROVED

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Monthly Financial Report as of April 30, 2022.***
Managing Director of Fiscal Services Atmore presented the item.

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

Mayor Gordon recessed the Regular Session at 10:33 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:39 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 City Attorney regarding legal issue for city facilities; and, Section 551.076 of the Texas Government Code to deliberate the deployment and implementation of security personnel on devices for city facilities."***

The Council closed the Executive Session at 11:26 p.m.

Mayor Gordon reconvened Regular Session at 11:27 p.m.

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

IV. ADJOURNMENT

The meeting was adjourned at 11:28 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Special Regular Meeting
Monday, June 27, 2022

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Monday, June 27, 2022, at 6:03 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:
Mayor Barry L. Gordon
Mayor Pro Tem At-Large Patrick Harvey – 6:09 p.m.
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz via ZOOM
Councilmember Karen Cherry
Councilmember Greg Contreras

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- Email citysecretary@duncanville.com
- Email title: Public Comment – June 27th.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
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REGULAR SESSION

CALL TO ORDER
INVOCATION – Pastor Tommy Nunn, New Life Assembly
PLEDGES - PLEDGE OF ALLEGIANCE; TEXAS PLEDGE OF ALLEGIANCE

1. CANVASS OF ELECTION AND OATHS

A. Consider a Resolution canvassing and declaring the results of the Runoff Election of Municipal Officers held on June 18, 2022.

City Secretary Downs read the Resolution.

UNAPPROVED

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

B. Candidate receiving the majority of the votes for their respective districts will be sworn in by the City Secretary, after which each will take their seat on the dais.

City Secretary Downs swore Mayor Barry L. Gordon into office.

Mayor Gordon spoke and thanked all citizens who voted.

Mayor Gordon recessed Regular Session at 6:32 p.m. for Council to convene into Executive Session.

2. EXECUTIVE SESSION

A. The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to fill an unexpired term of a candidate to the board of directors to the Duncanville Community and Economic Development Corporation Board.

Executive Session was called into order at 6:39 p.m.

Executive Session was closed at 7:00 p.m.

Mayor Gordon reconvened Regular Session at 7:06 p.m.

3. CITIZENS' INPUT

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

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

To speak during Citizen Comments via ZOOM, you must register with the City Secretary before 4pm on Monday, June 27, 2022, email citysecretary@duncanville.com and title the email "Public Comment – June 27th". You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your microphone 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 technical issues that may arise.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Monday, June 27, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 27th.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Mari Vega, 611 Oriole Blvd. – spoke on the Ladd Property.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider appointments to the Duncanville Community and Economic Development Corporation Board (DCEDC).

Item was postponed until July 5, 2022.

B. Request for reimbursement of American Rescue Plan Act (ARPA) Emergency Business Assistance Program grants for Qualified Duncanville Small Businesses.

{Councilmember Veracruz recused himself from the item}

Director Garcia presented the item.

Council concluded to accept the grants.

UNAPPROVED

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against with Councilmember Veracruz recused. Items passed.

C. Consider a Resolution approving the award of the City Council and other public meetings broadcasting, social media live streaming, and non-indexed video hosting to Swagit Productions, LLC. through The Interlocal Purchase System (TIPS) contract 190703 for an initial term of three (3) years for an estimated amount of $132,064.00 The award also includes two (2) one-year options for an estimated $51,600.00. The contract's total value, including the initial term plus option, is five (5) years for an estimated $183,664.00

Item was moved to a later Council date.

5. PRESENTATIONS

A. Discussion on FY 2022-23 Potential Budget Outlook:

- **General Fund**
  - **Revenue Projections**
  - **Expenditure Projections**
- **Other Funds – Highlights**
  - **Sanitation**
  - **Hotel/Motel**
  - **Economic Development**
  - **Fieldhouse**
- **Discuss other budget related items**

Chief Innovation Officer Otey and Director Atmore presented the item.

6. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Special Regular Meeting
Monday, July 18, 2022

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Monday, July 18, 2022, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:

Mayor Barry L. Gordon via ZOOM
Mayor Pro Tem At-Large Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry
Councilmember Greg Contreras

1. **CALL TO ORDER**
2. **RECEIVE PUBLIC COMMENTS.**

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Monday, July 18, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – July 18th.
- First and Last Name; and address.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Joe Cole, 434 E Mona Ave – submitted a comment on wastewater and usage.

Gilbert Cavello, 703 San Juan Dr. – submitted a comment on AMI and sewage charges.

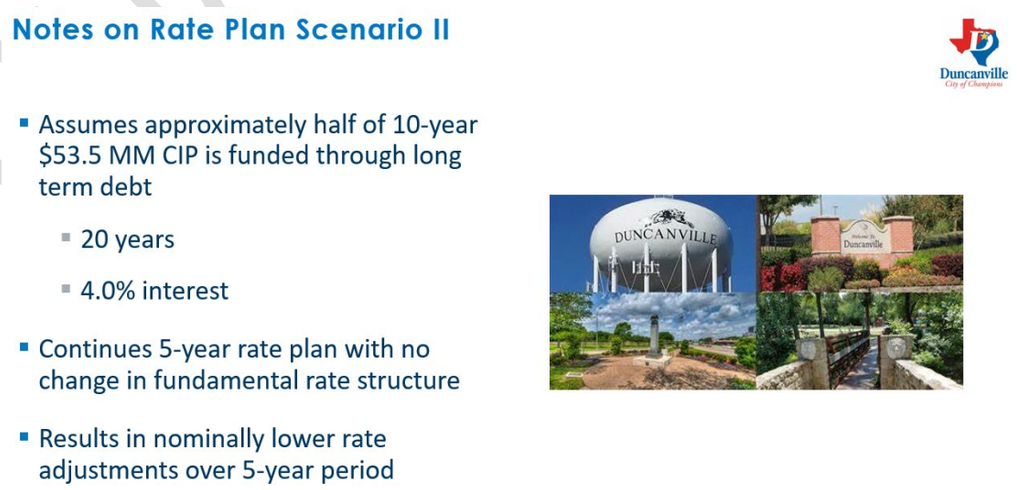
Betty Taylor, 422 Oleander St. – submitted a comment on water rates.

Cecilia Bradley, 426 Wesley Ln. – submitted a comment water rates.

3. **RECEIVE A PRESENTATION AND DISCUSSION ON A WATER/WASTEWATER RATE STUDY FROM WILLDAN FINANCIAL SERVICES.**

City Manager spoke and introduced Managing Director Atmore who introduced Dan Jackson, from Willdan.

City Council concluded to offer a Senior discount. Staff will bring back information on the borrowing of monies presented in scenario two.



APPROVED

Total Cost of Service – Scenarios I and II

Scenario I

	Operating Expenses	Transfer	Capital Cost Transfers	Debt Service	Total Cost of Service
	TOTAL Utility				
2023	$ 13,633,326	$ 2,356,736	$ 8,350,877	$ -	**$ 24,340,940**
2024	15,114,653	2,356,736	7,572,167	-	**25,043,556**
2025	16,816,131	2,356,736	6,012,500	-	**25,185,367**
2026	18,072,719	2,356,736	5,393,333	-	**25,822,788**
2027	18,676,767	2,356,736	6,252,500	-	**27,286,003**
2028	19,593,462	2,356,736	6,500,000	-	**28,450,198**
2029	20,556,464	2,356,736	4,850,000	-	**27,763,200**
2030	21,568,164	2,356,736	4,850,000	-	**28,774,900**
2031	22,631,081	2,356,736	4,850,000	-	**29,837,817**
2032	23,747,865	2,356,736	4,850,000	-	**30,954,601**

Scenario II

	Operating Expenses	Transfer	Capital Cost Transfers	Debt Service	Total Cost of Service
	TOTAL Utility				
2023	$ 13,633,326	$ 2,356,736	$ 3,875,000	$ -	**$ 19,865,062**
2024	15,114,653	2,356,736	3,875,000	448,060	**21,794,449**
2025	16,816,131	2,356,736	3,875,000	448,060	**23,495,927**
2026	18,072,719	2,356,736	3,875,000	448,060	**24,752,515**
2027	18,676,767	2,356,736	3,875,000	897,681	**25,806,184**
2028	19,593,462	2,356,736	2,675,000	897,681	**25,522,879**
2029	20,556,464	2,356,736	2,675,000	897,681	**26,485,881**
2030	21,568,164	2,356,736	2,675,000	1,306,428	**27,906,328**
2031	22,631,081	2,356,736	2,675,000	1,306,428	**28,969,245**
2032	23,747,865	2,356,736	2,675,000	1,715,174	**30,494,776**

WILLDAN

Recommended Rate Plan – Scenario II

Duncanville City of Champions

The rate plan results in lesser water rate adjustments.

No change in wastewater adjustments.

		Current	October 2022	October 2023	October 2024	October 2025	October 2026
Water Rates -- Residential							
Monthly Min Charge -- 1st 1,000 Gal		$ 14.00	**$ 15.68**	$ 17.56	$ 19.49	$ 21.44	$ 23.59
Volume Rate Per 1,000 Gal							
1,001	7,000	3.76	**4.21**	4.72	5.24	5.76	6.33
7,001	15,000	4.85	**5.43**	6.08	6.75	7.43	8.17
15,001	30,000	5.98	**6.70**	7.50	8.33	9.16	10.08
30,001	Above	7.09	**7.94**	8.89	9.87	10.86	11.95
Water Rates -- Commercial							
Monthly Min Charge -- 1st 1,000 Gal		14.00	**15.68**	17.56	19.49	21.44	23.59
Volume Rate Per 1,000 Gal							
1,001	7,000	3.38	**3.79**	4.24	4.71	5.18	5.69
7,001	15,000	4.41	**4.94**	5.53	6.14	6.75	7.43
15,001	30,000	5.45	**6.10**	6.84	7.59	8.35	9.18
30,001	Above	5.45	**6.10**	6.84	7.59	8.35	9.18
Wastewater Rates -- Residential							
Monthly Min Charge -- 1st 1,000 Gal		19.25	**20.79**	22.45	23.58	24.75	25.99
1,001	Above	8.22	**8.88**	9.59	10.07	10.57	11.10
Wastewater Rates -- Commercial							
Monthly Min Charge -- 1st 1,000 Gal		9.07	**9.80**	10.58	11.11	11.66	12.25
1,001	Above	9.07	**9.80**	10.58	11.11	11.66	12.25

Impact on Monthly Bills | Scenario I and II

	Current	October 2022	October 2023	October 2024	October 2025	October 2026
Residential Monthly Bill						
3,000 Gal W, 3,000 Gal WW						
Scenario I	$ 57.21	$ 63.29	$ 69.84	$ 75.87	$ 82.24	$ 88.90
Scenario II	57.21	62.65	68.62	73.67	78.86	84.45
Difference		**(0.65)**	**(1.22)**	**(2.20)**	**(3.38)**	**(4.45)**
6,000 Gal W, 5,000 Gal WW						
Scenario I	84.93	94.02	103.81	112.87	122.43	132.43
Scenario II	84.93	93.04	101.95	109.51	117.27	125.65
Difference		**(0.98)**	**(1.86)**	**(3.35)**	**(5.16)**	**(6.78)**
10,000 Gal W, 5,000 Gal WW						
Scenario I	103.24	115.08	127.81	140.23	153.35	167.06
Scenario II	103.24	113.54	124.92	135.01	145.32	156.50
Difference		**(1.53)**	**(2.89)**	**(5.22)**	**(8.03)**	**(10.56)**
Commercial Monthly Bill						
25,000 Gal W; 25,000 Gal WW						
Scenario I	350.81	387.56	427.12	463.12	501.11	540.83
Scenario II	350.81	383.84	420.10	450.44	481.60	515.18
Difference		**(3.72)**	**(7.02)**	**(12.67)**	**(19.50)**	**(25.64)**

WILLDAN

Senior Citizens Rate

Some cities have implemented special rates for senior citizens.

Typical discount is 10%, but the discounts can vary widely.

Benefit: it minimizes the burden of increased costs on seniors, many of whom are on fixed incomes

Challenge: it requires a 3-4% additional increase on non-seniors to make up the lost revenue

Monthly Water and Wastewater Charges
Senior Citizens Rate

	Current	October 2022
Residential Monthly Bill		
3,000 Gal W, 3,000 Gal WW		
Residential -- Scenario I	$ 57.21	$ 63.29
Residential -- Scenario I w ith Senior Rate	57.21	65.82
Senior Citizens Rate	**57.21**	**59.24**
6,000 Gal W, 5,000 Gal WW		
Residential -- Scenario I	84.93	94.02
Residential -- Scenario I w ith Senior Rate	84.93	97.78
Senior Citizens Rate	**84.93**	**88.00**

7. ADJOURNMENT

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

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

Duncanville City Council Meeting Minutes
Special Regular Meeting
Thursday, July 21, 2022

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Thursday, July 21, 2022, at 6:02 p.m. in the meeting rooms at 103 E. Wheatland with a quorum to wit:

COUNCIL PRESENT:	Mayor Barry L. Gordon Mayor Pro Tem Joe Veracruz Councilmember Don McBurnett Councilmember Jeremy Koontz Councilmember Karen Cherry via ZOOM Councilmember Greg Contreras
COUNCIL ABSENT:	Councilmember At-Large Patrick Harvey

1. CALL TO ORDER

2. RECEIVE PUBLIC COMMENTS.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Thursday, July 21, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – July 21st.
- First and Last Name; and address.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Patricia Ebert, 115 South Greenstone Lane – submitted a comment meetings being recorded.

3. DISCUSS BOARDS AND COMMISSIONS APPOINTMENTS, DISMISSALS, ATTENDANCE, RECRUITMENT, TERM LIMITS, REDUCTION OF BOARD MEMBERS, CONSISTENCY OF BOARDS, DUTIES, ELIMINATION OR CREATION OF POSSIBLE BOARDS. FOR THE FOLLOWING BOARD AND COMMISSIONS:

- Audit Committee
- Board of Adjustment
- Civil Service Commission
- City Planning & Zoning Commission
- Duncanville Community and Economic Development Corporation Board (DCEDC)
- Duncanville Neighborhood Vitality Commission
- Keep Duncanville Beautiful Board
- Library Advisory Board
- Multicultural Social Engagement Partnership
- Park & Recreation Advisory Board
- Sign Control Board
- TIF (Tax Increment Financing Reinvestment Zone Number One)
- Tri-Cities Animal Control Board

City Secretary Downs presented the item.

{Mayor Gordon left the meeting at 7:03 p.m.}
{Mayor Gordon returned to the meeting at 7:18 p.m.}

City Council recommended changes on training, board reductions, creation of new boards, and Ordinance guidelines for Boards and Commissions.

The City Secretary will work with the City Manager and City Attorney and bring forward the changes at an open coming meeting.

4. EXECUTIVE SESSION

The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to discuss appointments, dismissals and/or duties to the Planning and Zoning Commission, Board of Adjustment, Duncanville Community and Economic Development Corporation Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).

None.

UNAPPROVED

5. DISCUSS CITY COUNCIL CALENDAR

City Secretary Downs presented the item. Council concluded to start the Tuesday, August 2, 2022 Regular City Council at 5:00 p.m. to discuss and make Board appointments.

Councilmember McBurnett stated he would like to see a joint meeting between the School Board and City Council.

6. RECONVENE INTO OPEN SESSION

Take any necessary or appropriate action on closed/executive session matters.

None.

7. ADJOURNMENT

The meeting was adjourned at 9:38 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Special Regular Meeting
Tuesday, July 26, 2022

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Tuesday, July 26, 2022, at 6:02 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon via ZOOM
Councilmember At-Large Patrick Harvey
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry
Councilmember Greg Contreras

COUNCIL ABSENT: Mayor Pro Tem Joe Veracruz

1. CALL TO ORDER

2. RECEIVE PUBLIC COMMENTS.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Tuesday, July 26, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – July 26th.
- First and Last Name; and address.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Patricia Ebert, 115 South Greenstone Lane – submitted a comment meetings being recorded.

{Mayor Gordon left the meeting at 6:05 p.m.}

Councilmember At-Large Harvey recessed the meeting at 6:12 p.m.

Councilmember At-Large Harvey reconvened the meeting at 6:22 p.m.

3. CONDUCT INTERVIEWS AND DISCUSS APPOINTMENTS FOR THE BOARD AND COMMISSION APPLICANTS FOR THE FOLLOWING BOARD AND COMMISSIONS:

- Audit Committee
- Board of Adjustment
- City Planning & Zoning Commission
- Duncanville Community and Economic Development Corporation Board (DCEDC)
- Duncanville Neighborhood Vitality Commission
- Keep Duncanville Beautiful Board
- Library Advisory Board
- Multicultural Social Engagement Partnership
- Park & Recreation Advisory Board
- Sign Control Board
- TIF (Tax Increment Financing Reinvestment Zone Number One)
- Tri-Cities Animal Control Board

{Mayor Gordon returned via ZOOM at 6:30 p.m.}

City Council interviewed applicants.

4. DISCUSS APPOINTMENTS, DISMISSALS, DUTIES AND/OR ELIMINATION OF POSSIBLE BOARDS.

None.

5. EXECUTIVE SESSION

The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to discuss appointments, dismissals and/or duties to the Planning and Zoning Commission, Board of Adjustment, Duncanville Community and Economic Development Corporation Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).

None.

UNAPPROVED

6. RECONVENE INTO OPEN SESSION

Take any necessary or appropriate action on closed/executive session matters.
None.

7. ADJOURNMENT

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

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Special Regular Meeting
Monday, July 25, 2022

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Monday, July 25, 2022, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Don McBurnett
Councilmember Jeremy Koontz – 6:03 p.m.
Councilmember Karen Cherry
Councilmember Greg Contreras

COUNCIL ABSENT: Mayor Pro Tem Joe Veracruz

1. CALL TO ORDER

2. RECEIVE PUBLIC COMMENTS.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Monday, July 25, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – July 25th.
- First and Last Name; and address.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

None.

3. CONDUCT INTERVIEWS AND DISCUSS APPOINTMENTS FOR THE BOARD AND COMMISSION APPLICANTS FOR THE FOLLOWING BOARD AND COMMISSIONS:

- Audit Committee
- Board of Adjustment
- City Planning & Zoning Commission
- Duncanville Community and Economic Development Corporation Board (DCEDC)
- Duncanville Neighborhood Vitality Commission
- Keep Duncanville Beautiful Board
- Library Advisory Board
- Multicultural Social Engagement Partnership
- Park & Recreation Advisory Board
- Sign Control Board
- TIF (Tax Increment Financing Reinvestment Zone Number One)
- Tri-Cities Animal Control Board

City Council interviewed applicants.

Mayor Gordon recessed the meeting at 7:10 p.m.

Mayor Gordon reconvened the meeting at 7:39 p.m.

City Council continued to interview applicants.

4. DISCUSS APPOINTMENTS, DISMISSALS, DUTIES AND/OR ELIMINATION OF POSSIBLE BOARDS.

None.

5. EXECUTIVE SESSION

The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to discuss appointments, dismissals and/or duties to the Planning and Zoning Commission, Board of Adjustment, Duncanville Community and Economic Development Corporation Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).

None.

6. RECONVENE INTO OPEN SESSION

Take any necessary or appropriate action on closed/executive session matters.

None.

UNAPPROVED

7. ADJOURNMENT

The meeting was adjourned at 8:46 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider a Resolution approving the terms and conditions of contract amendment #3 to Professional Engineering Services Agreement 19-035 for the design of the Danieldale Rd Street and Subsurface Utilities Reconstruction from Main Street to US-67.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Develop: Infrastructure Improvement Strategy**
  - **Ensure the viability and adaptability of the city's infrastructure, facilities, and transportation network through thoughtful financial and long-term planning.**

STAFF RESPONSIBLE:
Jacqueline R. Culton, PE, MBA, Interim Director of Public Works
John MacLean, PE, Engineering Manager

BACKGROUND/HISTORY:
On May 7, 2019, Council approved Professional Services Agreement 19-035 to design water, wastewater, drainage, roadway, and landscape & irrigation on Danieldale Road from Main Street to US-67 with Dunaway Associates.

On May 11, 2020, the City of Duncanville approved Contract Amendment #1 for $44,000.00 to perform engineering redesign (water and wastewater), an additional topographic survey, and preparation of easement documents.

On September 14, 2020, the City of Duncanville approved Contract Amendment #2 for $5,500.00 to perform an additional SUE Level A test hole investigation to meet the DWU utility crossing requirements and irrigation redesign.

On December 15, 2020, the City of Duncanville awarded IFB 21-0002 to Pavecon Public Works, LP, in the amount of $6,581,962.21, for the reconstruction of East Danieldale Road, between Main St. and Highway 67, and improvements to the underlying subsurface utilities. Following receipt of bonding and other documentation from the contractor, City staff issued the Notice to Proceed in March 2021.

During construction, the Contractor notified Staff of an existing retaining wall adjacent to the project, behind homes on the north side of Dawn Dr. This wall will eventually be replaced in a future project due

to the significant delays it would cause. The engineer-of-record, Dunaway, determined that a pier-supported retaining wall would be necessary due to site constraints. Construction of this pier-supported wall involves moving existing overhead power underground, obtaining Public Right-of-Way from or easements on the homeowners' properties, and relocating a 50-year-old 16-inch DWU main directly behind the existing wall. This critical main provides redundancy to feed the Danieldale Ground Storage Tanks. DWU will not allow the City to install the pier-supported wall without first moving the 16-inch main because they do not permit drilling within 20 feet of an existing water main.

The ILA is to relocate approximately 520 linear feet of 16-inch DWU water main as shown in "Exhibit A" of the ILA. This alignment would permit the City to install a pier-supported retaining wall. The replacement limits will be terminated outside the proposed pavement so that if DWU replaces the remainder of the water main later, removal of vehicular pavement will not be necessary. Per the ILA, the City would be responsible for the construction of the water main and 50% of the construction cost, and the City of Dallas for the remaining 50% as well as maintenance once the main is accepted. The City of Dallas Council met to approve the ILA on August 10th.

Contract Amendment #3 is for $12,000.00 to perform the design of approximately 520 linear feet of 16-inch Dallas Water Utilities water line main.

POLICY EXPLANATION:
Dunaway Associates will perform the design. Dunaway Associates is based in Fort Worth, with offices in Austin, Midland, and San Antonio. The Fort Worth office will be responsible for work performed under this contract. Dunaway Associates has provided civil and structural engineering, planning, and surveying services for 62 years. They have extensive experience performing the type of work specified in the agreement. They were one of five engineering firms selected by the City to provide professional services based on their qualifications.

FUNDING SOURCE:

ORG and Object Number
17100000-708102

Available Budget	**Purchase Amount**	**After Encumber**
$303,607.08	$12,000.00	$291,607.08

ACTION ALTERNATIVES:
1. Authorize funding in the amount of $12,000.00 to approve the terms and conditions of contract amendment #3 to Professional Engineering Services Agreement 19-035 for the design of the Danieldale Rd Street and Subsurface Utilities Reconstruction from Main Street to US-67.
2. Other actions as directed by Council.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2022-069 - Dunaway Contract Amendment # 3

RESOLUTION NO. 2022-069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CONTRACT AMENDMENT #3 TO PROFESSIONAL ENGINEERING SERVICES AGREEMENT 19-035 FOR THE DESIGN OF THE DANIELDALE RD STREET AND SUBSURFACE UTILITIES RECONSTRUCTION FROM MAIN STREET TO US-67, ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A" WITH DUNAWAY ASSOCIATES, IN THE AMOUNT NOT TO EXCEED $12,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AND/OR PURCHASE ORDERS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, on May 7, 2019, Council approved Professional Services Agreement #19-035 for the design of water, wastewater, drainage, roadway, and landscape & irrigation on Danieldale Road from Main Street to US-67 with Dunaway Associates; and

WHEREAS, on December 15, 2020, the City Council awarded the Danieldale Road, between Main St. and Highway 67, Street Reconstruction and Utility Improvements Construction Contract to Pavecon Public Works, LP, for $6,581,962.21; and

WHEREAS, construction commenced in April 2021, and the project completion date is estimated at Fall of 2022; and

WHEREAS, the City of Duncanville desires to enter into Contract Amendment #3 with Dunaway Associates for the design of approximately 520 linear feet of 16-inch Dallas Water Utilities (DWU) main within the project limits; and

WHEREAS, the 16-inch Dallas Water Utilities (DWU) main will be built and paid for per the conditions of an interlocal agreement between the City of Dallas, Texas, and the City of Duncanville; and

WHEREAS, the City of Duncanville has $12,000.00 available in the Utility CIP Fund for the design of the listed project, and the City Council of the City of Duncanville desires to use these funds to benefit the citizens of Duncanville.

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

SECTION 1. The City Council hereby authorizes, approves, and accepts the terms and conditions of Contract Amendment #3 to the professional engineering services agreement 19-035 for the design of water, wastewater, drainage, roadway, shared-use paths, and landscape & irrigation on Danieldale Road from Main Street to US-67, attached hereto and incorporated herein as Exhibit "A," with Dunaway Associates, in the amount not to exceed $12,000.00.

SECTION 2. 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 take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 16th day of August, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Exhibit A

AUTHORIZATION FOR CONTRACT AMENDMENT

Date:	08/04/2022	**Amendment No.:**	3	**Dunaway Project No.:**	B005172.001
Project Name:	Danieldale Road Street Reconstruction & Subsurface Utility Improvements City Contract #19-035				
Attn:	Ms. Jackie Culton, PE				
Client:	City of Duncanville				
Address:	203 E. Wheatland Road, Duncanville, TX 75138-0280				

Services covered by this authorization shall be performed in accordance with the Professional Services Contract under the original City Contract 3210046 dated December 15th, 2020.

ORIGINAL CONTRACT AMOUNT:	$432,710.00	Lump Sum Services
CONTRACT AMENDMENT #1 AMOUNT:	$44,000.00	Lump Sum Services
CONTRACT AMENDMENT #2 AMOUNT:	$5,500.00	Lump Sum Services
CONTRACT AMENDMENT #3 AMOUNT:	$12,000.00	Lump Sum Services
TOTAL REVISED CONTRACT AMOUNT:	$494,210.00	Lump Sum Services

Client hereby requests and authorizes Dunaway Associates LLC (Dunaway) to perform the following additional services.

DETAILED SCOPE OF WORK

1. Water Line Design.....$12,000 Lump Sum

   Construction plans for relocation of approximately 520 linear feet of 16" Dallas Water Utilities (DWU) water line main and update existing civil sheets that are affected by proposed water line relocation. This work assumes a submittal at a 90% and 100% milestone level with the opportunity for the City of Duncanville and DWU to provide comments after each submittal.

   Deliverables

   - Plan and profile sheets associated with civil design limits to be incorporated into the IFC Plans.
   - Updating City of Duncanville style plans to DWU style plans, if required for their records.

Exhibit A
Authorization for Contract Amendment No. 3
Danieldale Road Construction Management
City Contract #19-035
Page 2

If the proposed scope of this amendment meets with your approval, please sign below and return one copy to our office as our notice to proceed.

Respectfully submitted,

DUNAWAY ASSOCIATES LLC
a Texas limited liability company

Josh Wright, PE
Sr. Discipline Lead | Associate Principal

Agreed & Accepted

CITY OF DUNCANVILLE, TX

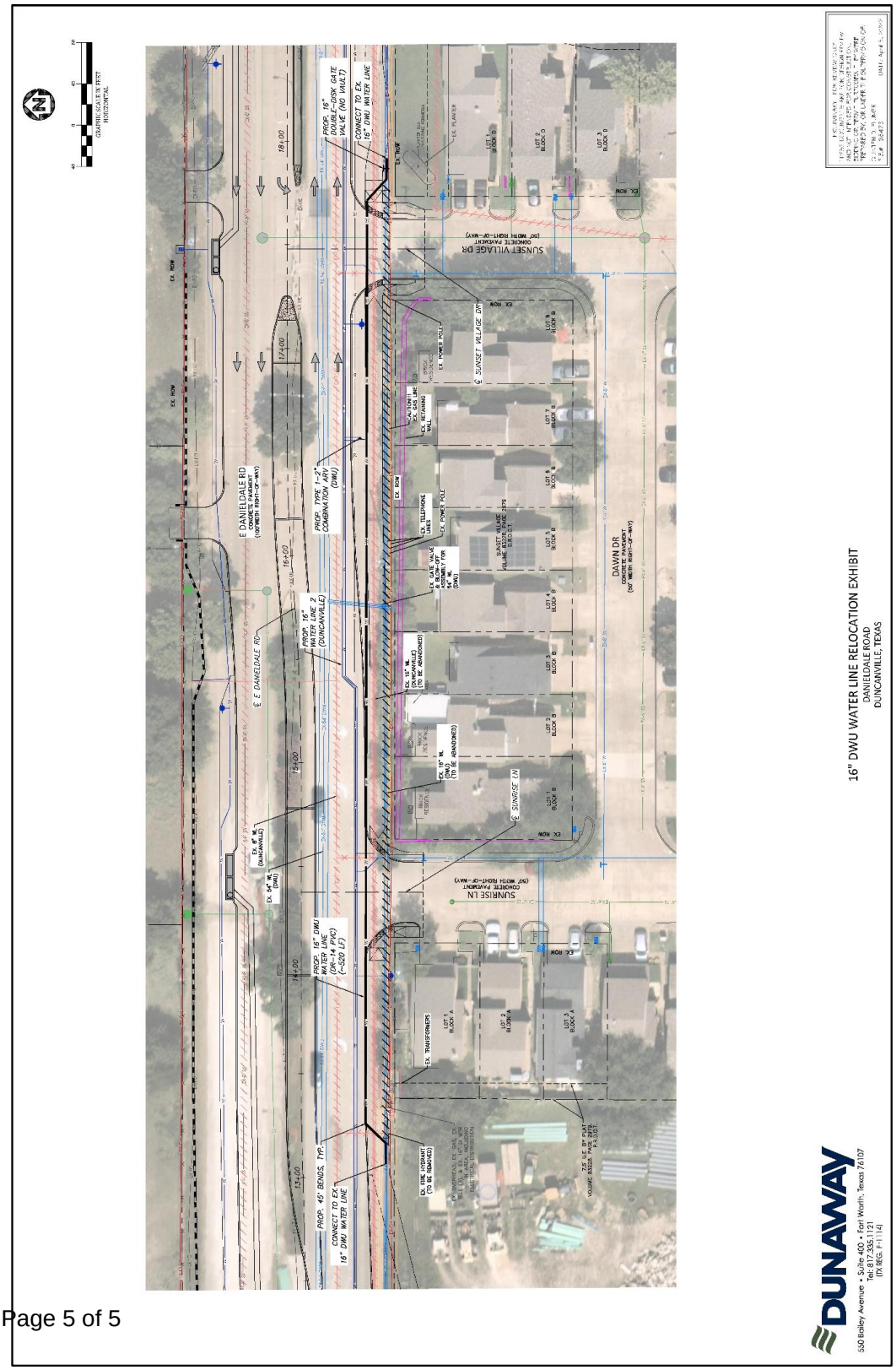
By: _____

Name: _____

Title: _____

Date: _____

Exhibit B


16" DWU WATER LINE RELOCATION EXHIBIT
DANIELDALE ROAD
DUNCANVILLE, TEXAS
DUNAWAY
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
(TX REG. F-1141)
E DANIELDALE RD
SUNSET VILLAGE DR
DAWN DR
SUNRISE LN
PROP. 16" WATER LINE 2 (DUNCANVILLE)
PROP. 16" DWU WATER LINE (DR-14 PVC) (~520 LF)
PROP. 45° BENDS, TYP.
CONNECT TO EX. 16" DWU WATER LINE
PROP. TYPE 1-2" COMBINATION ARV (DWU)
PROP. 16" DOUBLE-DISK GATE VALVE (NO VAULT)
CONNECT TO EX. 16" DWU WATER LINE
EX. 16" WL (DWU) (TO BE ABANDONED)
EX. 8" WL (DUNCANVILLE)
EX. 6" WL (DWU)
EX. FIRE HYDRANT (TO BE REMOVED)
EX. TRANSFORMERS
EX. POWER POLE
EX. TELEPHONE LINES
EX. GATE VALVE AND VAULT ASSEMBLY FOR 16" WL (DWU)
EX. ROW

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider a Resolution approving an interlocal agreement between the City of Dallas, Texas, and the City of Duncanville, Texas, for the Duncanville 16-Inch Water Transmission Main Relocation Project.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Develop: Infrastructure Improvement Strategy**
  - **Ensure the viability and adaptability of the city's infrastructure, facilities, and transportation network through thoughtful financial and long-term planning.**

STAFF RESPONSIBLE:
Jacqueline R. Culton, PE, MBA, Interim Director of Public Works
John MacLean, PE, Engineering Manager

BACKGROUND/HISTORY:
On December 15, 2020, the City of Duncanville awarded IFB 21-002 to Pavecon Public Works, LP, in the amount of $6,581,962.21, for the reconstruction of East Danieldale Road, between Main St. and Highway 67, and improvements to the underlying subsurface utilities. Following receipt of bonding and other documentation from the Contractor, City Staff issued the Notice to Proceed to the Contractor in March 2021.

On September 7, 2021, City Council approved a 10% project contingency equaling $658,196.22. To date, $110,230.37 of the contingency has been used, leaving a remaining balance of $547,965.85.

During construction, the Contractor notified Staff of an existing retaining wall adjacent to the project, behind homes on the north side of Dawn Dr. This wall will eventually be replaced in a future project due to the significant delays it would cause. The engineer-of-record, Dunaway, determined that a pier-supported retaining wall would be necessary due to site constraints. Construction of this pier-supported wall involves moving existing overhead power underground, obtaining Public Right-of-Way from or easements on the homeowners' properties, and relocating a 50-year-old 16-inch DWU main directly behind the existing wall. This critical main provides redundancy to feed the Danieldale Ground Storage Tanks. DWU will not allow the City to install the pier-supported wall without first moving the 16-inch main because they do not permit drilling within 20 feet of an existing water main.

The ILA is to relocate approximately 520 linear feet of 16-inch DWU water main as shown in “Exhibit A” of the ILA. This alignment would permit the City to install a pier-supported retaining wall. The replacement limits will be terminated outside the proposed pavement so that if DWU replaces the remainder of the water main later, removal of vehicular pavement will not be necessary. Per the ILA, the City would be responsible for the construction of the water main and 50% of the construction cost, and the City of Dallas for the remaining 50% as well as maintenance once the main is accepted. The City of Dallas Council met to approve the ILA on August 10th.

As shown in the ILA “Exhibit B,” the cost to replace the water main provided by the Contractor is $334,840.18. Dallas will remit the Dallas Cost Share within 30 days of the Agreement's Effective date, which will be added to the project account balance. Construction is expected to commence in late September, and the remaining 50% of the cost, $167,420.09, will be funded using a portion of the remaining contingency funds.

POLICY EXPLANATION:
The Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended (the “Act”), authorizes local governments to contract with other local governments to perform governmental functions and services under the terms of the Act. The City Council’s approval is required for the City Manager to execute an Interlocal Agreement with other government entities.

FUNDING SOURCE:

ORG and Object Number
17100000-708102 - Funds are available from previously approved project contingency.

Available Budget	**Purchase Amount**	**After Encumber**
NA	NA	NA

ACTION ALTERNATIVES:
1. Approve the terms and conditions of an interlocal agreement between the City of Dallas, Texas, and the City of Duncanville for the installation of approximately 520 linear feet of 16-inch Dallas Water Utilities (DWU) main along East Danieldale Road.
2. Other actions as directed by Council.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2022-068 - Dallas Water Utilities Interlocal Agreement

RESOLUTION NO. 2022-068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DALLAS, TEXAS, AND THE CITY OF DUNCANVILLE, TEXAS, FOR THE DUNCANVILLE 16-INCH WATER TRANSMISSION MAIN RELOCATION PROJECT, ATTACHED HERETO AND INCORPORATED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TERMS AND CONDITIONS OF SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dallas, Texas ("Dallas") and the City of Duncanville, Texas ("Duncanville") desire to enter into an Interlocal Agreement for the Duncanville 16-inch Water Transmission Main Relocation Project; and

WHEREAS, on or about September 30, 2014, Dallas and Duncanville entered into an agreement for a Treated Water Contract allowing Dallas the use of Duncanville streets, alleys, and other public right-of-way and public utility easements within Duncanville's boundaries for pipeline purposes to provide treated water to customers; and

WHEREAS, Duncanville currently purchases wholesale treated water from Dallas, and Dallas currently delivers and sells wholesale treated water to Duncanville; and

WHEREAS, Dallas has requested that Duncanville relocate the existing 16-inch water transmission main in response to Duncanville's road improvement project on Danieldale Road within the corporate limits of Duncanville (hereinafter "Transmission Main Project")

WHEREAS, both parties agree that it is in the public interest and necessary for Duncanville to grant a license to Dallas for use of Duncanville right of way in order to accommodate the Transmission Main Project and to provide water to Dallas's customer cities, including Duncanville; and

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

SECTION 1. The City of Duncanville, Texas hereby approves the Interlocal Agreement attached as Exhibit A by and between the City of Dallas, Texas, and the City of Duncanville, Texas, for the Duncanville 16-inch Water Transmission Main Relocation Project, attached hereto and incorporated herein; and, authorizing the City Manager to execute said Agreement.

SECTION 2. This Resolution shall be effective upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 16th day of August, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Resolution No. 22 -_____,

STATE OF TEXAS §
§
COUNTY OF DALLAS §

INTERLOCAL AGREEMENT
DUNCANVILLE 16-INCH WATER TRANSMISSION MAIN RELOCATION PROJECT

This INTERLOCAL AGREEMENT ("Agreement") is entered into this _____ day of _____, 2022, by and between the City of Dallas, a Texas home rule municipality, ("Dallas") and the City of Duncanville, a Texas home rule municipality ("Duncanville") (collectively the "Parties").

RECITALS

WHEREAS, Duncanville currently purchases wholesale treated water from Dallas, and Dallas currently delivers and sells wholesale treated water to Duncanville as set forth under the terms, covenants, and conditions stated in the current contract dated September 30, 2014 ("Treated Water Contract"); and

WHEREAS, the Treated Water Contract allows Dallas the use of Duncanville streets, alleys and other public rights-of-way and public utility easements within Duncanville's boundaries for pipeline purposes to provide treated water to customers; and

WHEREAS, Dallas has requested that Duncanville relocate the existing 16-inch water transmission main in response to Duncanville's road improvement project on Danieldale Road within the corporate limits of Duncanville (hereinafter called the "Transmission Main Project"); and

WHEREAS, the Transmission Main Project is necessary for Dallas to continue to transfer treated potable water to the Duncanville Water System connection located in Duncanville, to provide redundancy and backup service for the existing 54-inch water main, and to increase service reliability to Dallas' customer cities, including Duncanville; and

WHEREAS, Duncanville will submit preliminary and final construction plans for the construction of the Transmission Main Project, including plans for the horizontal and vertical alignment of the pipeline and construction details for the pipeline and necessary appurtenances, to Dallas for its review; and

WHEREAS, Dallas will review said preliminary and final construction plans and prior to construction, Dallas' approval of such plans is required; and

WHEREAS, both parties agree that it is in the public interest and necessary for Duncanville to grant a license to Dallas for use of Duncanville right of way in order to accommodate the Transmission Main Project and to provide water to Dallas's customer cities, including Duncanville; and

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended (the "Act") authorizes local governments to contract with other local governments to perform governmental functions and services under the terms of the Act;

NOW, THEREFORE, Dallas and Duncanville hereby enter into this Agreement for the mutual consideration stated herein:

W I T N E S S E T H:

ARTICLE I. 16-INCH WATER TRANSMISSION MAIN PROJECT SCOPE

Duncanville, subject to the terms and conditions of this Agreement, agrees to construct the relocation of a 16-inch water transmission main including isolation valves, air release/vacuum valves, blow-off valves, vent stacks, vaults, manholes, tunneled sections, and all other water pipeline appurtenances necessary for Dallas's operation and maintenance (hereinafter called the "Transmission Main"). The Transmission Main will be located within existing Duncanville Licensed Area as shown on **Exhibit A**, attached to and made part of this Agreement.

ARTICLE II. 16-INCH WATER TRANSMISSION MAIN PROJECT: PIPELINE LICENSE

(A) In consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS, receipt of which is hereby acknowledged and effective upon final completion and acceptance by Dallas of the Transmission Main, Duncanville grants to Dallas the non-exclusive right, privilege, and license to own, lay, construct, operate, repair, and replace the Transmission Main, along with any and all appurtenances thereto, and such additional pipes and/or appurtenances as are needed in the future incidental to the use, operation, maintenance (including increased capacity) within Duncanville's public right-of-way and all public easements adjacent to the Transmission Main alignment, as shown on **Exhibit A**, attached to and made a part of this Agreement (collectively, the "Licensed Area").

(B) Duncanville agrees to construct the Transmission Main within a reasonable length of time following the authorization and execution of this Agreement. Upon final completion and acceptance of the Transmission Main by Dallas, Dallas agrees to maintain and operate the Transmission Main so as to not unreasonably interfere with existing utilities located within the Licensed Area or with the general public's use thereof. Duncanville, at its sole cost, agrees to relocate any permanent utility facilities that must be relocated as a result of the relocation construction of the Transmission Main. Duncanville agrees that the relocation of any such permanent utility facilities will not unreasonably interfere with the Transmission Main or Dallas's ability to maintain and operate the Transmission Main. Duncanville acknowledges and agrees that the completion of the Transmission Main shall be subject to final review and acceptance of Dallas and pursuant to the terms of this Agreement, and such acceptance will not be unreasonably withheld or delayed.

(C) Dallas shall not be required to alter, change, or relocate the Transmission Main once it is complete and in place, unless Duncanville determines that the relocation is necessary for the public health, safety or welfare of its residents; provides reasonable notice to the City of Dallas; and enters into an agreement with the City of Dallas for the costs associated with such an alteration, change or relocation.

(D) Upon the effective date of the license granted to Dallas pursuant to the terms of this Agreement, Dallas agrees to repair and replace all Duncanville right-of-way and easement surfaces, paved or unpaved, within the Licensed Area which may be cut or damaged in the course of operation and maintenance of the completed and relocated Transmission Main. Notwithstanding anything herein to the contrary and upon the effective date of the license granted to Dallas pursuant to the terms of this Agreement, all repairs and/or replacements of any pavement, curbs, sidewalks or other street appurtenances within the Licensed Area or any other area affected by the repair, maintenance, reconstruction, replacement, or removal of the completed and relocated Transmission Main or any of its related appurtenances shall be conducted in accordance with the then current construction specifications for such public improvements adopted by Duncanville and be completed within a commercially reasonable period of time. In such instances, Dallas will coordinate and provide reasonable notice to Duncanville, to the extent possible, prior to scheduled cessation of access to any roadway or intersection within the Licensed Area. Duncanville may require a traffic control plan to be submitted for review and comment prior to implementation.

(E) Duncanville may enter and utilize the Licensed Area at any time for the purpose of performing, installing, or maintaining improvements necessary for the health, safety, and welfare of the public, and may authorize, allow, license, and permit other utilities to use the Licensed Area; provided however, that such purposes, uses, or other utilities do not interfere with Dallas's use, operation, or maintenance of the Transmission Main. Duncanville agrees that before performing work, except in an emergency situation, Duncanville will give Dallas advanced written notice and opportunity to coordinate its work to prevent unnecessary damage or disruption of the Transmission Main.

(F) Duncanville agrees not to install or approve the installation of any utility crossing above or under the Transmission Main in the Licensed Area prior to review and written approval from Dallas. Utility crossings within 5 feet vertically of the Transmission Main (crossings shall be measured from the outside of the transmission pipe to the outside of the pipe, cable, duct bank or casing, as applicable) will not be approved without a special exception from Dallas. Overhead wires crossing the Transmission Main shall have a minimum vertical clearance above the natural ground at the centerline of the pipeline of not less than 22 feet for power lines, and 18 feet for communication and cable television lines. These clearances may be greater, as required by the National Electric Safety Code and governing laws.

(G) Duncanville agrees to not install or approve the installation of any parallel utility in the Licensed Area without review and written approval from Dallas. Parallel utilities within 15 feet horizontally from the Transmission Main (outside of pipe to outside of pipe, cable, duct bank, casing, as applicable) will not be approved without a special exception from Dallas.

(H) In addition to the restrictions noted in this Article II, Duncanville shall not construct, or install, or allow the construction or installation of, any structures including manholes, vaults, poles, transformers, control boxes, retaining walls, fences, or landscape items such as shrubs, trees or planting beds directly above or immediately adjacent to the Transmission Main that would hinder Dallas's inspection, repair, operation, or maintenance of the Transmission Main. Duncanville will be solely responsible for relocating any existing structures, including the cost of such relocation, for existing structures that will encroach on the Transmission Main.

(I) Prior to commencement of the Transmission Main Project by Duncanville, Duncanville shall submit plans to Dallas to determine if any crossing utilities, parallel utilities, or other items as noted above will impact the integrity of the relocated Transmission Main. Exceptions regarding horizontal and vertical separation may be granted on a case by case basis after review and written approval by Dallas. In the event Dallas determines it is necessary, Duncanville shall cause the utility owner to perform and submit Level "A" Subsurface Utility Engineering (as defined by the American Society of Civil Engineers), a structural analysis and/or a Geotechnical Engineering analysis for approval of exceptions. Analysis shall also include impacts to the cathodic protection system and other appurtenances. If the utility is deemed to adversely impact the Transmission Main, Dallas reserves the right to deny installation of parallel or crossing utilities in the Licensed Area, or require specific design elements including casing, special backfill, shoring, compaction requirements, and/or an increase in the separation distance.

ARTICLE III. DESIGN

Duncanville hereby agrees to be solely responsible and pay for the design and obtain approval of all engineering plans, specifications and design changes related to the relocation of the Transmission Main, and to provide such plans and specifications to Dallas for review and approval.

ARTICLE IV. CONSTRUCTION ADMINISTRATION

(A) Duncanville shall be solely responsible for compliance with applicable procurement laws with respect to the solicitation and award of the bid for the Transmission Main Project.

(B) Duncanville shall be solely responsible for the construction administration Transmission Main Project. Dallas may make periodic inspections during the construction of the Transmission Main Project so long as such inspections do not interfere with any construction activities. Acceptance of the completed Transmission Main pursuant to the terms of this Agreement is further subject to the approval of and acceptance by Dallas.

(C) Unless otherwise expressly specified herein, this Agreement shall be administered on behalf of Dallas by the DWU Director and on behalf of Duncanville by City Manager or designee.

ARTICLE V. DESIGN OR CONSTRUCTION CHANGES

Prior to implementing any design or construction change to the Transmission Main required during construction, Duncanville hereby agrees to advise Dallas of such design or construction change and provide copies of affected plan drawing sheets and/or specifications for Dallas's review and approval. Dallas hereby agrees to review and approve or deny any such design or construction change not later than fifteen (15) business days for design changes and three (3) business days for construction changes after Duncanville provides the amended plans and specifications to Dallas showing such change, which approvals shall not be unreasonably denied.

ARTICLE VI. PROJECT COSTS

(A) Dallas shall be responsible for reimbursing the City of Duncanville fifty percent (50%) of the construction and construction administration costs of the relocation construction of the Transmission Main, subject to appropriation and in accordance with the mutually agreed estimate of project costs set out in **Exhibit B**, which is attached to and made a part of this Agreement ("Dallas Project Cost Share"). The Dallas Project Cost Share also includes Dallas's proportional share of material testing costs of the Transmission Main Project, along with Dallas's proportional share of any construction change orders approved by both Dallas and Duncanville as provided under Article V of this Agreement. Dallas shall be responsible for its own related inspection costs.

(B) Duncanville shall be responsible for fifty (50%) of the construction and construction administration costs of the Transmission Main Project, subject to appropriation and in accordance with **Exhibit B** ("Duncanville Project Cost Share"). The Duncanville Project Cost Share also includes Duncanville's proportional share of material testing costs of the Transmission Main Project, along with Duncanville's proportional share of any construction change orders approved as provided under Article V of this Agreement. Duncanville shall be responsible for its own related inspection costs.

(C) Notwithstanding any other provisions of this Agreement, Dallas and Duncanville acknowledge and expressly agree that the subject matter of this Agreement only encompasses the Parties' agreement regarding the Transmission Main Project itself, and the terms and conditions of this Agreement, including the Parties' respective cost shares set forth in this Article VI and all other rights, responsibilities, and obligations of the Parties under this Agreement are contained exclusively herein. This Agreement does not, in any way, amend or supersede the Treated Water Contract or amend or supersede any rights or obligations of the Parties as stated therein.

(D) Dallas will remit the Dallas Project Cost Share as estimated in **Exhibit B** to Duncanville within thirty (30) days of the Effective Date of this Agreement. Duncanville will separately account for and track such funds, and the funds from the Dallas Project Cost Share shall be used by Duncanville solely to pay for construction of the Transmission Main Project. Subject to the review and approval process provided in Article V, Dallas agrees to reimburse Duncanville for its proportional share of any increase in construction cost associated with the Transmission Line Project not reflected in **Exhibit B**, upon completion and final acceptance of the constructed

Transmission Main by Dallas. Duncanville agrees to reimburse Dallas for any funds remitted by Dallas to Duncanville for the Transmission Main Project in excess of Dallas's proportional share as provided in this Article VI upon completion and final acceptance of the Transmission Main by Dallas.

ARTICLE VII. QUALITY ASSURANCE

Duncanville agrees to provide inspection and quality assurance testing for the construction of the Transmission Main in coordination with Dallas, through the Duncanville Engineering Department.

ARTICLE VIII. OPERATION AND MAINTENANCE

Dallas, its agents, representatives and employees, are hereby granted the right, as part of this Transmission Main Project and the license granted to Dallas by Duncanville pursuant to this Agreement, to have free access to Duncanville's License Area for purposes of operation and maintenance of the Transmission Main subject to the following:

1. In the event of planned operation and maintenance activities, Dallas shall notify Duncanville in writing not later than ten (10) business days in advance of any entry for purposes of operation and maintenance of the Transmission Main, which notice shall include the dates and times of the intended entry, whether or not any lane closures will be required, and a traffic control plan related to any work that requires lane closures. In the event lane closures are required, no work shall commence until Duncanville has approved the proposed traffic control plan, which approval shall not be unreasonably withheld or delayed. Dallas shall submit an application for a right-of-way permit to Duncanville and obtain such permit and approval prior to any construction within the Licensed Area.

2. In the event emergency operation and maintenance activities must be conducted, Dallas shall verbally notify Duncanville no later than two hours after the emergency becomes known to Dallas, which notification shall be followed up with a written notification not later than seventy-two (72) hours after the emergency becomes known to Dallas. The written notification shall include a description of the traffic control plan imposed by Dallas around the affected site within the Licensed Area. Written notification can be sent via electronic transmission. Dallas shall modify the traffic control plan imposed at the time the emergency maintenance and operations commenced in the manner Duncanville reasonably directs. For purposes of this paragraph, an "emergency" exists if the maintenance or repair operations are necessary to require the reestablishment of flow through the Transmission Main, to restore pressure in the Transmission Main after an unexpected and unsafe drop in flow of water, or a break in the Transmission Main, regardless of cause, which, if not repaired immediately, would reasonably be expected to be harmful to the health and safety of Dallas or Duncanville citizens or could reasonably be expected to cause damage to persons or property within the area of the break.

ARTICLE IX. NO AGENCY OR JOINT VENTURE RELATIONSHIP

Duncanville and Dallas agree and acknowledge that each entity is not an agent of the other entity and that each entity is responsible in accordance with the laws of the State of Texas for its own acts, forbearance, negligence and deeds, and for those of its officers, agents or employees in conjunction with the performance of work covered under this Agreement, provided, however, that neither this nor any other provision in this Agreement is intended to be, or should be construed as, a waiver of any sovereign or governmental immunity available to either party. Dallas is solely responsible for the sufficiency, form, content, and engineering requirements for the design and construction of the Transmission Main Project. Duncanville's review and/or approval of any plans or specifications related to the project shall not constitute an acceptance or assumption of liability by Duncanville for the accuracy, safety, sufficiency, form, content and/or engineering requirements of such plans or specifications.

ARTICLE X. NO THIRD PARTY BENEFICIARY

This Agreement is solely for the benefit of the parties hereto and is not intended to and shall not create or grant any rights, contractual or otherwise, to any other person or entity.

ARTICLE XI. BINDING ON SUCCESSORS

This Agreement shall be binding upon the parties hereto, their successors and assigns. Neither party will assign or transfer any interest in this Agreement without the written consent of the other party.

ARTICLE XII. NOTICES

Except as otherwise provided in this Agreement, any notice to be given by either party to the other shall be required to be in writing and shall be deemed given when personally delivered, or three (3) business days after being deposited in the United States Mail, postage prepaid, certified, return receipt requested, or registered addressed as follows:

To Duncanville:
Public Works Department
City of Duncanville
P.O. Box 110535
Duncanville, Texas 75011-0535

To Dallas:
Director
City of Dallas
Water Utilities Department
1500 Marilla Street, Room 4A North
Dallas, Texas 75201

If the notice relates to default of this Agreement, proposed amendments to this Agreement, or changes of the name and/or address of who is to receive notices, copies of notices herein shall also be provided as follows:

To Duncanville:
Aretha R. Ferrell-Benavides, City Manager

City of Duncanville
P. O. Box 110535.
Duncanville, Texas 75011-0535

Either party may change its address for notice by giving the other party notice of the change in the manner described above.

ARTICLE XIII. AUTHORITY TO ENTER AGREEMENT

This Agreement has been duly executed and delivered by all parties and constitutes a legal, valid and binding obligation of the parties, their successors and permitted assigns. Each person executing this Agreement on behalf of each party represents and warrants that the person has full right and authority to enter into this Agreement.

ARTICLE XIV. AMENDMENTS

This Agreement may not be amended except in a written instrument specifically referring to this Agreement and signed by the parties hereto.

ARTICLE XV. SOVEREIGN IMMUNITY; GOVERNING LAW; VENUE

Notwithstanding any other provision of this Agreement, this Agreement shall be expressly subject to the governmental immunity of Duncanville and Dallas, Title 5 of Texas Civil Practice and Remedies Code, and all applicable federal and state law. This Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas. Exclusive venue for any legal action regarding this Agreement filed by either Duncanville or Dallas shall be in Dallas County, Texas. This Agreement is subject to the provisions of Section 2-86 of the Dallas City Code, as amended, relating to requirements for filing a notice of breach of contract claims against Dallas. Section 2-86 of the Dallas City Code, as amended, is expressly incorporated by reference and made part of this Agreement as if written word for word in this Agreement.

ARTICLE XVI. GENDER NEUTRAL LANGUAGE

Words of any gender used in this Agreement shall be held and construed to include any other gender and words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise.

ARTICLE XVII. MULTIPLE COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

ARTICLE XVIII. SEVERABILITY

In the event that one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability of this Agreement shall be construed as if such invalid, illegal or unenforceable

provision had never been contained herein, but shall not affect the remaining provisions of this Agreement, which shall remain in full force and effect.

ARTICLE XIX. ENTIRE AGREEMENT; NO ORAL MODIFICATIONS

This Agreement, including Exhibits A and B, embodies the complete agreement of the parties, superseding all oral or written previous and contemporary agreements between the parties relating to matters in this Agreement and, except as otherwise provided herein, cannot be modified without written supplemental agreement of the parties to be attached to and made a part of this Agreement.

ARTICLE XX. TERMINATION

This Agreement may be terminated in the following manner.

1. By mutual agreement and consent of both parties in writing; or

2. By either party upon the inability of the other party to fulfill the obligations set forth herein.

ARTICLE XXI. CURRENT FUNDS

Dallas and Duncanville acknowledge and agree that all expenditures made by the respective parties shall be from current funds appropriated for the purposes for which such funds are expended.

ARTICLE XXII. EFFECTIVE DATE

This Agreement becomes effective upon the date of its execution, which execution date is deemed to be the date the last party signs this Agreement (the "Effective Date").

EXECUTED this the ___ day of _____, 2022, by Dallas, signing by and through its City Manager, duly authorized to execute same by Resolution No. 22 -_____, adopted by the Dallas City Council on _____, 2022, and by Duncanville, acting through its City Manager, duly authorized to execute same by Resolution No._____, adopted by the Duncanville City Council on _____, 2022.

CITY OF DUNCANVILLE
ARETHA R. FERRELL-BENAVIDES
City Manager

By: _____

CITY OF DALLAS
T. C. BROADNAX
City Manager

By: _____
Assistant City Manager

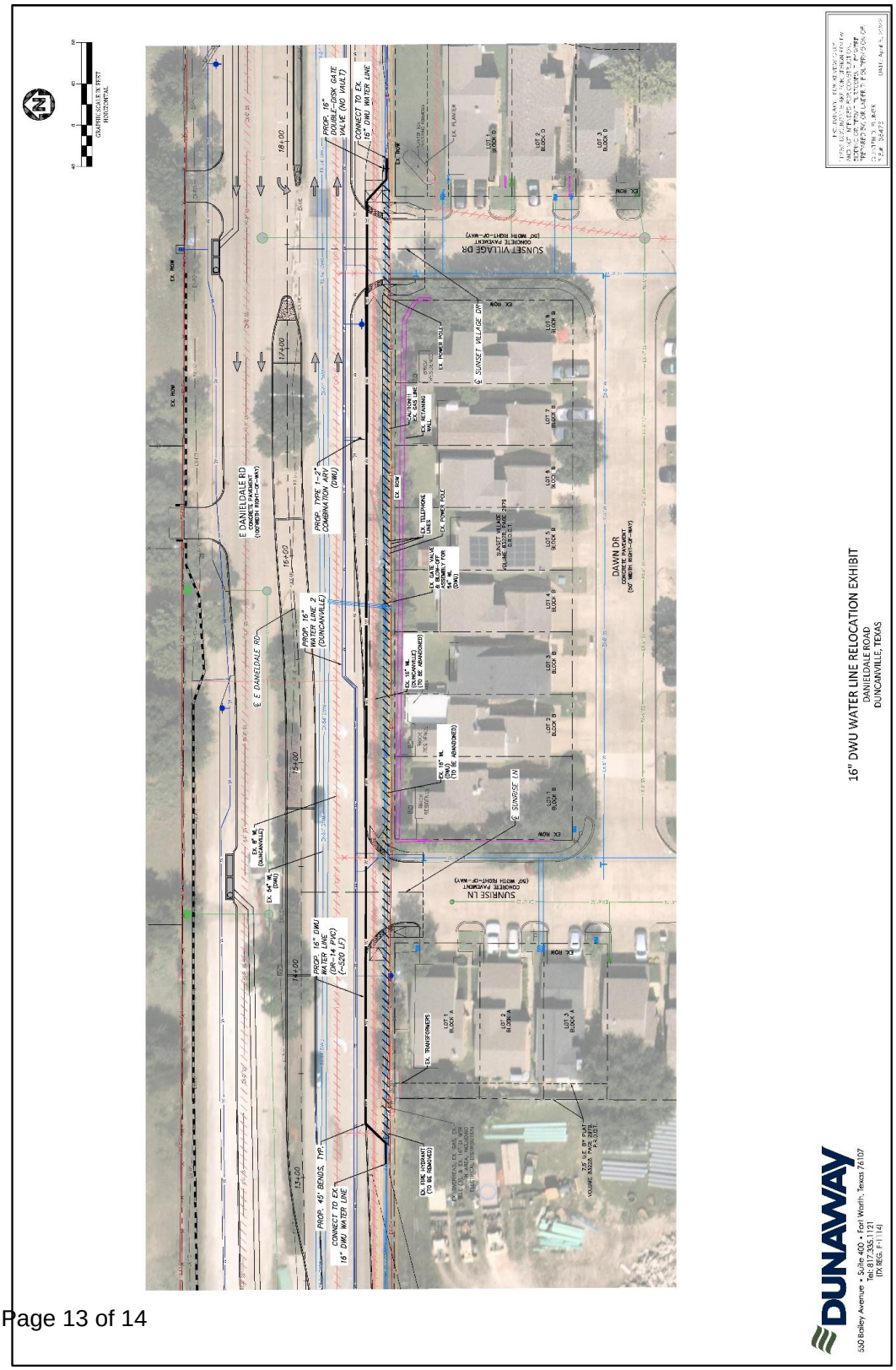
APPROVED AS TO FORM:
ROBERT E. HAGER
City Attorney

By: _____

APPROVED AS TO FORM:
CHRISTOPHER J. CASO
City Attorney

By: _____
Assistant City Attorney

EXHIBIT A


16" DWU WATER LINE RELOCATION EXHIBIT
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PROP. TYPE 1-2" COMBINATION ARV (DWU)
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CONNECT TO EX. 16" DWU WATER LINE
PROP. 16" DOUBLE-DISK GATE VALVE (NO VAULT)
CONNECT TO EX. 16" DWU WATER LINE
EX. 16" WL (DWU) (TO BE ABANDONED)
EX. 8" WL (DUNCANVILLE)
EX. 6" WL (DWU)
EX. FIRE HYDRANT (TO BE REMOVED)
EX. TRANSFORMERS
EX. POWER POLE
EX. TELEPHONE LINES
EX. ROW

EXHIBIT B

Price Change for DWU Water Main

Bid Item Number	Description	Unit of Measure	CO QUANTITY	M-CO MATERIAL UNIT PRICE	M-CO LABOR & EQUIPMENT UNIT PRICE	TOTAL M-CO UNIT PRICE	PAVECON UNIT PRICE W/ 10% MARKUP	TOTAL UNIT PRICE
1	16" DR-14 PVC WATER LINE, BY OPEN CUT	LF	520	$ 168.48	$ 194.40	$ 362.88	$ 399.17	$ 207,567.36
2	DUCTILE IRON WATER FITTING WITH RESTRAINT	LS	1	$ 28,111.05	$ 12,855.54	$ 40,966.59	$ 45,063.25	$ 45,063.25
3	16" GATE VALVE (DOUBLE DISK)	EA	1	$ 25,115.24	$ 7,795.48	$ 32,910.72	$ 36,201.79	$ 36,201.79
4	CONNCT TO EXISTING MAIN 16"	EA	2	$ 1,228.98	$ 8,303.90	$ 9,532.88	$ 10,486.17	$ 20,972.34
5	2" AIR RELASE VALVE TYPE 1	EA	1	$ 5,467.11	$ 5,693.16	$ 11,160.27	$ 12,276.30	$ 12,276.30
6	TRENCH SAFETY	LF	520	$ -	$ 7.92	$ 7.92	$ 8.71	$ 4,530.24
7	CUT & PLUG EXISTING 16" WATER MAIN	FA	2	$ 1,365.95	$ 2,374.46	$ 3,740.41	$ 4,114.45	$ 8,228.90
								$ -
								$ -
								$ -
								$ -
								$ -
								$ -
							Total CO Price:	$ 334,840.18

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider a Resolution approving the proposal for city paid employee and retiree medical and prescription plan with Blue Cross Blue Shield of Texas for a one-year agreement.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Todd C. Siegel, Human Resources Director

BACKGROUND/HISTORY:
In order to provide continuity of service and keep administrative cost to a minimum, HUB International and the City recommend entering into a one (1) year renewal contract with Blue Cross Blue Shield of Texas Health (BCBSTX) for fully insured Medical and Pharmacy Claims Administration.

Today, the City is fully insured and contracted with BCBSTX. BCBSTX has issued the City a -4.8% rate decrease due to the plan utilization from October 1, 2021 to current and vigorous negotiations, which includes the packaging of the City's dental plan with BCBS. This rate decrease follows a rate decrease of -1.1% from BCBSTX for last fiscal year. There are no changes to plan designs for 2022/2023. We have reviewed analytics with HUB International and our plan designs and costs continue to be within the market standards.

POLICY EXPLANATION:
This Resolution will allow the City to enter in another one-year renewal agreement with BCBSTX for TPA services.

For FY 2022-2023 the City will make the following changes in employee/retiree premiums:

- **Active Employees**: There are no monthly premium changes to employees due to the rate decrease from BCBSTX. The City's contribution to premiums will be reduced by 4.8%.

- **Retiree Plans**: There will be a 5% decrease to the City's contribution for each Retiree tier, resulting in premium increases to the retirees and a savings to the City.

FUNDING SOURCE:

ORG and Object Number
City premium cost is apportioned to each department cost center, i.e. Finance Administration, Police Patrol, etc. Employee premiums are deducted from payroll. Retiree premiums are accounted as revenues and are budgeted and paid out of non-departmental expenses.

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

ACTION ALTERNATIVES:
1. Approved of item.
2. Do not approve.
3. Other actions as directed by Council.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2022-073 - Proposal for City Paid Employee and Retiree Medical and Prescription Plan with Blue Cross Blue Shield of Texas

RESOLUTION NO. 2022-073

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE PROPOSAL FOR MEDICAL AND PRESCRIPTION BENEFITS FOR CITY EMPLOYEES WITH BLUE CROSS BLUE SHIELD OF TEXAS (BCBSTX) FOR A ONE-YEAR AGREEMENT, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT 'A'; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is desired to continue to provide medical and pharmacy benefits to City of Duncanville employees and retirees.

WHEREAS, it is desired to continue insurance coverage for Medical and Pharmacy benefits with Blue Cross Blue Shield of Texas.

WHEREAS, due to BCBSTX offering a -4.8% rate decrease for Fiscal Year 2022-2023, it is desired to maintain the current premium contributions by employees and to decrease the City's contribution portion by 4.8%; and a 5% reduction in City contributions for all Retiree tiers.

WHEREAS, the City Council of the City of Duncanville, Texas, desires to approve the recommended changes as listed in this resolution.

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, Texas hereby approves the proposal for medical and prescription benefits for City Employees with Blue Cross Blue Shield of Texas (BCBSTX) for a one-year agreement, which is attached hereto and incorporated herein as Exhibit 'A'; and, authorizing the City Manager to execute the necessary documents.

SECTION 2. 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 16th day of August, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

EXHIBIT A

BlueCross BlueShield of Texas

1001 E. Lookout Drive
Richardson, Texas 75082

BENEFIT PROGRAM APPLICATION ("BPA")

Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company (herein called "BCBSTX")

LARGE GROUP PLANS

Account Status: ☐ New ☒ Existing with Changes

Off Cycle Change: ☐ Yes ☒ No ☐ Former BCBSTX ASO converting to fully insured

Account Number (6-digits): 245607 Group Number(s): 245607, 245608, 347207

Policy Effective Date (month/day/year): 10/01/2022 Policy Anniversary Date (month/day/year): 10/01

Legal Account Name: City of Duncanville
(Specify the Employer or the employee trust applying for coverage. An employee benefit plan may not be named)

☒ NO CHANGES GROUP INFORMATION

Employer Identification Number ("EIN"): _____
Standard Industry Code ("SIC"): _____ Nature of Business: _____

Primary (Mailing) Address: _____
City: _____ State: _____ Zip: _____

Administrative Contact: _____ Title: _____
Phone: _____ Fax: _____ Email: _____

Blue Access for Employers℠ ("BAE℠") Contact:
_____ Title: _____
The BAE Contact is an Employee of the account who is authorized by the Employer to access and maintain the account in BAE.

Phone: _____ Fax: _____ Email: _____

Administrative Contact (if different from Primary):
_____ Title: _____
Phone: _____ Fax: _____ Email: _____

Physical Address (if different from Primary - required): _____
City: _____ State: _____ Zip: _____

Contact: _____

Proprietary and Confidential Information of Blue Cross and Blue Shield of Texas. Not for use or disclosure outside Blue Cross and Blue Shield of Texas, Employer, their respective affiliated companies, and third-party representatives, except with written permission of Blue Cross and Blue Shield of Texas.

Medical and Dental benefits are offered by Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association.

Life and Disability insurance is underwritten by Dearborn Life Insurance Company, 701 E. 22nd St. Suite 300, Lombard, IL 60148. Dearborn Life Insurance Company is an independent Blue Cross and Blue Shield licensee. BLUE CROSS®, BLUE SHIELD® and the Cross and Shield Symbols are registered service marks of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans.

Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation,
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EXHIBIT A

Billing Address (if different from Primary): _____
City: _____ State: _____ Zip: _____

Billing Contact: _____ Title: _____
Phone: _____ Fax: _____ Email: _____

Do you cover any wholly owned subsidiary or affiliated companies? ☐ Yes ☐ No If yes, please list below:
Subsidiary Companies to be covered (if more than one, list within the Additional Provisions): _____

Subsidiary Address: _____
City: _____ State: _____ Zip: _____
Contact: _____ Title: _____
Phone: _____ Fax: _____ Email: _____

Affiliated Companies to be covered (if more than one, list within the Additional Provisions): _____

Location(s): _____

The **Employee Retirement Income Security Act of 1974 (ERISA)** is a federal law that sets minimum standards for employee benefit plans in the private industry. In general, **all** employer groups, insured or ASO, are subject to ERISA provisions except for governmental entities, such as municipalities and public school districts, and "church plans" as defined by the Internal Revenue Code.

ERISA Regulated Group Health* Plan: ☐ Yes ☐ No

If Yes, is your ERISA Plan Year* a period of 12 months beginning on the Anniversary Date specified above?
☐ Yes ☐ No

If no, please specify your ERISA Plan Year (month/day/year): Beginning Date __/__/____ End Date __/__/____

ERISA Plan Administrator*: _____

Plan Administrator's Address: _____

If you maintain that ERISA is not applicable to your group health plan, please give legal reason for exemption:
☐ Federal Governmental plan (e.g., the government of the United States or agency of the United States)
☐ Non-Federal Governmental plan (e.g., the government of the State, an agency of the state, or the government of a political subdivision, such as a county or agency of the State)
☐ Church plan (complete and attach a Medical Loss Ratio Assurance form)
☐ Other; please specify: _____

Is your Non-ERISA Plan Year a period of 12 months beginning on the Anniversary Date specified above? ☐ Yes ☐ No

If no, please specify your Non-ERISA Plan Year (month/day/year): Beginning Date __/__/____ End Date __/__/____

For more information regarding ERISA, contact your Legal Advisor.
*All as defined by ERISA and/or other applicable law/regulations

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EXHIBIT A

☒ NO CHANGES **PRODUCER OF RECORD INFORMATION**

1. *Producer/Agency** name to whom commissions are to be paid: _____
   Producer Number of ☐ Producer or ☐ Agency: _____
   Street Address: _____
   City: _____ Zip: _____
   Phone: _____ Fax: _____
   Email: _____
   Is Producer/Agency appointed with BCBSTX? ☐ Yes ☐ No Affiliated with General Agent? ☐ Yes ☐ No
   Commissions: $_____ PCPM

2. *Producer/Agency** name to whom commissions are to be paid: _____
   Producer Number of ☐ Producer or ☐ Agency: _____
   Street Address: _____
   City: _____ Zip: _____
   Phone: _____ Fax: _____
   Email: _____
   Is Producer/Agency appointed with BCBSTX? ☐Yes ☐ No Affiliated with General Agent? ☐ Yes ☐ No
   Commissions: $_____ PCPM
   If commission split, designate percentage for each producer/agency **Note**: total commissions paid must equal one hundred percent (100%)
   Producer/Agency 1: _____% Producer/Agency 2: _____%

3. Writing Producer's Name (please print): _____
   Producer Number: _____ Phone: _____ Email: _____
   Writing Producer's Signature: _____ Date: _____

* The producer or agency name(s) above to whom commissions are to be paid must exactly match the name(s) on the appointment application(s).

**If commissions are split, please provide the information requested above on both producers/agencies. BOTH must be appointed to do business with BCBSTX.

4. General Agent (GA) Override? ☐ Yes ☐ No General Agent Name: _____
   BCBSTX GA#: _____ Email: _____
   Address: _____
   City: _____ State: _____ Zip Code: _____
   Health Override Amount (if applicable): _____ Dental Override Amount (if applicable): _____

If applicable, effective _____, the named producer(s) or agency(ies) is/are recognized as Employer's Producer of Record (POR), to act as representative in negotiations with and to receive commissions from BCBSTX and/or corporate subsidiaries, as applicable, for procuring fully-insured coverage for Employer's employee benefit program(s). This statement rescinds any and all previous POR appointments for Employer. The POR is authorized to perform membership transactions on behalf of Employer. This appointment will remain in effect until withdrawn or superseded in writing by Employer.

General Agent's Signature: _____ Date: _____

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EXHIBIT A

☒ NO CHANGES

SCHEDULE OF ELIGIBILITY

1. **Standard Eligibility Provisions:** Eligible Employee/Subscriber means an Employee who works on a full-time basis, who usually works at least thirty (30) hours a week, and who otherwise meets the Participation Criteria established by an Employer. The term includes a sole proprietor, a partner, and an independent contractor, if the individual is included as an Employee under a Health Benefit Plan of a large Employer regardless of the number of hours the sole proprietor, partner, or independent contractor works weekly, but only if the plan includes at least two (2) other Eligible Employees who work on a full-time basis and who usually work at least thirty (30) hours a week. Participation Criteria means any criteria or rules established by a large Employer to determine the Employees who are eligible for enrollment or continued enrollment under the terms of a Health Benefit Plan. The Participation Criteria may not be based on Health Status Related Factors.

   (HMO only) the Eligible Subscriber must reside, live, or work in the Service Area.

2. **Other Eligibility Provisions (check all that apply):**
   - ☐ Retiree of the Employer.
   - ☐ Part-time Employee of the Employer.
   - ☐ Other: _____

   Are any classes of Employees to be excluded from coverage? ☐ Yes ☐ No
   If yes, please identify the classes and describe the exclusion: _____

   Domestic Partners covered: ☐ Yes ☐ No
   A Domestic Partner means a person with whom the Employee has entered into a domestic partnership in accordance with the Employer's plan guidelines. The Employer is responsible for providing notice of possible tax implications to those covered Employees with Domestic Partners.

   Continuation coverage for Domestic Partners: If Employer elects coverage for Domestic Partners, Domestic Partners are not eligible for continuation coverage under Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as a spouse but may be eligible for continuation coverage similar to that available to spouses under COBRA continuation. Employer shall determine eligibility for COBRA continuation for Domestic Partners, if any. Please indicate your election below:
   - ☐ Yes, Employer elects to offer continuation coverage to Domestic Partners, as defined in the Certificate Booklet
   - ☐ No, Employer does not elect to offer continuation coverage to Domestic Partners (Domestic Partners are not eligible for continuation coverage)
   - ☐ Other: _____

3. All current and new Employees must satisfy the substantive eligibility criteria and required Waiting Period in order for coverage to become effective. Covered Dependents do not have to satisfy a Waiting Period to become effective, but in no instance shall a Dependent be covered prior to the Employee's effective date.

   If a person is added to the Policy and it is later determined that the Policyholder reported a coverage date earlier than what would apply to the Employee or Dependent, based on the Waiting Period and eligibility conditions the Policyholder provided to the Plan, the Plan reserves the right to retroactively adjust the coverage date for such person.

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What is the effective date for a newly eligible person who becomes effective after the Employer's initial enrollment? (No effective date may exceed ninety-one (91) calendar days from the date that an individual becomes eligible for coverage, unless permitted by applicable law.)

- ☐ The date of employment (date of hire).
- ☐ The _____ day (standard is first (1st) or fifteenth (15th)) of the month following the date of employment.
- ☐ The _____ day (standard is first (1st) or fifteenth (15th)) of the month following select one days of employment.
- ☐ The _____ day (standard is first (1st) or fifteenth (15th)) of the month following select one month(s) of employment.

Substantive Eligibility Criteria (Optional): Provide a representation below regarding the terms of any eligibility conditions (other than any applicable Waiting Period already reflected above) imposed before an individual is eligible to become covered under the terms of the plan. If any of these eligibility conditions change, you are required to submit a new BPA to reflect that new information.

Check all that apply:

- ☐ An Orientation Period that:
  1. Does not exceed one (1) month (calculated by adding one (1) calendar month and subtracting one (1) calendar day from an Employee's start date); and
  2. If used in conjunction with a Waiting Period, the Waiting Period begins on the first (1st) day after the orientation period.
- ☐ A Cumulative hours of service requirement that does not exceed 1200 hours
- ☐ An hours-of-service per period (or full-time status) requirement for which a measurement period is used to determine the status of variable-hour Employees, where the measurement period:
  1. Starts between the Employee's date of hire and the first (1st) day of the following month;
  2. Does not exceed twelve (12) months; and
  3. Taken together with other eligibility conditions does not result in coverage becoming effective later than thirteen (13) months from the Employee's start date plus the number of days between a start date and the first (1st) day of the next calendar month (if start day is not the first (1st) day of the month).
- ☐ Other substantive eligibility criteria not described above; please describe: _____

(HMO only) What is the effective date of coverage for a Newly Eligible Employee who becomes effective after the Employer's initial enrollment date? (No effective date may exceed ninety-one (91) calendar days from the date that an individual becomes eligible for coverage, unless permitted by applicable law.)

- ☐ The first (1st) day of the month following the date of employment (date of hire).
- ☐ The first (1st) day of the month following select one days of employment.
- ☐ The first (1st) day of the month following select one month(s) of employment.

4. **Are there multiple new hire Waiting Periods?** ☐ Yes ☐ No
   If yes, attach eligibility and contribution details for each section.

   Is the Waiting Period requirement to be waived on initial group enrollment?
   Health ☐ Yes ☐ No ☐ N/A Dental ☐ Yes ☐ No ☐ N/A

5. **Annual Open Enrollment:** For Health and Dental Plans only, an Eligible Person, who did not enroll under timely enrollment, may apply for individual coverage, family coverage or add Dependents during the Employer's annual Open Enrollment Period. Such person's individual coverage date, family coverage date and/or Dependent's coverage date will be the Policy Anniversary Date following the Open Enrollment Period, provided the application is dated and signed prior to that date.

   The Open Enrollment Period will be held during a thirty-one (31) day period prior to the Policy Anniversary Date of the program. Specify start of annual Open Enrollment Period: _____.

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6. **The minimum standard limiting age for covered Dependent children is twenty-six (26) years.** Hereafter, a Dependent Child, Child or Children means a natural child, a stepchild, a medical support order child, an eligible foster child, an adopted child (including a child for whom the Employee or their spouse is a party in a suit in which the adoption of the child is sought) regardless of presence or absence of a child's financial dependency, residency, student status, employment status, marital status, eligibility for other coverage or any combination of those factors. To be eligible for coverage, a child of an Employee's child must also be dependent upon Employee for federal income tax purposes at the time application for coverage is made.

7. **Disabled Dependent**: Disabled Dependent means a child who is medically certified as disabled and dependent upon the Employee or his/her spouse (or Domestic Partner if Domestic Partner coverage is elected). To administer medical certification of disabled Dependents, you may select option (a) standard rules or (b) custom rules. If (b) is selected there are additional selections regarding certification review, forms, and previous medical certification approvals.

   a. ☐ Disabled Dependent Administration will follow **standard rules.**

   A disabled Dependent is eligible to add or continue coverage beyond the limiting age of twenty-six (26). Certification Review is administered by BCBSTX; a Disabled Dependent Certification Form must be submitted to BCBSTX.

   (HMO only) Proof of incapacity and dependency may be required within thirty-one (31) days of the child's attainment of the limiting age. Subsequent recertification may occur annually, as required.

   b. ☐ Disabled Dependent Administration will follow **custom rules**. Please make the following selections:

   Age: A disabled Dependent is eligible to add or continue coverage beyond the limiting age of twenty-six (26).

   Certification Review: Please select one (1) option regarding administration of Certification Review.

   ☐ Certification Review is administered by BCBSTX; a Disabled Dependent Certification Form must be submitted to BCBSTX.

   (HMO only) Proof of incapacity and dependency may be required within thirty-one (31) days of the child's attainment of the limiting age. Subsequent recertification may occur annually, as required.

   ☐ Certification Review is administered by the Employer; there are no Disabled Dependent Certification Form requirements.

   If Certification Review is administered by BCBSTX, please select one (1) option regarding forms:

   ☐ BCBSTX's Disabled Dependent Certification Form will be utilized.

   ☐ A custom/other Disabled Dependent Certification Form will be utilized.

   If Certification Review is administered by BCBSTX, please select allowed or not allowed below:

   An approved disabled Dependent medical certification from a prior carrier is ☐ allowed ☐ not allowed.

   An approved disabled Dependent medical certification from a prior BCBS policy is ☐ allowed ☐ not allowed.

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EXHIBIT A

☒ NO CHANGES CURRENT ELIGIBILITY INFORMATION

Total number of Employees/Subscribers:

1. On payroll _____
2. On COBRA continuation coverage _____
3. With retiree coverage (if applicable) _____
4. Who work part-time _____
5. Serving the new hire Waiting Period _____
6. Declining because of other **group** coverage (e.g., other commercial group coverage, Medicare, Medicaid, TRICARE/Champus) _____
7. Declining coverage (not covered elsewhere) _____

☐ NO CHANGES (HMO only) LEGISLATIVE ELECTIONS

The following mandated benefit offers are made by HMO in compliance with Texas regulations. Please mark your acceptance or declination. Acceptance may result in a rate adjustment.

In Vitro Fertilization Services

☐ **Accept** – If accepted, benefits for In Vitro Fertilization Services will be provided to the same extent as benefits provided for other pregnancy related procedures. **(Note: If selected, an additional charge will be added to your rates.)**

☐ **Decline** – If declined, no benefits are available.

Speech and Hearing Services

☐ **Accept** – Benefits are paid same as any other illness.

☐ **Decline** – If declined, medically necessary speech therapy is covered on an outpatient basis only. Hearing aid benefit is limited to one (1) hearing aid per ear every thirty-six (36) months.

Development Delay – Certain therapies for children with developmental delays are already included in the HMO plans.

☒ NO CHANGES (Non-HMO only) LEGISLATIVE ELECTIONS

The following mandated benefit offers are made in compliance with Texas regulations. Please mark your acceptance or declination.

In Vitro Fertilization Services: Benefits for Medical-Surgical Expense incurred for in vitro fertilization procedures will be the same as for maternity care, provided specific requirements are met.

☐ **Accept** – If accepted, benefits for In Vitro Fertilization Services will be provided to the same extent as benefits provided for other pregnancy related procedures. **(Note: If selected an additional charge will be added to your rates.)**

☐ **Decline** – If declined, no benefits are available for these services.

Speech and Hearing Services: Benefits are available for the services of a physician or other provider to restore loss of or correct an impaired speech or hearing function. This benefit includes coverage for hearing aids.

☐ **Accept** – If accepted, benefits are available for medically necessary services to restore loss of or correct an impaired speech or hearing function, with no benefit maximum on hearing aids.

☐ **Decline** – If declined, benefits are available for medically necessary services to restore loss of or correct an impaired speech or hearing function; however, benefits for hearing aids are limited to one (1) hearing aid per ear every thirty-six (36) months.

Development Delay – Certain therapies for children with developmental delays are already included in the Non-HMO plans.

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EXHIBIT A

☐ **NO CHANGES** **LINES OF BUSINESS**
(Check all applicable products)

Managed Health Care Coverage:

☐ Single Option: PPO Plan _____

☒ Multiple Plan Option:

Select up to four (4) plans. All plans may be PPO or HSA plans. If an HMO is selected, a PPO must also be selected.

Plan 1 PPO Active **PPO**
Plan 2 PPO Retiree **PPO**
Plan 3 HSA Active **HSA**
Plan 4 HSA Retiree **HSA**

If an HMO plan is selected, indicate additional election(s) below (if applicable):

Additional Benefit Options:

☐ Prescription Drug Program _____
☐ Inpatient Mental Health Care (IPMH) Select IPMH
☐ Durable Medical Equipment Select DME

See **HMO Legislative Elections** for In-Vitro Fertilization and Speech and Hearing Services options.

One hundred percent (100%) of Eligible Employees must reside, live, or work in the service area. The HMO service area includes all counties in Texas.

***If an HMO health plan is selected, please complete the HMO Non-Network Plan Certification (item 1) in the OTHER PROVISIONS section of this BPA.**

If HCA is selected, the HCA BPA with HCA Administrative Services Agreement must be completed, signed, and submitted.

If HSA/HDHP is selected, provide name of HSA Administrator or trustee: TASC
(Vendor: **Other**)

FSA purchased: ☐ Yes ☐ No (If yes, select vendor) Vendor: **Select Vendor**

Health Reimbursement Account (HRA) purchased: ☐ Yes ☐ No (If yes, select vendor) Vendor: **Select Vendor**

☐ **Blue Directions℠** If selected, the Blue Directions Addendum is attached and made part of the Policy

Health Care Management Services:

☒ Wellbeing Management (WBM)

In-Hospital Indemnity Plan:

☐ IHI

DENTAL BENEFIT PLANS:

Employer-Paid Dental

☒ Plan PDENT Dental Plan
☐ Dual Option: Plan 1 _____ Plan 2 _____

Voluntary Group Dental

Plan _____

BlueMax Advantage:

☐ Graduated dental benefit max
☐ Enhanced dental benefits

☐ **Life & Disability** If checked, attach separate application for those coverages

COMMENTS: _____

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EXHIBIT A

☐ NO CHANGES ACCOUNT EXPERIENCE – NEW GROUPS ONLY

Are there any new large claims or more than fifteen percent (15%) change in large claims previous provided?

☐ No – Skip the rest of this (Account Experience) section

☐ Yes – Please answer the below questions to the best of your knowledge. Note: any changes indicated below may impact rates and will require Underwriter approval. "Participant" means all Eligible Employees, Dependents, retirees, and COBRA Continuants.

1. Has any Participant received more than twenty thousand dollars ($20,000) in medical benefits during the last twelve (12) months? ☐ Yes ☐ No
2. Is any Participant expected to have claims in excess of twenty thousand dollars ($20,000) during the next twelve (12) months? ☐ Yes ☐ No
3. Is any Participant mentally or physically handicapped or disabled or not actively at work? ☐ Yes ☐ No
4. Has any Participant been diagnosed as having a high-risk condition? ☐ Yes ☐ No

If any question is answered "yes," details must be provided below:

Participant Age	Diagnosis or Nature of the Disorder	Dates of Treatment	$ Amount of Claims	Prognosis/Current Treatment

RATES

For the current year's premium and rate information, refer to the accepted finalized new group rates letter ("Letter") or the renewal exhibit ("Exhibit") for complete details. The Letter, or Exhibit, shall be incorporated by reference and made part of the BPA and Group Administration Document.

HMO PROGRAM

☐ **Yes** ☒ **No**

Account Status: ☐ New Group ☐ Existing Group

Choose One: ☐ Blue Premier℠ HMO ☐ Blue Premier Access℠ HMO ☐ Blue Essentials℠ HMO

a) Physician Service Charges:
_____% of Claim Payments; $_____ per enrollee per month for health Claim Payments; **or** ☐ N/A

b) Service Fees:
$_____ per month per single enrollee; $_____ per month per enrollee with one or more Dependents; **or** ☐ N/A
Provider Table(s): _____

c) HMO Managed Care Fee:
$_____ per HMO enrollee per month **or** ☐ N/A

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EXHIBIT A

☒ NO CHANGES — FUNDING / CONTRIBUTION

FUNDING ARRANGEMENT:

☐ Premium – Prospective

☐ **(Non-HMO only)** Premium – Prospective Retention (Retro Contingent)

☐ **(Non-HMO only)** Alternative Funding Minimum Premium Program – Prospective Minimum Premium (Retro Contingent). The standard premium and rate information does not apply to alternative funding programs. All information regarding premiums and the payments thereof for alternative funding programs can be found in the mutually agreed upon alternative funding agreement between the Employer and BCBSTX.

STANDARD PREMIUM INFORMATION

1. Premium Period:

☐ The first (1st) day of each calendar month through the last day of each calendar month.

☐ The fifteenth (15th) day of each calendar month through the fourteenth (14th) day of the next calendar month.

☐ 15/16 Day Rule – premiums will be billed for the entire month for Participants with effective dates on the first (1st) through the fifteenth (15th) day of the month. Premiums will not be billed for the month when the Participant's effective date falls on the sixteenth (16th) day through the end of the month.

2. The contribution of premium to be paid by the Employer is:

PRODUCT	Employee Only	Employee/Child(ren)	Employee/Spouse	Employee/Family
HEALTH				
Plan 1	% **or** $	% **or** $	% **or** $	% **or** $
Plan 2	% **or** $	% **or** $	% **or** $	% **or** $
Plan 3	% **or** $	% **or** $	% **or** $	% **or** $
Plan 4	% **or** $	% **or** $	% **or** $	% **or** $
DENTAL				
Plan 1	% **or** $	% **or** $	% **or** $	% **or** $
Plan 2	% **or** $	% **or** $	% **or** $	% **or** $

3. **(HMO only)** Grace Period: thirty (30) days – standard

4. Prior written notification by BCBSTX to Employer for change of premium rates is sixty (60) days

5. Additional Information/Comments: _____

☒ NO CHANGES — BILLING SPECIFICATIONS

Employees Listed: ☐ alphabetically ☐ by location
If by location, list locations including location numbers if applicable: _____

Sort by: ☐ Unique Identification Number **(standard)**
☐ Social Security Number

Billing format:
(complete only if special billing requirements are needed)

☐ Benefit Agreement
☐ Also, Page Break
☐ Categories
☐ Multiple Billing Profiles
Explanation: _____

Premium Delay:
(Underwriter approval required for options other than zero (0) day delay)

☐ Zero (0) day delay **(standard)**
☐ Thirty (30) day delay
☐ Sixty (60) day delay
☐ Ninety (90) day delay

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☒ NO CHANGES — ID CARD DELIVERY

Mail ID Cards to:

☐ Account

☐ Member's home **(standard)**

Note: if an HMO plan is selected, HMO ID cards must be mailed to the Member's home

☒ NO CHANGES — OTHER PROVISIONS

1. **(HMO only) HMO Non-Network Plan Certification:** The Texas Insurance Code mandates HMOs whose network-based delivery system of coverage is the only health benefit coverage being offered under an Employer's health benefit plan must offer all Eligible Subscribers the opportunity to obtain other health coverage through a non-network plan at the time of enrollment and at least annually.

   The non-network coverage required by law may be provided through a point-of-service contract, a preferred provider benefit plan, or any coverage arrangement that allows an Employee to access services outside the HMO's or limited provider network's delivery network. New and renewing groups who refuse to offer or certify that they offered a non-network plan concurrent with the HMO-only will not be allowed to purchase or renew coverage through BCBSTX. To comply with the provisions of this mandate, BCBSTX requests Employer groups certify a non-network plan will be offered to Eligible Subscribers.

   Describe Non-Network Product Offered: _____

   Authorized Company Official's Initials: _____

2. **EHB Election:** Employer elects EHBs based on the Texas benchmark.

3. This BPA is incorporated into and made a part of the Policy entered into and agreed upon by BCBSTX and the account.

4. Changes in state or federal law or regulations or interpretations thereof may change the terms and conditions of coverage.

5. **Reimbursement:** It is understood and agreed that in the event BCBSTX makes a recovery on a third-party liability claim, BCBSTX will retain twenty-five percent (25%) of any recovered amounts, other than recovery amounts received as a result of, or associated with, any Workers' Compensation Law.

6. **Third-Party Recovery Vendors and Law Firms Provisions (other than Reimbursement Services)**: BCBSTX engages with third-party recovery vendors and law firms on a post-pay basis to identify and/or recover any potential overpayments that may have been made to Providers.

7. ☐ **Medical and Ancillary Package Pricing:** The rates shown in this Agreement reflect a volume-based discount in an amount up to four percent (4%) of the medical premium for the twelve (12) month period beginning on the Policy Effective Date. If the ancillary coverage (BlueCare Dental, Basic Life, Short-Term Disability, Long-Term Disability, Accident, Critical Illness and/or Vision product(s)) lapses during this twelve (12) month period, BCBSTX reserves the right to remove the volume-based discount on medical premium. In such event, upon sixty (60) days prior written notice to Employer, the premium payment will revert to the non-discounted amount.

ADDITIONAL PROVISIONS:

A. **Grandfathered Health Plans:** Employer shall provide BCBSTX with written notice prior to renewal (and during the plan year, at least sixty (60) days advance written notice) of any changes in its Contribution Rate Based on Cost of Coverage or Contribution Rate Based on a Formula towards the cost of any tier of coverage for any class of Similarly Situated Individuals as such terms are described in the Affordable Care Act and applicable regulations. Any such changes (or failure to provide timely notice thereof) can result in retroactive and/or

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prospective changes by BCBSTX to the terms and conditions of coverage. In no event shall BCBSTX be responsible for any legal, tax or other ramifications related to any benefit package of any group health insurance coverage (each hereafter a "plan") qualifying as a "grandfathered health plan" under the Affordable Care Act and applicable regulations or any representation regarding any plan's past, present and future grandfathered status. The grandfathered health plan form ("Form"), if any, shall be incorporated by reference and made part of the BPA and Group Policy, and Employer represents and warrants that such Form is true, complete, and accurate. If Employer fails to timely provide BCBSTX with any requested grandfathered health plan information, BCBSTX may make retroactive and/or prospective changes to the terms and conditions of coverage, including changes for compliance with state or federal laws or regulations or interpretations thereof.

B. **Retiree Only Plans and/or Excepted Benefits**: If the BPA includes any retiree only plans and/or excepted benefits, then Employer represents and warrants that one (1) or more such plans is not subject to some or all of the provisions of Part A (Individual and Group Market Reforms) of Title XXVII of the Public Health Service Act (and/or related provisions in the Internal Revenue Code and Employee Retirement Income Security Act) (an "exempt plan status"). Any determination that a plan does not have exempt plan status can result in retroactive and/or prospective changes by BCBSTX to the terms and conditions of coverage. In no event shall BCBSTX be responsible for any legal, tax or other ramifications related to any plan's exempt plan status or any representation regarding any plan's past, present and future exempt plan status.

C. Employer shall indemnify and hold harmless BCBSTX and its directors, officers and employees against any and all loss, liability, damages, fines, penalties, taxes, expenses (including attorneys' fees and costs) or other costs or obligations resulting from or arising out of any claims, lawsuits, demands, governmental inquiries or actions, settlements or judgments brought or asserted against BCBSTX in connection with (a) any plan's grandfathered health plan status, (b) any plan's exempt plan status, (c) any directions, actions and interpretations of the Employer, and/or (d) any provision of inaccurate information, and/or (f) Employer's selection of Essential Health Benefit ("EHB") benchmark for the purpose of ACA. Changes in state or federal law or regulations or interpretations thereof may change the terms and conditions of coverage.

The provisions of paragraphs A-C (directly above) shall be in addition to (and do not take the place of) the other terms and conditions of coverage and/or administrative services between the parties.

Notwithstanding anything in the Policy or Renewal(s) to the contrary, BCBSTX reserves the right to revise our charge for the cost of coverage (premium or other amounts) at any time if any local, state or federal legislation, regulation, rule or guidance (or amendment or clarification thereto) is enacted or becomes effective/implemented, which would require BCBSTX to pay, submit or forward, on its own behalf or on the Policyholder's behalf, any additional tax, surcharge, fee, or other amount (all of which may be estimated, allocated or pro-rated amounts).

Renewals Only: (For the purposes of this Policy, the term "existing BPA" includes, if applicable, the initial Schedule of Specifications and/or Group Agreement signed by the Employer, and any subsequent Schedules of Specifications and/or Group Agreements and amendments thereto.) If this BPA is blank, it is intentional, and this BPA is an addendum to the existing BPA. In such case, all terms of the existing BPA as amended from time to time shall remain in force and effect. However, beginning with the Employer's first renewal date on or after September 23, 2010, the provisions of paragraphs A-C (above) shall be part of (and be in addition to) the terms of the existing BPA as amended from time to time.

Summary of Benefits and Coverage ("SBC"): The SBC Addendum is attached and made a part of the Policy. BCBSTX will create the SBC (only for benefits BCBSTX insures under the Policy) and provide the SBC to the Employer in electronic format. If the Employer approves of the content, Employer will then distribute the SBC to participants and beneficiaries (or hire a third party to distribute) as required by law. If the Employer would like changes to the SBC, it will promptly notify BCBSTX. BCBSTX will also distribute the SBC to participants and beneficiaries via regular hardcopy mail or electronically in response to occasional requests received directly from individuals. All other distribution is the responsibility of the Employer.

Effective 10/01/2022, this group will be renewing with account structure changes and no changes to benefits. Adding "Surviving Dep" to all the Plans.

If you have to add Provisions about Wellness Credit, use this language: "BCBSTX will provide a one-time wellness credit of $15,000 for the twelve-month period beginning on the 10/01/2022, to be used to cover costs and expenses associated with

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implementation and/or operation of a wellness program. If Employer cancels coverage before expiration of the policy period, Employer will be required to refund BCBSTX the full amount of the wellness credit

Please add: "PDENT Dental Plan" to all BA's- new group # 347207

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EXHIBIT A

EMPLOYER STATEMENTS:

1. BCBSTX reserves the right to take any or all of the following actions:
   - **a.** Initial rates for new groups will be finalized for the effective date of the policy based on the enrolled participation and Employer contribution levels;
   - **b.** After the policy effective date, the group will be required to maintain a minimum Employer contribution of fifty percent (50%), and at least a seventy-five percent (75%) participation of eligible Employees. In the event the Group is unable to maintain the contribution and participation requirements, then the rates will be adjusted accordingly; and/or
   - **c.** Non-renew or discontinue coverage if the fifty percent (50%) minimum Employer contribution is not met and/or less than seventy-five percent (75%) of Eligible Employees are enrolled for coverage or six (6) consecutive months.

   BCBSTX reserves the right to change premium rates when a substantial change occurs in the number or composition of Subscribers covered. A substantial change will be deemed to have occurred when the number of Employees/Subscribers covered changes by ten percent (10%) or more over a thirty (30) day period or twenty-five percent (25%) or more over a ninety (90) day period.

   Employer will promptly notify BCBSTX of any change in participation and Employer contribution.

2. Producer Statement (if applicable): I certify that I have reviewed all enrollment materials. I have also advised the Employer that I have no authority to bind these coverages, to alter the terms of the Policy(ies), this BPA or enrollment material in any manner or to adjust any claims for benefits under the Policy(ies).

3. BCBSTX will report the value of all remuneration by BCBSTX to ERISA plans with one hundred (100) or more participants for use in preparation of ERISA Form 5500 schedules. Reporting will also be provided upon request to non-ERISA plans or plans with fewer than one hundred (100) participants. Reporting will include base commissions, bonuses, incentives, or other forms of remuneration for which your agent/consultant is eligible for the sale or renewal of self-funded and/or insured products.

4. The undersigned person represents that he/she is authorized and responsible for purchasing coverage on behalf of the Employer. It is understood that the actual terms and conditions of coverage are those contained in the Policy into which this BPA shall be incorporated at the time of acceptance by BCBSTX. Upon acceptance, BCBSTX shall issue a Policy to the Employer and the Employer shall be referred to as the "Employer or Policyholder" (Non-HMO) and "Group" (HMO) in the Policy.

5. The Employer's Benefit Program Application must pre-date the requested effective date and be received by BCBSTX at its home office no less than thirty (30) days prior to the requested effective date.

Eric Thomas	
Authorized BCBSTX Representative	Signature of Authorized Purchaser
Account Executive	
Title	Title
07/25/2022	
Date	Date
Agent Representative (if applicable)	

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EXHIBIT A

PROXY (OPTIONAL)

The undersigned hereby appoints the Board of Directors of Health Care Service Corporation, a Mutual Legal Reserve Company, or any successor thereof ("HCSC"), with full power of substitution, and such persons as the Board of Directors may designate by resolution, as the undersigned's proxy to act on behalf of the undersigned at all meetings of members of HCSC (and at all meetings of members of any successor of HCSC) and any adjournments thereof, with full power to vote on behalf of the undersigned on all matters that may come before any such meeting and any adjournment thereof. The annual meeting of members is scheduled to be held each year in the HCSC corporate headquarters on the last Tuesday of October at 12:30 p.m. Special meetings of members may be called pursuant to notice provided to the member not less than thirty (30) nor more than sixty (60) days prior to such meetings. This proxy shall remain in effect until revoked either in writing by the undersigned at least twenty (20) days prior to any meeting of members or by attending and voting in person at any annual or special meeting of members.

HCSC pays indemnification or advances expenses to its directors, officers, employees, or agents consistent with HCSC's bylaws then in force and as otherwise required by applicable law.

Group No.:_____

By: _____
Print Signer's Name Here

➡ _____
Signature and Title

Group Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Dated this _____ day of _____ _____
Month Year

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EXHIBIT A

BlueCross BlueShield of Texas

Consumer Choice Plan Disclosure Statement

This health plan does not include the same level of benefits required in other plans.

This HMO plan is a consumer choice plan. This plan doesn't include the same level of benefits that are in Texas health plans known as state-mandated plans. This plan does include all health benefits required by the Affordable Care Act.

To see all benefits offered by this plan, go to the plan's "Summary of Benefits and Coverage."

Benefit/coverage:	This plan:	A health plan with required benefits (state-mandated plan):
Deductible The amount you pay for care before the plan begins to share the cost.	Has a deductible.	Has no deductibles for participating provider care.
Out-of-Pocket Costs The amount you pay when you receive covered services, up to a calendar year maximum.	Includes out-of-pocket costs that meet federal requirements but may sometimes be more than in a state-mandated plan.	A copay must be less than 50% of the total cost of the service. Annual out-of-pocket costs must be capped at 200% of your annual premium cost if you alert the plan.
Home Health Services	Includes a limit for home health services.	Has no limits on home health services.

If you want a plan with all required benefits:

We also offer a state-mandated plan that includes all required benefits. This plan is not on Healthcare.gov and does not allow you to get help with premiums and out-of-pocket costs. To learn more about this plan, call 1-877-299-2377 or visit https://www.bcbstx.com/shop-plans-and-products. **By signing this form, you acknowledge the following:**

- I understand the consumer choice plan I am applying for does not provide the same level of coverage required in other Texas health plans (state-mandated plans).
- I understand I can get more information about consumer choice plans from the Texas Department of Insurance's website, https://www.tdi.texas.gov/consumer/consumerchoice.html, or by calling the Consumer Help Line at 1-800-252-3439.

Don't sign this document if you don't understand it.
No firme este documento si no lo comprende.

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EXHIBIT A

BlueCross BlueShield
of Texas

Signature of Applicant	**Date**
Name of Applicant (print name)	
Name of Business, if applicable	
Address	
City **State**	**Zip**

HMO must give you a copy of this statement upon request.

A Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association

STAFF REPORT

MEETING: City Council - 19 Jul 2022

TITLE:
Conduct a Public Hearing for consideration and action regarding the request of Peter D'Amato, applicant and owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, Duncanville, Dallas County, Texas.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Re-Imagine: High Quality of Life**
  - **Develop, maintain, and encourage safe, attractive, viable family-oriented neighborhoods that embrace diversity and pride, promoting economic vitality.**

STAFF RESPONSIBLE:
Jeremy Tennant, Director of Planning and Neighborhood Services

BACKGROUND/HISTORY:
Comprehensive Plan
The subject property has a Future Land Use Designation of Low-Density Residential. The Plan states that low-density residential represents a traditional single-family detached neighborhood and includes housing and living units for people with a range of incomes and needs. Low-density residential areas generally range between three and five dwelling units per acre.

The Plan goes on to list the following policies to guide low-density areas:

- They should be protected from, but accessible to, the major roadway network, commercial establishments, and industrial areas.
- Subdivisions should be accessible to the collector and arterial streets, but should directly access only local streets, creating a balanced land-use pattern across the City.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

This request is in conformance with the Comprehensive Plan as the proposed accessory use is for the purpose of an existing single-family residence.

Project Scope

The applicant is seeking approval to allow for the use of Short-Term Rental at the subject property. The associated structure consists of a single-family residence, approximately 1,825 square feet in size. Exterior features include existing trees, a detached garage with a carport and driveway off of Elsmere Drive, and one storage building. As of this writing, there are no active code compliance issues.

Definitions

- A Short-Term Rental is defined as 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.
- A Long-Term Rental is defined as a single-family dwelling, two-family dwelling (duplex), and townhouse, or portion thereof that is rented or offered for rent for longer than 30 days as a residence to a non-family member.
- A Boarding House is defined as a temporary or permanent residence that provides housing for four (4) or more unrelated people. Such use is not licensed by the State.
- A Bed and Breakfast is defined as a generally small, owner-operated business 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.

Parking

Single-Family Parking Requirements are as follows:

- Two (2) unenclosed, paved parking spaces.

The subject property has the required parking.

Surrounding Land Use and Zoning

The petitioned property is zoned SF-10 Single-Family Residential District and is surrounded by existing single-family residences zoned SF-10 Single-Family Residential District.

Short-Term Rental Standards

The Planning and Zoning Commission and the City Council shall consider the following standards listed in Section 3.04 (Short-Term Rental Standards) of the Zoning Ordinance:

- The applicant must obtain a Short-Term Rental permit from the City and provide proof of ownership of the residence.
- 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.
- The applicant must submit a report to the City Planner each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year.
    - 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
    - Proof of current property insurance.
- If the applicant has failed to meet one of these requirements, the City shall provide ten (10) calendar days of notice to comply.

- 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.
- Suspension or removal shall be at the discretion of the City Planner for reasons including, but not limited to, the following:
    - The applicant has given false or misleading information during the application process.
    - There has been a violation of any of the terms, conditions, or restrictions of this subsection.
    - The applicant has failed to pay the Hotel Occupancy Tax in a timely manner; or
    - The location has received three (3) complaints from the neighboring property owners for excessive noise or traffic within a twenty-four (24) month period
    - Continued operation of a Short-Term Rental following suspension or removal from the registry shall be considered a violation of this Zoning Ordinance.

Recommendation
The Planning & Zoning Commission recommended approval of the request subject to conditions.

Recommended Conditions

- There must be no loud and raucous noise may be present on the property between the hours of 10:00 p.m. and 7:00 a.m.
- The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
- The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
- A report must be submitted to the Planning staff each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year
    - Proof of payment of Hotel Occupancy Tax
    - Proof of current property insurance
- The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions, or if the Hotel Occupancy Tax has not been paid in a timely manner.
- Continued operation of a short-term rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

POLICY EXPLANATION:

Notification
Sixteen (16) notices were sent out for this public hearing. As of this writing, two responses have been received in opposition of the request. Letters will be received until Tuesday, July 19, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, July 19, 2022, City Council hearing.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ACTION ALTERNATIVES:

1. Approval of Ordinance.
2. Denial of Ordinance.
3. Other actions as directed by Council.

ATTACHMENTS:
Attachment 1 - Legal Notice
Attachment 2 - Maps
Attachment 3 - Zoning Application
Attachment 4 - Property Survey
Attachment 5 - Floor Plan
Attachment 6 - Letter of Intent
Attachment 7 - Letter to Owners within 200' Buffer & Reponses
Attachment 8 - List of Owners
Attachment 9 - PZ Minutes - June 27 2022 Draft
Attachment 10 - Ordinance No. - 2444 - SUP - 203 North Casa Grande Circle

Attachment 1

Advertise 1 time - By June 13

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-19

A public hearing will be held before the Planning & Zoning Commission on Monday, June 27, 2022, at 7:00 p.m., and before City Council on Tuesday, July 19, 2022, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Rd, Duncanville, Texas, to hear a request of the City of Duncanville for a Specific Use Permit to allow for Short-Term Rental, on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, City of Duncanville, Dallas County, Texas.

As an interested citizen, you may appear at the public hearing or you may send a notice to either Kristin Downs, the City Secretary or to Jeremy Tennant, Planning and Neighborhood Services Director, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

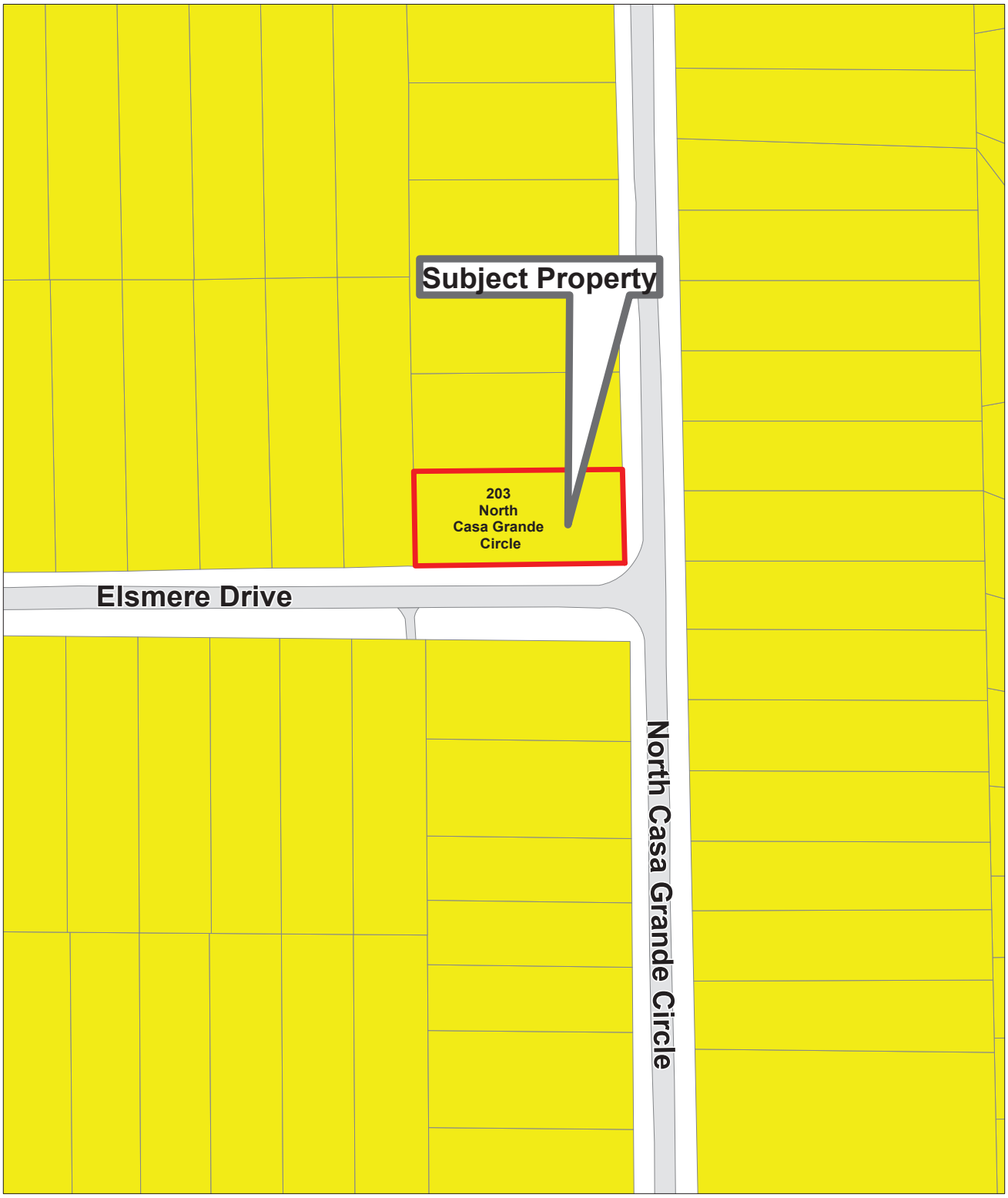
Jeremy Tennant,
Planning and Neighborhood Services Director

Attachment 2

Duncanville
City of Champions

Proposed Zoning Change
Aerial Location
203 North Casa Grande Circle

N
W
E
S



Duncanville
City of Champions

Zoning Case 2022-19
SUP Request for
Short-Term Rental

N
W E
S

Attachment 3

Duncanville
City of Champions

Public Works Department
Planning Division
203 E Wheatland Road
P.O. Box 380280
Duncanville, TX 75138
972-707-3878

ZONING CHANGE APPLICATION

CONTACT INFORMATION (REQUIRED)

Applicant/ Agent Peter D'Amato **Contact:** Peter D'Amato

☐ **Engineer** ☐ **Architect** ☐ **Surveyor** ☒ **Owner** ☐ **Other**

Applicant/Agent Address: 211 N. Casa Grande Cr. **City:** Duncanville **State:** TX **Zip:** 75116

Agent Email: peter_damato@sil.org **Telephone:** 214 908 3835 **(Fax)** —

Property Owner: Peter & Sieu T. D'Amato Contact:

Owner Address 211 N Casa Grande Circle City: Duncanville State: TX Zip: 75116

Owner Email: peter_damato@sil.org Telephone: 214 908 3835 (Fax) —

PROPERTY INFORMATION (REQUIRED)

Property Address: 203 N. Casa Grande Circle, Duncanville, TX 75116

Legal Description of Property: Winona Gardens 2

Lot No. 12 Block No. 4 Acreage: 1/2 Existing Zoning District: SF-10

REQUEST TYPE (REQUIRED)

☐ Specific Use Permit - Commercial
For

☒ Specific Use Permit - Residential
For Airbnb use

☐ Change in Zoning
From To

☐ Planned Development (PD)
☐ Amend PD Approval
☐ Development Plan Approval
☐ Conceptual Plan Approval
☐ Alternative Compliance Request

SUBMITTAL DOCUMENTS (REQUIRED)

ALL ZONING REQUESTS MUST CONTAIN THE FOLLOWING DOCUMENTATION

☒ Completed application
☒ Application fee
☒ Property survey, or site plan or electronic copy of the metes and bounds legal description Microsoft word format or plat
☒ Written description of request (associated variance requests require justification), business statement or business plan with detailed description of proposed operation
☒ Electronic copies of all submittals via email

Acknowledgments

I understand that all required information and plans must be submitted with this application or the application be deemed incomplete.

I hereby authorize the placing of a sign on subject property indicating a zoning change is under consideration.

I understand the requirements of the zoning classifications as stated in the City of Duncanville Zoning Ordinance related to this request and will comply with all necessary requirements of the City codes. I am aware that the City Council has the power to zone land as most appropriate in their wisdom, to promote the health, safety, and morals and for the protection and preservation of places of historical or cultural importance, and the general welfare of the community.

I have read and understand this application and certify that all information and attachments are true and correct. I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the request described. Applicants (or a representative) are expected to be present at all public hearings concerning this application to justify and explain their request and to answer questions posed by the City Planning and Zoning Commission and City Council.

Signature of Current Property Owner

5/11/22
Date

Notarization

BEFORE ME, SENAIDA VALDEZ- NOTARY, on this day personally appeared PETER DAMATO, known to or proved to me on the oath of DALLAS COUNTY or through TXDL (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11 day of MAY, 2022.

(Seal)

SENAIDA VALDEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 10-12-24
Notary ID # 546318-9

Notary Public in and for the State of Texas
My Commission Expires: 10/12/2024

Following is to be completed only if a person other than the owner is submitting this application.

Owner Validation

Applicant has permission to pursue a zoning change on the property located at _____ with the City of Duncanville.

_____ _____

Signature of Owner/Agent Date

BEFORE ME, _____, on this day personally appeared_____, known to or proved to me on the oath of _____ or through_____ (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this_____ day of_____, 20___.

(SEAL)

_____

Notary Public in and for the State of Texas

My Commission Expires: _____

SUBMITTAL CHECKLIST

Specific Use Permit - Commercial

Please check if applicable

YES	N/A	
☐	☒	Written Letter with detailed description of proposed operation
☐	☒	Site Plan
☐	☒	Building Elevation and Signage Plan
☐	☒	Landscape Plan
☐	☒	Floor Plans
☐	☒	Other _____

Specific Use Permit - Residential

Please check if applicable

YES	N/A	
☒	☐	Written Letter of Intent with detailed description of request
☐	☒	HOA approval letter (if applicable)
☐	☒	Drawings, spec sheets, diagrams or other documents in electronic format (PDF)
☐	☒	Letter from owner (if applicant is not owner) and/or approval letter from HOA (if applicable)
☐	☒	Other _____

Planned Development

YES	N/A	
☐	☒	Written Letter with detailed description of proposed development with proposed conditions
☐	☒	Conceptual Plan

(The purpose of a Conceptual Plan is to provide a general layout of the proposed development prior to a more specific Development Plan being submitted. A Conceptual Plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed.)

☐	☒	Development Plan with proposed PD Conditions

(The purpose of a Development Plan is to specifically illustrate the proposed location and arrangement of uses and structures, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development. Development Plan shall be incorporated into the regulations of the PD ordinance, shall be construed in conjunction with the authorized uses and development standards set forth in such regulations, and shall be in general conformity with the approved Conceptual Plan for the PD (if applicable).

REQUIRED

Attachment 4

SURVEY PLAT

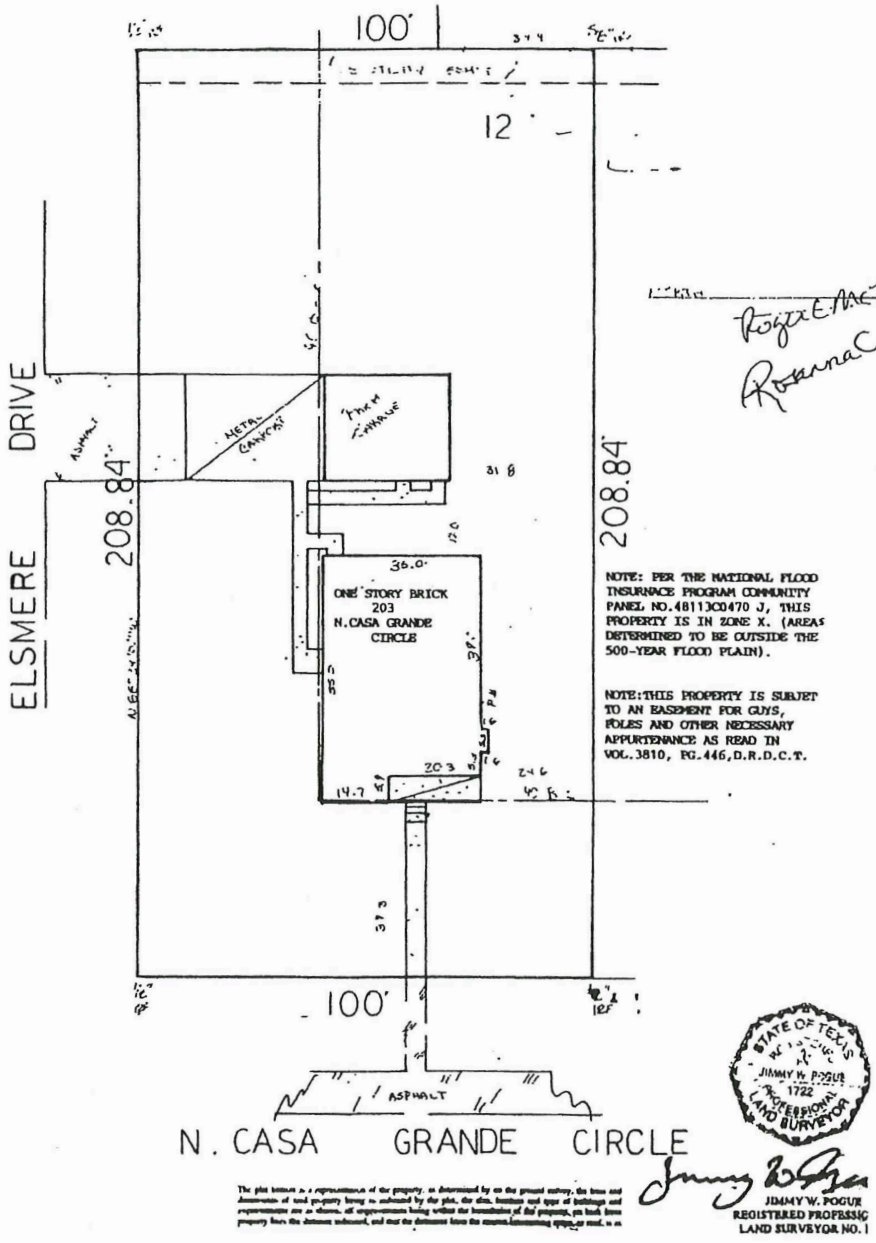
This is to certify that I have, this date, made a careful FIELD survey on the ground of property located at No. 203 N. CASA GRANDE CIRCLE in the city of DUNCANVILLE, Texas

BEING SOUTH 100' OF LOT 12, BLOCK 4,

OF WINONA GARDENS ADDITION #2, an addition to the

City of DUNCANVILLE, DALLAS COUNTY, Texas, according to the PLAT thereof

recorded in VOLUME 19, PAGE 275, OF THE MAP Records OF DALLAS County, Texas.



NOTE: PER THE NATIONAL FLOOD INSURNACE PROGRAM COMMUNITY PANEL NO.48113C0470 J, THIS PROPERTY IS IN ZONE X. (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN).

NOTE:THIS PROPERTY IS SUBJET TO AN EASEMENT FOR GUYS, POLES AND OTHER NECESSARY APPURTENANCE AS READ IN VOL.3810, PG.446,D.R.D.C.T.

Roger E. McLain
Roxanna C. McLain

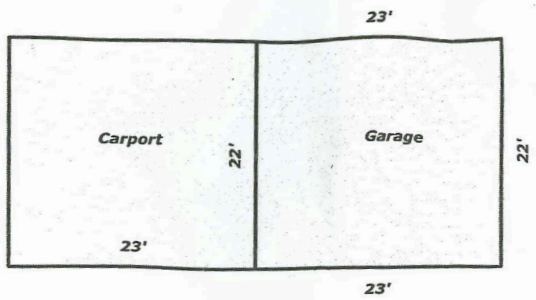
STATE OF TEXAS
JIMMY W. POGUE
1722
REGISTERED PROFESSIONAL LAND SURVEYOR

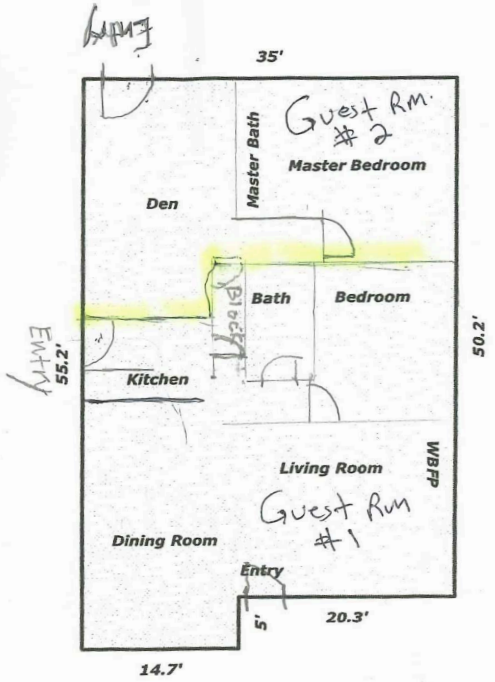
JIMMY W. POGUE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1

The plat hereon is a representation of the property, as determined by on the ground survey, the lines and dimensions of said property being as indicated by the plat, the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, no encroachments or projections other than shown, and that the distances from the nearest intersecting street or road, is as shown.

Casa Grande Cir
File No.: 200311
Case No.:
State: TX
Zip: 75116
Mortgage

Attachment 5





Sketch by Apex Medina™

Comments:

203 N. Casa Grande Cir. Duncanville 75116

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	1830.5	1830.5
GAR	Garage	506.0	
	Carport	506.0	1012.0

LIVING AREA BREAKDOWN

Breakdown			Subtotals
First Floor			
35.0	x	50.2	1757.0
5.0	x	14.7	73.5

Attachment 6

To:	**City of Duncanville, Planning & Zoning Division**
From:	**Peter & Siew T. D'Amato**
Address:	**211 N. Casa Grande Circle, Duncanville, TX 75116**
RE:	**Specific Use Permit (Residential) Application**
	Letter of Intent
For:	**203 N. Casa Grande Circle, Duncanville, TX 75116**
Date:	**May 10, 2022**

The address that we are requesting a Specific Use Permit is next door to our personal residence. There are 2 bedroom areas that we use for Airbnb guests. One unit is 1,000SF and the other 800SF, both have separate entrances and bathrooms and access is blocked between the 2 units.

Parking (when the guest has a vehicle) is in a designated place in the driveway. We don't allow street parking. We do not allow more than one guest per unit/bedroom, nor do we allow visitors. Our focus and purpose is to provide quiet, safe and friendly accommodation for the business traveler or people that are in transition.

Attachment 7

City of Duncanville Planning Division
Development Services
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

June 13, 2022

Zoning File: 2022-18

Dear Property Owner:

Peter D'Amato, Applicant and Owner, is requesting approval of a Specific Use Permit to allow for the use of Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, in the City of Duncanville, Dallas County, Texas.

Your property is NOT being rezoned. You have been sent this notice because you are within the required 200-foot notification area of property that is being considered for rezoning for this particular public hearing. Please refer to the enclosed map that indicates which property is being rezoned.

The Planning and Zoning Commission will hold a public hearing on Monday, June 27, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, July 19, 2022, at 7:00 p.m., both in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change. If you oppose the zoning change, however, the attached survey must be completed and returned by July 19, 2022, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary, Kristin Downs, or to Jeremy Tennant, Planning and Neighborhood Services Director, P.O. Box 380280, Duncanville, Texas, 75138-0280 or email lromero@duncanville.com stating your position. You are encouraged to participate in the public hearing and offer comments.

Sincerely,

Jeremy Tennant

Jeremy Tennant
Planning and Neighborhood Services Director

Enclosures

City of Duncanville Planning Division
Development Services
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

Junio 13, 2022

Archivo de zonificación: 2022-18

Estimado propietario:

Peter D'Amato, Solicitante y Propietario, está solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Alquiler a Corto Plazo en Winona Gardens 2, Block 4 S 100 FT, Lot 12, más comúnmente conocido como 203 North Casa Grande Circle, en la ciudad de Duncanville, condado de Dallas, Texas.

Su propiedad NO está siendo rezonificada. Se le ha enviado este aviso porque se encuentra dentro del área de notificación requerida de 200 pies de la propiedad que se está considerando para la rezonificación para esta audiencia pública en particular. Consulte el mapa adjunto que indica qué propiedad se está rezonificando.

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 27 de Junio de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 19 de Julio de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto. Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del 19 de Julio de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretaria de la Ciudad, Kristin Downs, o a Jeremy Tennant, Director de Planificación y Servicios Vecinales, P.O. Box 380280, Duncanville, Texas, 75138-0280 o enviar un correo electrónico lromero@duncanville.com indicando su posición. Se le anima a participar en la audiencia pública y ofrecer comentarios.

Sinceramente

Jeremy Tennant

Jeremy Tennant
Director de Planificación y Servicios Vecinales

Recintos

The following form may be filled out and mailed to:

Planning and Zoning Commission
City of Duncanville
Attn: Development Services Department
P.O. Box 380280
Duncanville, TX 75138-0280

Case No. 2022-19 Peter D'Amato, Applicant and Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, in the City of Duncanville, Dallas County, Texas. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

NOTE: The purpose of the request is to allow for the use of Short-Term Rental.

You have been sent this notice since your property is within the 200-foot notification area of the property being requested for a zoning change. **Your property is not being rezoned.**

The Planning and Zoning Commission will hold a public hearing on Monday, June 27, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, July 19, 2022, at 7:00 p.m., both at the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by July 19, 2022, to fulfill legal requirements for a written formal protest.

Please check one:

_____ ***In favor*** *of granting the zoning request.*

_____ ***Not in favor*** *of granting the zoning request.*

My reasons are as follows:

1).

2).

3).

Printed Name: _____ Address: _____

Signature: _____ Date: ___

El siguiente formulario puede ser llenado y enviado por correo a:

Planning and Zoning Commission
City of Duncanville
Attention: Departamento de Servicios de Desarollo
P.O. Box 380280
Duncanville, TX 75138-0280

Caso No. 2022-19 Peter D'Amato, Solicitante y Propietario, está solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Alquiler a Corto Plazo en Winona Gardens 2, Block 4 S 100 FT, Lot 12, mas comúnmente conocido como 203 North Casa Grande Circle, en la Cuidad de Duncanville, condado de Dallas, Texas. Esta es la primera de dos audiencias públicas que se han programado para recibir más información sobre el cambio de zonificación solicitado.

NOTA: El propósito de la solicitud es permitir el uso de Alquiler a Corto Plazo.

Se le ha enviado este aviso ya que su propiedad está dentro del área de notificación de 200 pies de la propiedad que se solicita para un cambio de zonificación. **Su propiedad no está siendo rezonificada.**

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 27 de Junio 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 19 de Julio de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto.

Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del 19 de Julio de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Por favor, marque uno:

_____ ***A favor*** de conceder la solicitud de *zonificación.*

_____ ***No a favor*** de otorgar la solicitud de *zonificación.*

Mis razones son las siguientes:

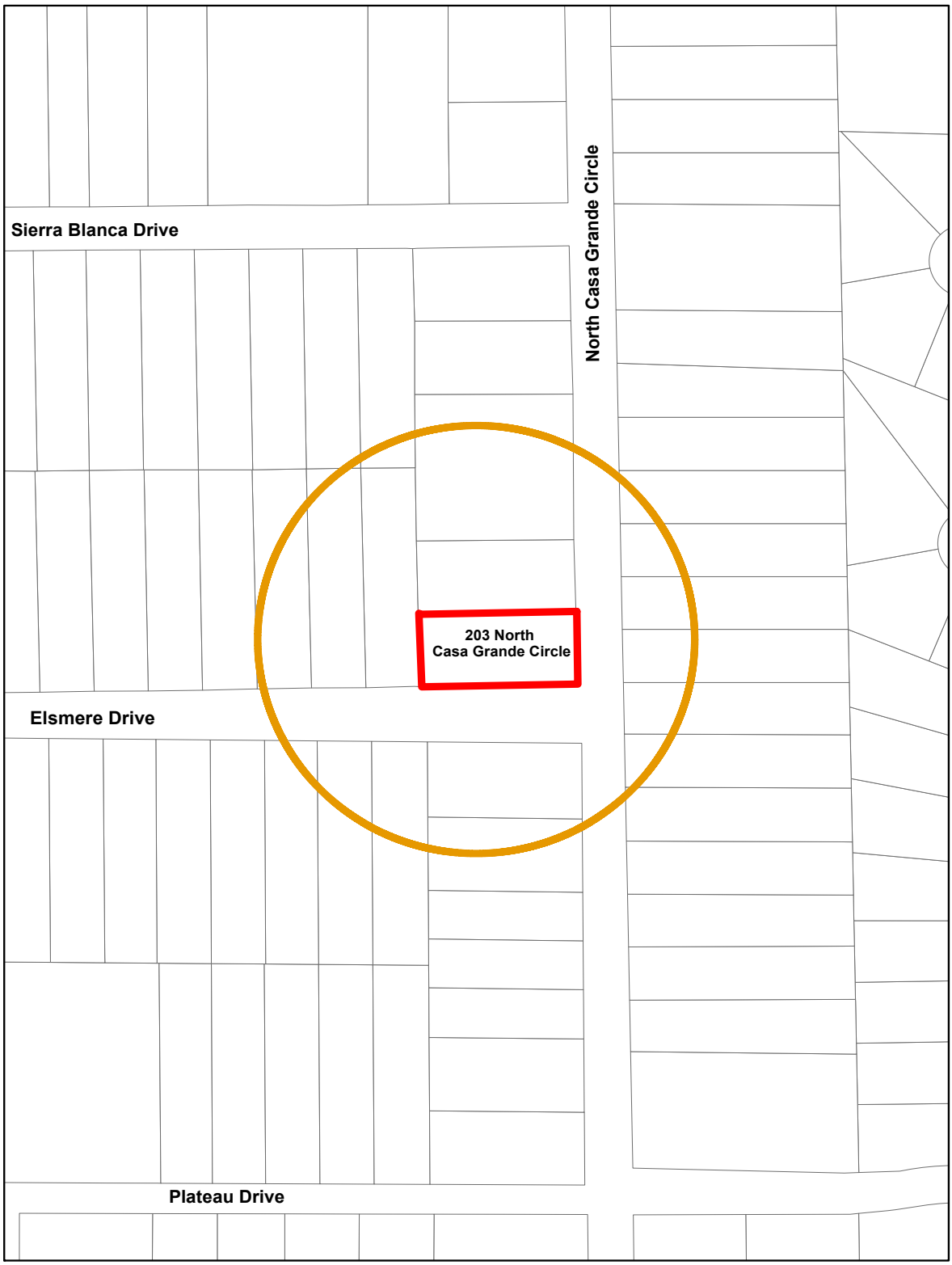
1).

2).

3).

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: __


Sierra Blanca Drive
North Casa Grande Circle
203 North
Casa Grande Circle
Elsmere Drive
Plateau Drive

1

From: mikeradillo@aim.com
To: Lynette Romero
Subject: Zoning
Date: Thursday, June 23, 2022 12:23:27 PM

This is Laura radillo, we are against the rezoning of 203 n casa grande circle. I spoke with the owner when they bought the house, she mentioned that it would be used as a rehab facility. I'm too close to this house, I have small grandchildren I just don't feel safe. Thank you

Sent from the all new AOL app for iOS

2

From: WIRELESS CALLER
To: Lynette Romero
Subject: AIr B & B
Date: Sunday, June 26, 2022 10:25:28 PM

Mr. Romero,

I am against 211 N. Casa Grande Circle and 203 N. Casa Grande receiving special use permits to become short term rentals. We have enough crime city without welcoming more. This is our neighborhood. Frankly I regret moving back to Duncanville. Enough is enough.
Margaret Atteberry
1207 Plateau Dr.
Winona Gardens.

Sent from my iPhone

Attachment 8

GOODSPEED DAVID P
114 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164102

DILLARD LLOYD F ET AL TR
116 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164102

GONZALEZ PRISCILIANA
118 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164102

FLUITT CHAYENNE M
204 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

~~FLUITT CHAYENNE M &~~
~~204 N CASA GRANDE CIR~~
~~DUNCANVILLE, TEXAS 751164104~~

ROGERS FAMILY TRUST
7330 OTOMI ST
DALLAS, TEXAS 752365604

SILVA RICARDO & DIANA
208 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

CHOI BYUNG C
113 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164101

KUDRNA TYLEE L & AMANDA L
115 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164101

RADILLO LAURA & MIGUEL
1206 ELSMERE DR
DUNCANVILLE, TEXAS 751164108

WADE JOY C
1210 ELSMERE DR
DUNCANVILLE, TEXAS 751164108

MORIN CRUZ & MARIA I
1214 ELSMERE DR
DUNCANVILLE, TEXAS 751164108

DIAZ YOLANDA
1215 ELSMERE DR
DUNCANVILLE, TEXAS 751164107

VILLARREAL DEBRA ANN
1207 ELSMERE DR
DUNCANVILLE, TEXAS 751164107

SHELTON TRAVIS L
1211 ELSMERE DR
DUNCANVILLE, TEXAS 751164107

DAMATO PETER & SIEW T
211 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164103

~~DAMATO PETER~~
~~211 N CASA GRANDE CIR~~
~~DUNCANVILLE, TEXAS 751164103~~

~~DAMATO PETER & SIEW T~~
~~211 N CASA GRANDE CIR~~
~~DUNCANVILLE, TEXAS 751164103~~

MORENO FRANCISCO JAVIER
1208 SIERRA BLANCA DR
DUNCANVILLE, TEXAS 751164118

16 notices mailed

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, JUNE 27, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, June 27, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

Betty Culbreath	Chairman	Excused Absence
Elias Rodriguez	Vice-Chairman	
Eric Pena	Commissioner	
Jana McBroom	Commissioner	Excused Absence
Javar Avery	Commissioner	
Edward Stith	Commissioner	

Staff present:
Jeremy Tennant, Director of Planning and Neighborhood Services
Lynette Romero, Planning Technician

Item No. 1 – Call to Order.

The meeting was called to order at 7:00 p.m. by Vice-Chairman Rodriguez.

Item No. 2 – Receive Public Comments.

No public comments were received.

Item No. 3 – Approval of meeting minutes for the regular meeting on June 13, 2022.

Commissioner Avery made a motion as seconded by Commissioner Stith to approve the minutes. The vote was unanimous 4-0 in favor with Chairman Culbreath and Commissioner McBroom absent.

Item No. 4 – Conduct a public hearing (2022-18) for consideration and action regarding the request of Telese Clark, Applicant, representing Charlotte Chamness of B H Industrial LLC, Owner, to include a Specific Use Permit "SUP" for Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Red Bird Lane, Duncanville, Dallas County, Texas.

Vice-Chairman Rodriguez informed the audience that item number four would not be discussed and that the item had been rescheduled for the July 25th Planning and Zoning meeting.

Item No. 5 – Conduct a public hearing (2022-17) for consideration and action regarding the request of Audra Buckley of Permitted Development, LLC, Applicant, representing Bruce Veyna of S. E. Funeral Homes of Texas, Inc., Owner, to include a Specific Use Permit "SUP" for Event Center on Orig town

Unapproved

Duncanville, Block 6 PT and Block 7 ACS 1.572, more commonly known as 200 West Center Street, Duncanville, Dallas County, Texas.

Staff presented background information regarding the proposed request for SUP.

The applicant, Audra Buckley, was present. Miss Buckley spoke in favor of the request.

Commissioner Stith asked Miss Buckley if a traffic impact study had been completed. Miss Buckley answered no.

Commissioner Avery asked questions regarding reason for location, past incidents, percentage of the business that the business owner handles, clean up, common number of guests and vehicles, and timeline for completing proposed renovations.

Armando Aguilar, 3001 Ovilla Rd., Ovilla, TX 75154, business owner of Aguilar Events, was present and answered Commissioner Avery's questions. Mr. Aguilar stated that he chose Duncanville because of its availability, accessibility, and the City's desire for an event center. He stated there were very few incidents that have occurred in the past between family. He stated that he handles 50% of the business and this includes rental of the space and security. He stated customers may choose to use the catering provided by the event center or use an outside company. Mr. Aguilar stated cleanup is handled right after the event and an additional cleanup is completed the Monday after the event as well. He stated that there are about 200 people at each event, and he guessed that there is anywhere between 50-70 vehicles during the event. Mr. Aguilar stated that it would take him at most one year to complete all renovations.

Commissioner Stith asked Mr. Aguilar if he would be completing a great deal of interior renovations. Mr. Aguilar stated yes.

Vice-Chairman Rodriguez asked questions regarding catering and overflow of parking. Mr. Aguilar answered stating that there would be no kitchen and no cooking. He stated that his business only caters. He stated that he has his own caterer that brings in prepared food. Mr. Aguilar stated that there will be a catering room that will have commercial appliances such as an ice machine for drinks and tables for food. Mr. Aguilar stated that the required parking is 73 spaces but will be providing 83 spaces.

Staff answered Vice-Chairman Rodriguez's question about overflow of parking. Staff stated that there is no opportunity for parking along the street, but that there are two business, one next to and one across the street from subject property that presents an opportunity for a shared parking agreement.

Vice-Chairman Rodriguez asked Mr. Aguilar if weapons would be allowed into the building. Mr. Aguilar responded no.

Vice Chairman Rodriguez opened the floor for public comments.

Misty Bain, 102 Walnut Street, spoke in opposition of the request.

Unapproved

Mr. Aguilar responded to Miss Baine's concerns stating that the building will be insulated preventing any loud raucous noise from being heard from outside.

Commissioner Avery asked staff about the possibility of placing the condition of requiring a police officer on site. Staff responded stating that they would not recommend placing a condition of requiring a police officer due to the issue of availability. Staff recommended that the Commission make a condition for requiring a peace officer. Staff stated that this would allow the business owner to enter into an agreement with a private security company that can provide a peace officer on site.

Commissioner Avery made comments about his support for the proposed SUP request. He also stated his concerns about security and what his proposed recommendations for the proposed SUP request were.

Mr. Aguilar responded to Commissioner Avery's concerns stating that staff is always present during the events and security is and will always be present as well.

Commissioner Avery asked if Mr. Aguilar will have enough staff for each of his locations. Mr. Aguilar responded yes.

Commissioner Pena asked Mr. Aguilar if he would be having security during events incase an incident occurs. Mr. Aguilar responded yes.

Vice Chairman Rodriguez asked Mr. Aguilar how he would control the bringing in of alcohol. Mr. Aguilar stated that he has Texas Alcoholic Beverage Commission (TABC) certified staff, and that any alcohol brought in must be given to staff for bartenders to serve.

Commissioner Avery asked how Mr. Aguilar will keep incidents from happening outside the event center. Mr. Aguilar stated that when guests walk out, they usually leave and do not hang out in the parking lot.

Commissioner Avery asked Mr. Aguilar how his business would be affected if he ended his events at midnight. Mr. Aguilar stated that moving his closing time will hurt his business because most customers want their event to end at 2:00 a.m., but he restricts the events from going past 1:00 a.m.

Vice-Chairman Rodriguez closed the public hearing.

Miss Baines raised her hand to ask a question. Vice-Chairman Rodriguez allowed the question. Miss Baines asked what the maximum number of people is allowed in the facility. Vice-Chairman Rodriguez stated that Mr. Aguilar stated he would have about 200 people. Commissioner Pena added to Vice-Chairman Rodriguez's response. He stated that the Building Official determines occupancy load using the guidelines listed in the code requirements. Miss Baines asked who would keep the facility from going over the occupancy load. Vice-Chairman Rodriguez stated that it would be the City's Fire Department.

Unapproved

The commission discussed possible recommendations for the SUP.

Commissioner Avery made a motion to approve the request for SUP with the following conditions, including conditions that the applicant proposed to ensure that the use remains in good standing with the surrounding neighborhood:

- There must not be any loud and raucous noise heard outside the building of the property between the hours of 10:00 p.m. and 1:00 a.m.
- There must not be any littering and trash left on the property overnight.
- Lighting illumination must be contained within the property and not illuminate onto adjacent properties.
- All patrons are required to vacate the property by no later than 1:15 a.m.
- The Event Center or Banquet Hall shall be used for the sole purpose of lease or rental by others for a privately sponsored event that is not open to the public and does not charge an admission fee of any type for entry into the event or establishment. Examples of privately sponsored events that are not allowed to be held at the Event Center or Banquet Hall include but are not limited to, quinceañeras, wedding receptions, graduation parties, etc. Community meetings regarding public issues or townhalls intended for the public are exempt from this provision.
- The primary entrance to the facility shall be located on the south side of the building adjacent to the parking lot. The entrance facing west Center Street shall be for deliveries and ADA patrons only.
- The operator must provide security personnel in the form of peace officers, private security firms, etc. to assist with all events from the hours of 8:00 p.m. and 2:00 a.m.
- The operator's staff must be on-site whenever an event occurs. A member of staff must serve or dispense alcoholic beverages under the authority of a license, certification, or permit, including persons who immediately manage, direct, supervise, or control the service of alcoholic beverages.

Commissioner Pena seconded the motion to approve the request for SUP. The vote was 3-1 with Commissioner Stith in opposition and Chairman Culbreath and Commissioner McBroom absent.

Item No. 6 – Conduct a public hearing (2022-19) for consideration and action regarding the request of Peter D'Amato, Applicant and Owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, Duncanville, Dallas County, Texas.

Staff presented background information on the proposed request for SUP.

The applicant and owner, Peter D'Amato, was present. Vice-Chairman Rodriguez asked Mr. D'Amato if he lives on the property, what the square footage of the house is, how many bedrooms and bathrooms the house has, how long he has owned the property, if this was his only short-term rental and how long he has owned this property. Mr. D'Amato stated that he does not live at the property, that the house is approximately 1,836 square feet, that that the house has 2 bedrooms and 2 bathrooms, that he also operates a short-term rental at the house he resides - 211 North Casa Grande Circle and has owned 203 North Casa Grande Circle two years now.

Commissioner Pena asked Mr. D'Amato what his target market is and where his residence is located.

Unapproved

Mr. D'Amato stated that his target market are single travelers, and that the house he resides at, 211 North Casa Grande Circle, is two lots down.

Mr. D'Amato gave background information on his operation of short-term rentals.

Ethan D'Amato, 211 North Casa Grande Circle, spoke in favor of the request.

Joshua D'Amato, 211 North Casa Grande Circle, spoke in favor of the request.

Siew D'Amato, 211 North Casa Grande Circle, spoke in favor of the request.

Stuart Carlson, 822 Sherrill Boulevard, spoke in favor of the request.

Ruth Carlson, 822 Sherrill Boulevard, spoke in favor of the request.

Vice-Chairman Rodriguez closed the public hearing. More citizens came in after the closing of the public hearing. Vice-Chairman Rodriguez informed the newcomers that questions could be asked after voting.

Commissioner Avery asked Mr. D'Amato how he keeps parties from happening on the property. Siew D'Amato, wife of Mr. D'Amato, answered Commissioner Avery stating that they only allow one guest, require a background check, ask them several questions, and make the guest acknowledge their house rules. She also stated that Airbnb is called right away if any guest breaks any of their house rules.

Commissioner Avery asked staff what could be done if an Airbnb does not comply with the ordinance. Staff stated that the Commission may place conditions that will revoke the SUP if the Airbnb is not in compliance with the City ordinance and regulations.

Mrs. D'Amato stated that one of their reasons for operating a short-term rental is to provide a source of income and an occupation for her son Ethan incase anything happened to her and her husband.

Commissioner Pena made a motion to approve the request for SUP with the following staff recommended conditions:

1. No loud and raucous noise may be present on the property between the hours of 10:0 p.m. and 7:00 a.m.
2. The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
3. The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
4. A report must be submitted to Planning staff each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year
    - Proof of payment of Hotel Occupancy Taxes
    - Proof of current property insurance

Unapproved

5. The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions or if the Hotel Occupancy Tax has not been paid in a timely manner.
6. Continued operation of a Short-Term Rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

Commissioner Stith seconded the motion. The vote was unanimous 4-0 with Chairman Culbreath and Commissioner McBroom absent.

Vice-Chairman Rodriguez opened the floor for public comments.

Jennifer Sircy, 1214 Sierra Blanca Drive, inquired what will be going on with the property. Vice-Chairman Rodriguez answered Miss Sircy and stated that they are operating a short-term rental at this specific property.

Ricardo Silva, 208 North Casa Grande Circle, inquired about what measures the owners will be taking to keep the neighborhood safe while operating as a short-term rental. Vice-Chairman Rodriguez stated that the Commission only recommends and that the City Council will have the final decision. He also stated that there are provisions that have been placed to prevent short-term rentals from operating if they are non-compliant.

Misty Bain, 102 Walnut Street, stated that at the last City Council meeting the City Attorney stated that the owner operating the short-term rental must reside on the property. Staff answered Miss Bain stating that the definition for short-term rental listed in the Comprehensive Zoning ordinance does not mention that the owner must reside on the property. Vice-Chairman Rodriguez added that he was not present during that particular City Council meeting, but that she may request an open record request or possibly a meeting with staff or the City Attorney for clarification.

Item No. 7 – Conduct a public hearing (2022-20) for consideration and action regarding the request of Peter D'Amato, Applicant and Owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, Duncanville, Dallas County, Texas.

Staff presented background information on the proposed request for SUP.

The applicant and Owner, Mr. D'Amato, and his family were present.

Commissioner Pena asked what the number of guests are for this house. Mrs. D'Amato answered stating that there are two units within the house, and they only allow one guest per unit. Commissioner Pena asked if this house had the same target market as 203 North Casa Grande Circle. Mr. and Mrs. D'Amato stated yes.

Diana Silva, 208 North Casa Grande Circle, spoke and inquired if this house would be an Airbnb and what their customer base is. Vice-Chairman Rodriguez answered Mrs. Silva stating that yes, the

Unapproved

owners will be renting out two rooms within their household only allowing a total of two guests in their home. He also stated that he could not really answer the question about the type of people renting from the owners. Vice-Chairman Rodriguez allowed the owners to respond. Mrs. D'Amato answered Mrs. Silva's question and gave her background information on her operation and procedures.

Commissioner Stith made a motion to approve the request for SUP with the following staff recommended conditions:

1. No loud and raucous noise may be present on the property between the hours of 10:0 p.m. and 7:00 a.m.
2. The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
3. The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
4. A report must be submitted to Planning staff each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year
    - Proof of payment of Hotel Occupancy Taxes
    - Proof of current property insurance
5. The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions or if the Hotel Occupancy Tax has not been paid in a timely manner.
6. Continued operation of a Short-Term Rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

Commissioner Pena seconded the motion. The vote was unanimous 4-0 with Chairman Culbreath and Commissioner McBroom absent.

Item No. 8 – Continue discussion pertaining to the five-year Comprehensive Plan update. Discuss incorporating new areas of interest within the area maps – Wheatland Plaza.

Commissioner Avery informed the audience about the updating of Duncanville's Comprehensive Plan and the Commission's idea of incorporating the Duncanville ISD bus barn and Wheatland Plaza into the Downtown District.

Vice-Chairman Rodriguez added that the Commission also has the idea of possibly implementing a stringent energy code to control the type of materials used for new development.

Ricardo Silva, 208 North Casa Grande Circle, spoke and inquired whether there would be an implementation of energy code for existing dwellings. Vice-Chairman Rodriguez answered Mr. Silva stating yes, that he is currently working on something.

Vice-Chairman Rodriguez thanked the audience for their participation before adjourning.

Item No. 9 – The meeting adjourned at 9:08 p.m.

Unapproved

_____
Jeremy Tennant, Director of Planning and Neighborhood Services

_____
Elias Rodriguez, Vice-Chairman

Unapproved

ORDINANCE NO. 2444

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY AMENDING THE EXISTING SF-10 SINGLE-FAMILY RESIDENTIAL DISTRICT TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR SHORT-TERM RENTAL ON REAL PROPERTY LOCATED ON WINONA GARDENS 2, BLOCK 4, LOT 12, MORE COMMONLY KNOWN AS 203 NORTH CASA GRANDE CIRCLE, CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR SPECIAL CONDITIONS, IF ANY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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, THAT:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Duncanville, Texas, as heretofore amended, by amending the existing SF-10 Single-Family Residential District zoning to grant a Specific Use Permit “SUP” to allow for Short-Term Rental on real property located on Winona Gardens 2, Block 4, Lot 12, more commonly known as 203 North Casa Grande Circle, City Of Duncanville, Dallas County, Texas and being more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes (the “Property”).

SECTION 2. That the above-described property shall be used and developed only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Duncanville and regulations under the Code of Ordinance, as heretofore amended, and subject to the following additional special conditions:

a. No Loud and raucous noise may be present on the property between the hours of 10:00 p.m. and 7:00 a.m.

b. The Specific Use Permit will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.

c. The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.

d. A report must be submitted to the Planning staff 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
   3. Proof of current property insurance

e. The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions, or if the Hotel Occupancy Tax has not been paid in a timely manner.

f. Continued operation of a short-term rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance

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 Comprehensive Zoning Ordinance as a whole.

SECTION 4. That all provisions of the Ordinance of the City of Duncanville in conflict with provisions of this Ordinance be, and 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 5. That the above-described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this special use permit.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor, and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by 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 constitute a separate offense.

SECTION 7. 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 ORDAINED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 16th day of August, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Exhibit "A"
Legal Description

Being Lot 12, Block 4, Winona Gardens in the City of Duncanville, Dallas County, Texas and more commonly referred to as 203 North Casa Grande Circle.

STAFF REPORT

MEETING: City Council - 19 Jul 2022

TITLE:
Conduct a Public Hearing for consideration and action regarding the request of Peter D'Amato, applicant and owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, Duncanville, Dallas County, Texas.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Re-Imagine: High Quality of Life**
  - **Develop, maintain, and encourage safe, attractive, viable family-oriented neighborhoods that embrace diversity and pride, promoting economic vitality.**

STAFF RESPONSIBLE:
Jeremy Tennant, Director of Planning and Neighborhood Services

BACKGROUND/HISTORY:
The applicant has requested for a continuation of the item to the August 16th Regular City Council Meeting.

Comprehensive Plan
The subject property has a Future Land Use Designation of Low Density Residential. The Plan states that low density residential represents a traditional single-family detached neighborhood and includes housing and living units for people with a range of incomes and needs. Low density residential areas generally range between three and five dwelling units per acre.

The Plan goes on to list the following policies to guide low density areas:

- They should be protected from, but accessible to, the major roadway network, commercial establishments, and industrial areas.
- Subdivisions should be accessible to collector and arterial streets, but should directly access only local streets, creating a balanced land-use pattern across the City.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

This request is in conformance with the Comprehensive Plan as the proposed accessory use is for the purpose of an existing single-family residence.

Project Scope

The applicant is seeking approval to allow for the use of Short-Term Rental at the subject property. The associated structure consists of a single-family residence, approximately 4,497 square feet in size. The house sits approximately 47 feet from the front property line. Exterior features include existing trees, and an attached garage on the west side of the residence. The subject property also include a double driveway with both entrances off of North Casa Grande Circle. As of this writing, there are no active code compliance issues.

Definitions

- A Short-Term Rental is defined as 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.
- A Long-Term Rental is defined as a single-family dwelling, two-family dwelling (duplex) and townhouse, or portion thereof that is rented or offered for rent for longer than 30 days as a residence to a non-family member.
- A Boarding House is defined as a temporary or permanent residence that provides housing for four (4) or more unrelated people. Such use is not licensed by the State.
- A Bed and Breakfast is defined as 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.

Parking

Single-Family Parking Requirements are as follows:

- Two (2) unenclosed, paved parking spaces.

The subject property has the required parking.

Surrounding Land Use and Zoning

The petitioned property is zoned SF-10 Single-Family Residential and is surrounded by existing single-family residences zoned SF-10 Single-Family Residential District.

Short-Term Rental Standards

The Planning and Zoning Commission and the City Council shall consider the following standards listed in Section 3.04 (Short-Term Rental Standards) of the Zoning Ordinance:

- The applicant must obtain a Short-Term Rental permit from the City and provide proof of ownership of the residence.
- 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.
- The applicant must submit a report to the City Planner each January that indicates the following:
- The number of nights the unit was rented as a Short-Term Rental in the previous year.

- 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
- Proof of current property insurance.
- If the applicant has failed to meet one of these requirements, the City shall provide ten (10) calendar days of notice to comply.
- 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.
- Suspension or removal shall be at the discretion of the City Planner for reasons including, but not limited to, the following:

- The applicant has given false or misleading information during the application process.
- There has been a violation of any of the terms, conditions, or restrictions of this subsection.
- The applicant has failed to pay the Hotel Occupancy Tax in a timely manner; or
- The location has received three (3) complaints from the neighboring property owners for excessive noise or traffic within a twenty-four (24) month period
- Continued operation of a Short-Term Rental following suspension or removal from the registry shall be considered a violation of this Zoning Ordinance.

Recommendation
The Planning & Zoning Commission recommended approval of the request subject to conditions.

Recommended Conditions/Provisions

- There must be no loud and raucous noise may be present on the property between the hours of 10:00 p.m. and 7:00 a.m.
- The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
- The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
- A report must be submitted to Planning staff each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year
    - Proof of payment of Hotel Occupancy Tax
    - Proof of current property insurance
- The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions, or if the Hotel Occupancy Tax has not been paid in a timely manner.
- Continued operation of a short-term rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

POLICY EXPLANATION:

Notification
Sixteen (16) notices were sent out for this public hearing. As of this writing, one response has been received in opposition of the request. Letters will be received until Tuesday, July 19, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, July 19, 2022, City Council hearing.

FUNDING SOURCE:

ORG and Object Number

N/A

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

ACTION ALTERNATIVES:

1. Approval of Ordinance.
2. Denial of Ordinance.
3. Other actions as directed by Council.

ATTACHMENTS:

Attachment 1 - Legal Notice
Attachment 2 - Maps
Attachment 3 - Zoning Application
Attachment 4 - Property Survey
Attachment 5 - Floor Plan
Attachment 6 - Letter of Intent
Attachment 7 - Letter to Owners Within 200' Buffer & Responses
Attachment 8 - List of Owners
Attachment 9 - PZ Minutes - June 27 2022 Draft
Attachment 10 - Ordinance No. - 2442 - SUP - 211 North Casa Grande Circle

Attachment 1

Advertise 1 time - By June 13

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-20

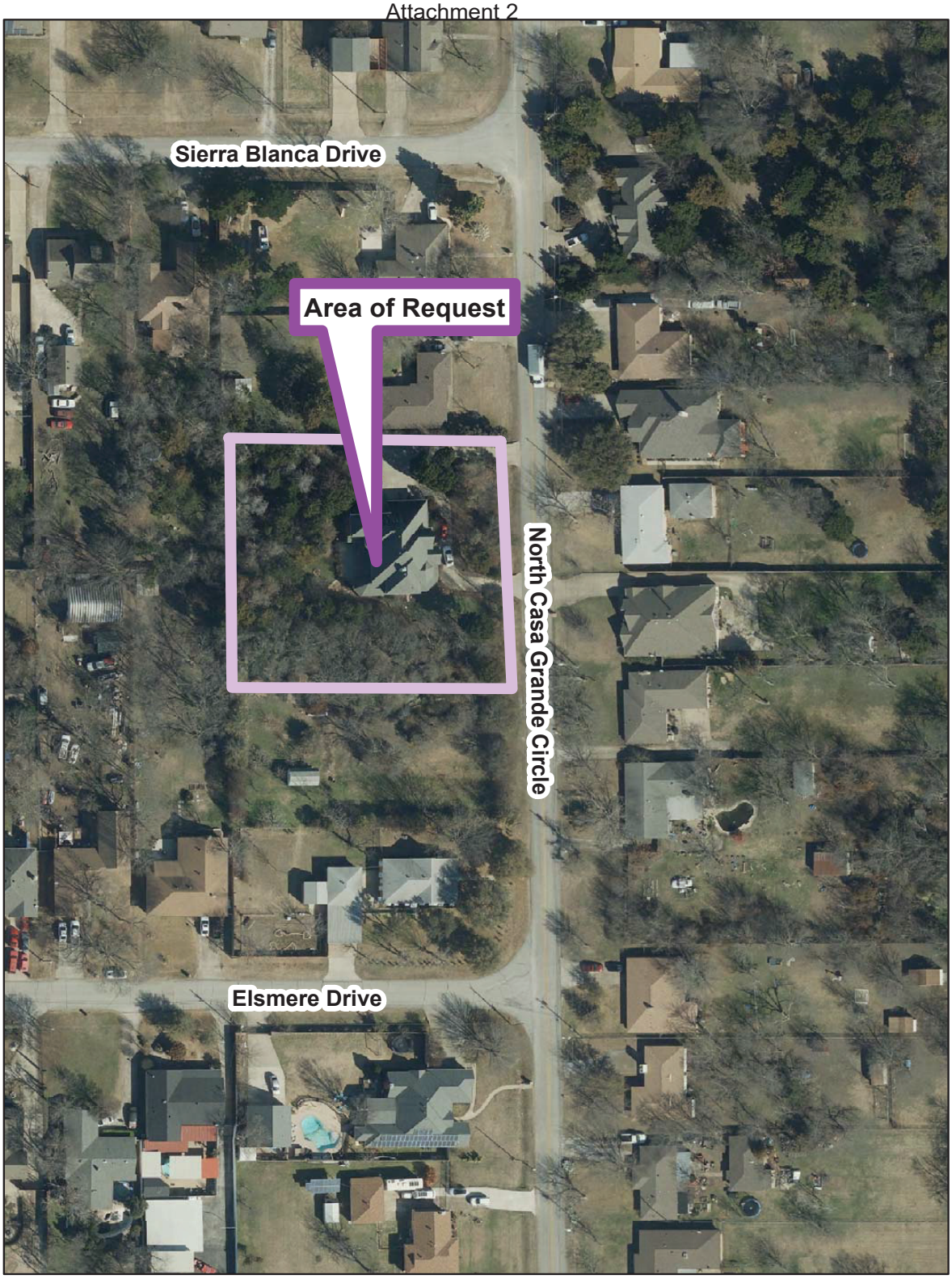
A public hearing will be held before the Planning & Zoning Commission on Monday, June 27, 2022, at 7:00 p.m., and before City Council on Tuesday, July 19, 2022, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Rd, Duncanville, Texas, to hear a request of the City of Duncanville for a Specific Use Permit to allow for Short-Term Rental, on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, City of Duncanville, Dallas County, Texas.

As an interested citizen, you may appear at the public hearing or you may send a notice to either Kristin Downs, the City Secretary or to Jeremy Tennant, Planning and Neighborhood Services Director, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

Jeremy Tennant,
Planning and Neighborhood Services Director

Attachment 2



Duncanville
City of Champions

Proposed Zoning Change
Aerial Location
211 North Casa Grande Circle

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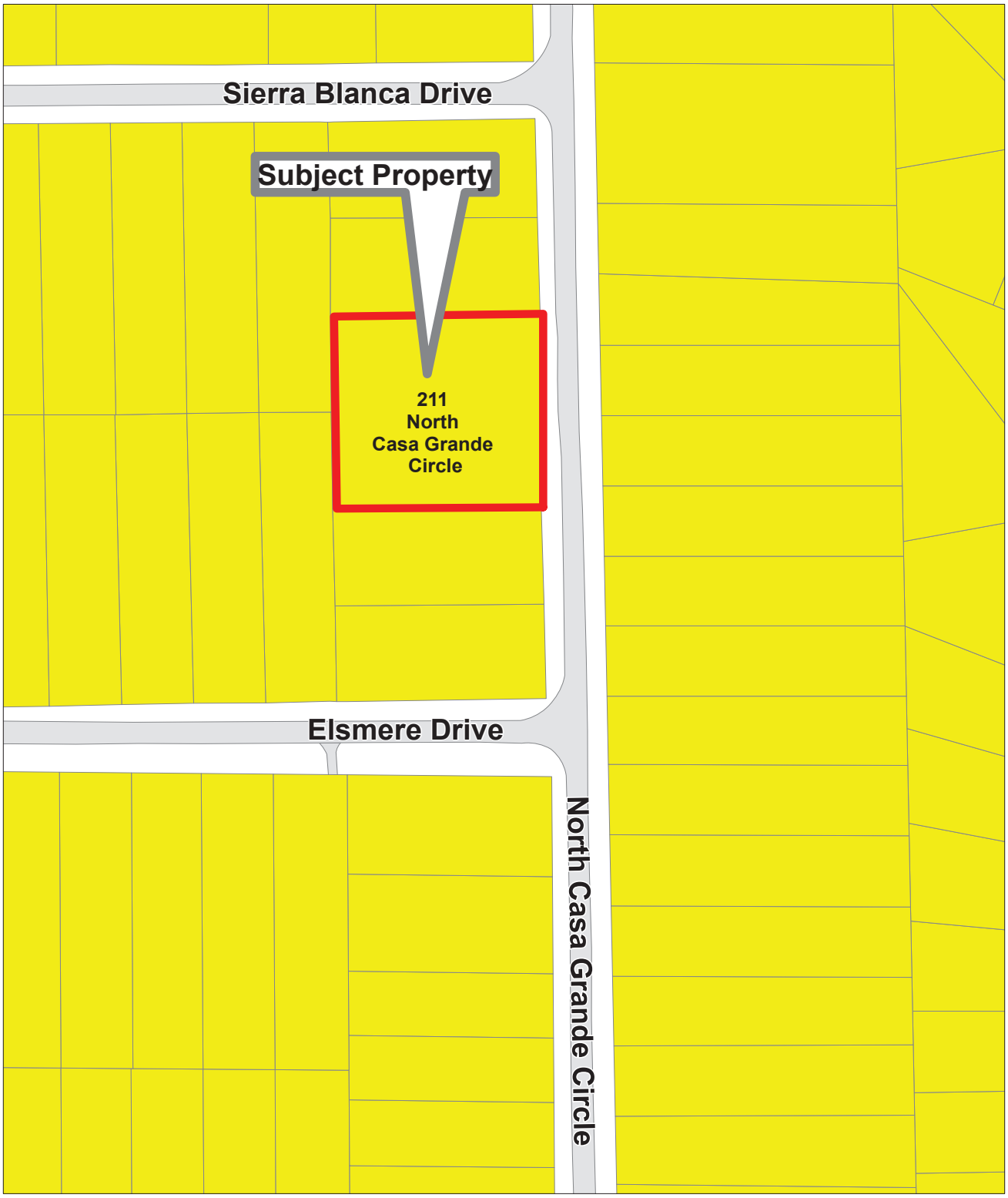

Duncanville
City of Champions

Zoning Case 2022-20
SUP Request for
Short-Term Rental

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Attachment 3

Duncanville
City of Champions

Public Works Department
Planning Division
203 E Wheatland Road
P.O. Box 380280
Duncanville, TX 75138
972-707-3878

ZONING CHANGE APPLICATION

CONTACT INFORMATION (REQUIRED)

Applicant/ Agent Peter D'Amato **Contact:** Peter D'Amato

☐ **Engineer** ☐ **Architect** ☐ **Surveyor** ☒ **Owner** ☐ **Other**

Applicant/Agent Address: 211 N. Casa Grande Cir **City:** Duncanville **State:** TX **Zip:** 75116

Agent Email: peter_damato@sil.org **Telephone:** 214-908-3835 **(Fax)** –

Property Owner: Peter & Siew T. D'Amato Contact: Peter D'Amato

Owner Address 211 N. Casa Grande Circle City: Duncanville State: TX Zip: 75116

Owner Email: peter_damato@sil.org Telephone: 214 908 3835 (Fax) –

PROPERTY INFORMATION (REQUIRED)

Property Address: 211 N. Casa Grande Circle, Duncanville, TX 75116

Legal Description of Property: Winona Gardens 2

Lot No. 11 Block No. 4 Acreage: .96/Acres Existing Zoning District: SF-10

REQUEST TYPE (REQUIRED)

☐ Specific Use Permit - Commercial
For _____

☒ Specific Use Permit - Residential
For Airbnb use

☐ Change in Zoning
From _____ To _____

☐ Planned Development (PD)
☐ Amend PD Approval
☐ Development Plan Approval
☐ Conceptual Plan Approval
☐ Alternative Compliance Request

SUBMITTAL DOCUMENTS (REQUIRED)

ALL ZONING REQUESTS MUST CONTAIN THE FOLLOWING DOCUMENTATION

☒ Completed application
☒ Application fee
☒ Property survey, or site plan or electronic copy of the metes and bounds legal description Microsoft word format or plat
☒ Written description of request (associated variance requests require justification), business statement or business plan with detailed description of proposed operation
☒ Electronic copies of all submittals via email

Acknowledgments

I understand that all required information and plans must be submitted with this application or the application be deemed incomplete.

I hereby authorize the placing of a sign on subject property indicating a zoning change is under consideration.

I understand the requirements of the zoning classifications as stated in the City of Duncanville Zoning Ordinance related to this request and will comply with all necessary requirements of the City codes. I am aware that the City Council has the power to zone land as most appropriate in their wisdom, to promote the health, safety, and morals and for the protection and preservation of places of historical or cultural importance, and the general welfare of the community.

I have read and understand this application and certify that all information and attachments are true and correct. I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the request described. Applicants (or a representative) are expected to be present at all public hearings concerning this application to justify and explain their request and to answer questions posed by the City Planning and Zoning Commission and City Council.

Signature of Current Property Owner

5/11/22
Date

Notarization

BEFORE ME, SENAIDA VALDEZ - NOTARY, on this day personally appeared PETER DAMATO, known to or proved to me on the oath of DALLAS COUNTY or through TX DL (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 11 day of May, 2022.

(Seal)

SENAIDA VALDEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. 10-12-24
Notary ID # 546318-9

Notary Public in and for the State of Texas
My Commission Expires: 10/12/2024

Attachment 4

JIMMY W. POGUE, INC.

SURVEY PLAT

This is to certify that I have, this date, made a careful FIELD survey on the ground of property located at No. 211 N. CASA GRANDE CIRCLE in the city of, DUNCANVILLE, Texas

Lot No. 11; Block No. 4, of

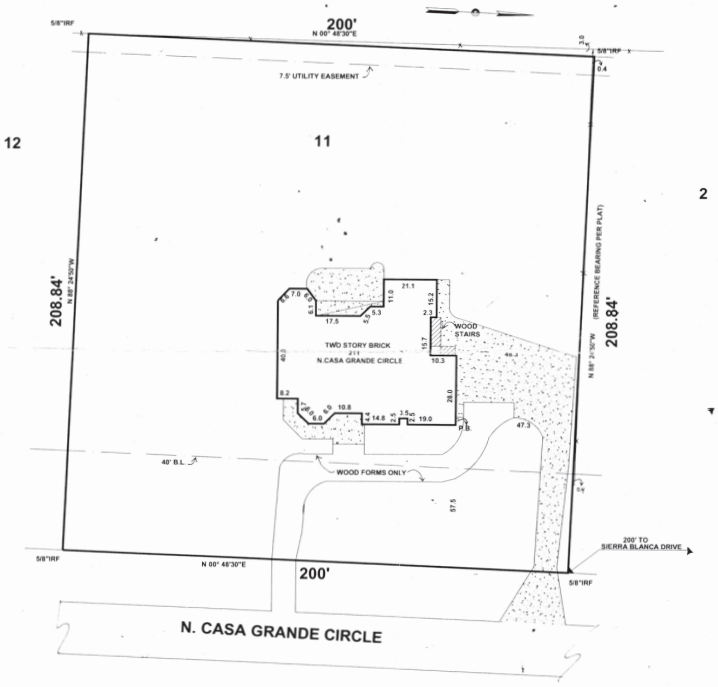
WINONA GARDENS ADDITION NO. 2, an addition to the

City of DUNCANVILLE, DALLAS COUNTY Texas, according to the PLAT thereof

recorded in VOLUME 19, PAGE 275, MAP, Records DALLAS County, Texas.

NOTE: PER THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY PANEL NO. 48113C0470 J

THIS PROPERTY IS IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.



NOTE: THIS PROPERTY IS SUBJECT TO EASEMENT TO T.P.& L. CO. FOR POLES, GUYS & APPURTENANCES PROVIDING ELECTRIC SERVICE TO HOMES IN THIS ADDITION RECORDED IN VOL. 3819 PG. 446, D.R.D.C.T.

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR

Jimmy W Pogue

JIMMY W. POGUE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1722
PRESIDENT
JIMMY W. POGUE, INC.
3510 MARVIN D. LOVE FREEWAY
DALLAS, TEXAS 75224
PHONE (214) 371-0666
FAX: (214) 371-9900
1-888-507-0666

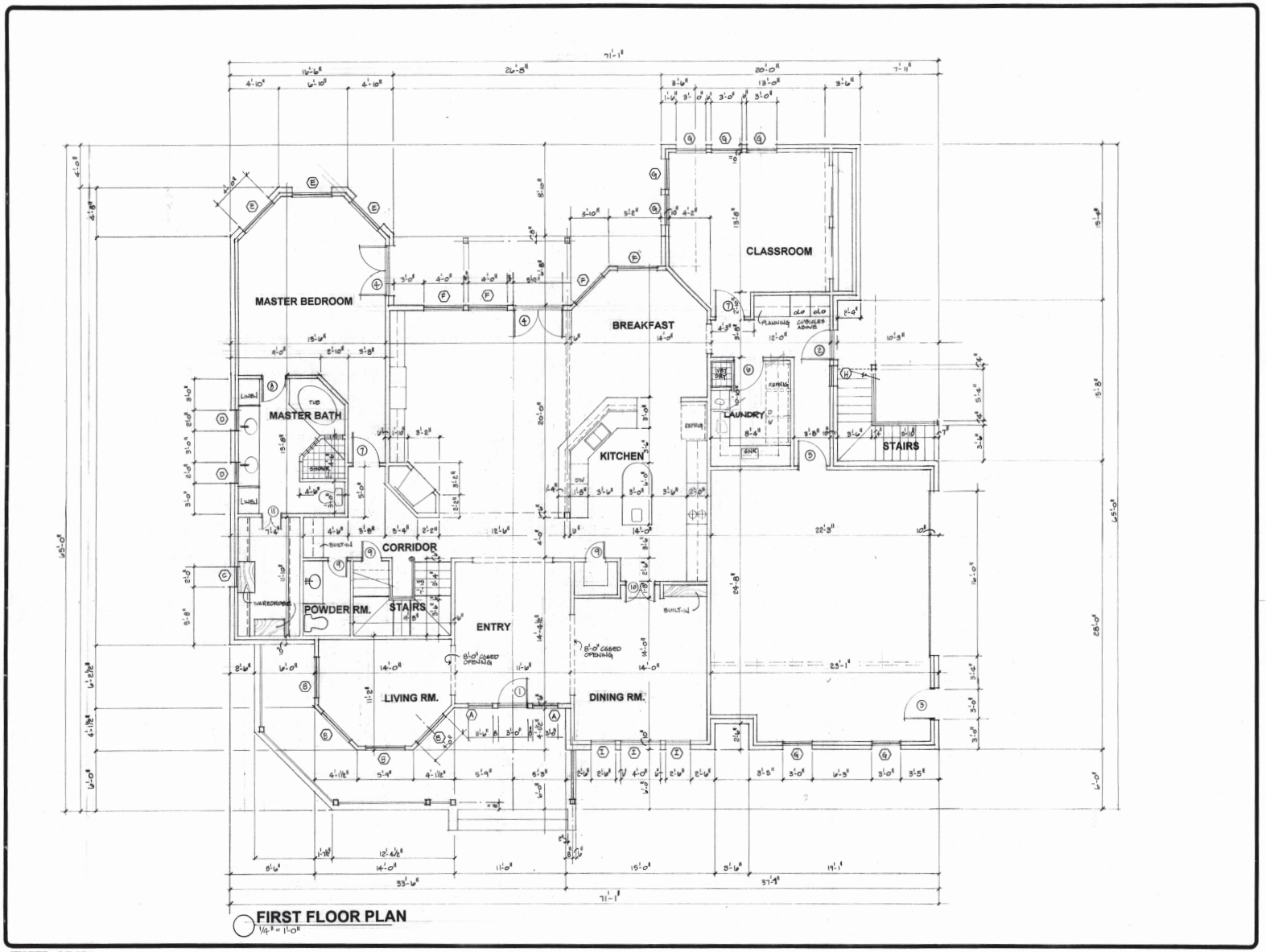
The plat hereon is a representation of the property, as determined by us on the ground survey, the lines and improvements are as shown, all improvements are within the boundaries of the property, see back from property lines the distances indicated, and that the dimensions from the nearest intersecting street, or road is as shown on said plat, all corner monuments are as shown.
EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCROACHMENTS OR ABOVE GROUND PROTRUSIONS.

Scale 1"=20'

Date 05-01-03

JOB No. 88031

This survey was performed EXCLUSIVELY for and in connection with the transaction described in GF No. 5005575-J of CHICAGO Title Company. Use of this survey for any other purpose, or by any other parties shall be strictly prohibited as this survey is a copyright owned by Jimmy W. Pogue, Inc. and all other rights are forbidden, without prior written consent of Jimmy W. Pogue, Inc.©



REVISIONS	BY

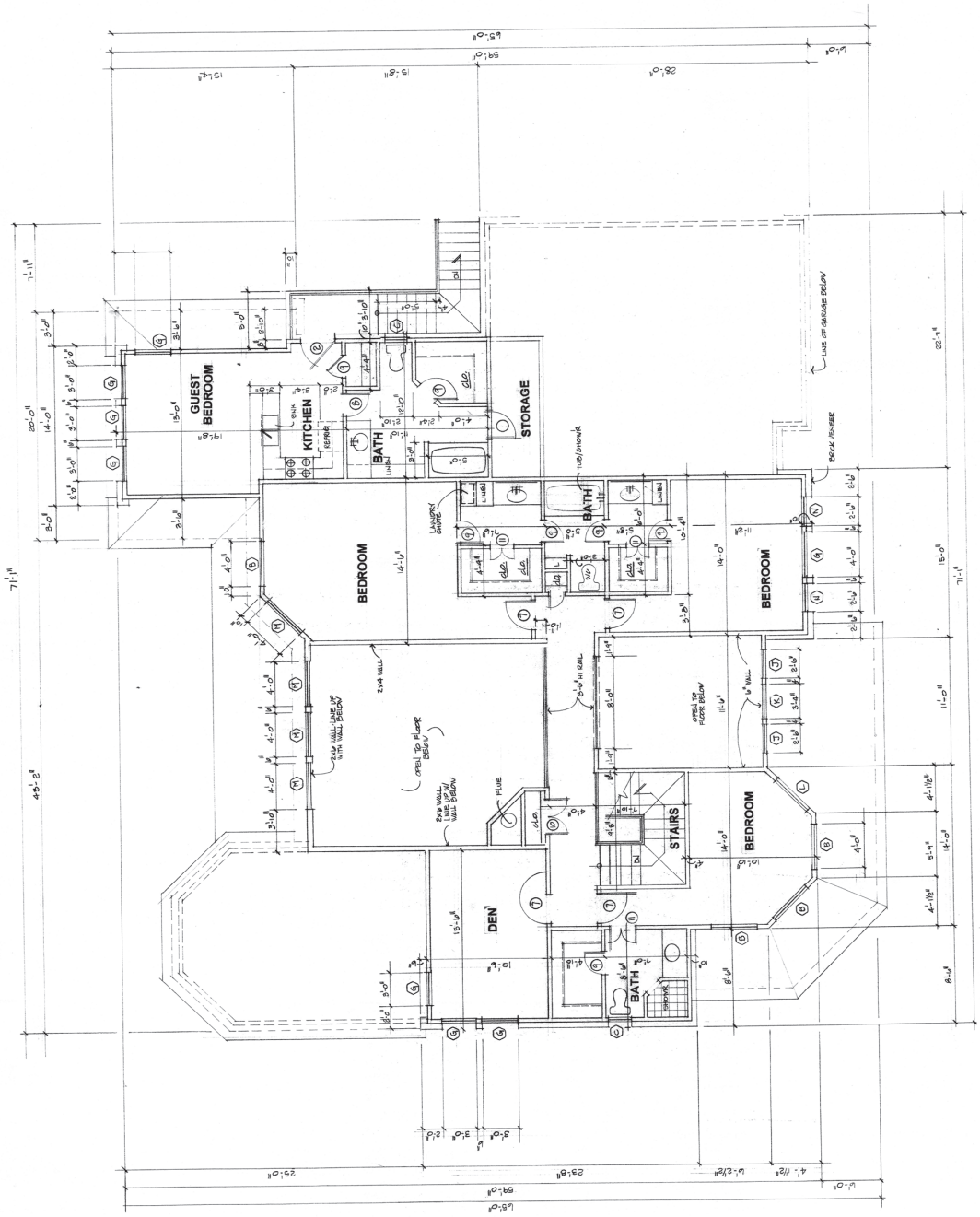
D'AMATO RESIDENCE
211 N. CASA GRANDE CIRCLE
DUNCANVILLE, TX.

DRAWN	
CHECKED	
DATE	
SCALE	
JOB NO.	
SHEET	A2
OF	SHEETS

REVISIONS	BY

D'AMATO RESIDENCE
211 N. CASA GRANDE CIRCLE
DUNCANVILLE, TX.

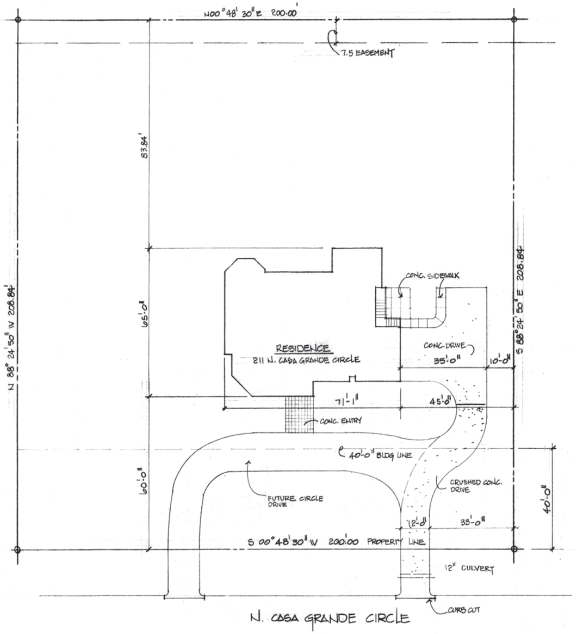
DRAWN	
CHECKED	
DATE	
SCALE	
JOB NO.	
SHEET	A3
OF	SHEETS



SECOND FLOOR PLAN
1/4" = 1'-0"

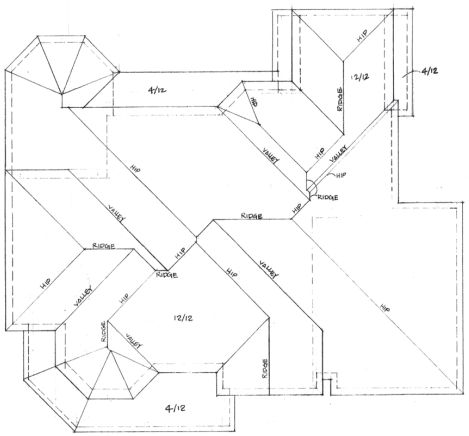
D'AMATO RESIDENCE

WINONA GARDENS ADD.
LOT 11, BLOCK 4
DUNCANVILLE, TX



WINONA GARDENS ADDITION,
UNIT No. 2, LOT 11, BLK 4

SITE PLAN
1" = 20'-0"



ROOF PLAN
1/8" = 1'-0"

SQUARE FOOTAGE

FIRST FLOOR	2,525
SECOND FLOOR	1,592
TOTAL	4,117 SQFT
GARAGE	548
ENTRY PORCH	290
FAMILY RM PORCH	164
SECOND FLOOR PORCH	34

REVISIONS	BY

D'AMATO RESIDENCE
211 N. CASA GRANDE CIRCLE
DUNCANVILLE, TX.

DRAWN	
CHECKED	
DATE	
SCALE	
JOB NO.	
SHEET	A1
OF	SHEETS

Attachment 6

To:	**City of Duncanville, Planning & Zoning Division**
From:	**Peter & Siew T. D'Amato**
Address:	**211 N. Casa Grande Circle, Duncanville, TX 75116**
RE:	**Specific Use Permit (Residential) Application**
	Letter of Intent
For:	**211 N. Casa Grande Circle, Duncanville, TX 75116**
Date:	**May 10, 2022**

The address that we are requesting a Specific Use Permit is our personal residence. There are 2 bedroom areas that we use for Airbnb guests. Each of these units is about 400SF and both have separate entrances and bathrooms.

Parking (when the guest has a vehicle) is in our driveway in specifically designated places. We do not allow more than one guest per unit/bedroom, nor do we allow visitors. Our focus and purpose is to provide quiet, safe and friendly accommodation for the business traveler or people that are in transition.

Attachment 7

City of Duncanville Planning Division
Development Services
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

June 13, 2022

Zoning File: 2022-19

Dear Property Owner:

Peter D'Amato, Applicant and Owner, is requesting approval of a Specific Use Permit to allow for the use of Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, in the City of Duncanville, Dallas County, Texas.

Your property is NOT being rezoned. You have been sent this notice because you are within the required 200-foot notification area of property that is being considered for rezoning for this particular public hearing. Please refer to the enclosed map that indicates which property is being rezoned.

The Planning and Zoning Commission will hold a public hearing on Monday, June 27, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, July 19, 2022, at 7:00 p.m., both in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change. If you oppose the zoning change, however, the attached survey must be completed and returned by July 19, 2022, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary, Kristin Downs, or to Jeremy Tennant, Planning and Neighborhood Services Director, P.O. Box 380280, Duncanville, Texas, 75138-0280 or email lromero@duncanville.com stating your position. You are encouraged to participate in the public hearing and offer comments.

Sincerely,

Jeremy Tennant

Jeremy Tennant
Planning and Neighborhood Services Director

Enclosures

City of Duncanville Planning Division
Development Services
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

Junio 13, 2022

Archivo de zonificación: 2022-19

Estimado propietario:

Peter D'Amato, Solicitante y Propietario, está solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Alquiler a Corto Plazo en Winona Gardens 2, Block 4, Lot 11, más comúnmente conocido como 211 North Casa Grande Circle, en la ciudad de Duncanville, condado de Dallas, Texas.

Su propiedad NO está siendo rezonificada. Se le ha enviado este aviso porque se encuentra dentro del área de notificación requerida de 200 pies de la propiedad que se está considerando para la rezonificación para esta audiencia pública en particular. Consulte el mapa adjunto que indica qué propiedad se está rezonificando.

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 27 de Junio de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 19 de Julio de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto. Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del 19 de Julio de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretaria de la Ciudad, Kristin Downs, o a Jeremy Tennant, Director de Planificación y Servicios Vecinales, P.O. Box 380280, Duncanville, Texas, 75138-0280 o enviar un correo electrónico lromero@duncanville.com indicando su posición. Se le anima a participar en la audiencia pública y ofrecer comentarios.

Sinceramente

Jeremy Tennant

Jeremy Tennant
Director de Planificación y Servicios Vecinales

Recintos

The following form may be filled out and mailed to:

Planning and Zoning Commission
City of Duncanville
Attn: Development Services Department
P.O. Box 380280
Duncanville, TX 75138-0280

Case No. 2022-20 Peter D'Amato, Applicant and Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, in the City of Duncanville, Dallas County, Texas. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

NOTE: The purpose of the request is to allow for the use of Short-Term Rental.

You have been sent this notice since your property is within the 200-foot notification area of the property being requested for a zoning change. **Your property is not being rezoned.**

The Planning and Zoning Commission will hold a public hearing on Monday, June 27, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, July 19, 2022, at 7:00 p.m., both at the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by July 19, 2022, to fulfill legal requirements for a written formal protest.

Please check one:

_____ ***In favor*** *of granting the zoning request.*

_____ ***Not in favor*** *of granting the zoning request.*

My reasons are as follows:

1).

2).

3).

Printed Name: _____ Address: _____

Signature: _____ Date: ___

El siguiente formulario puede ser llenado y enviado por correo a:

Planning and Zoning Commission
City of Duncanville
Attention: Departamento de Servicios de Desarollo
P.O. Box 380280
Duncanville, TX 75138-0280

Caso No. 2022-20 Peter D'Amato, Solicitante y Propietario, está solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Alquiler a Corto Plazo en Winona Gardens 2, Block 4, Lot 11, mas comúnmente conocido como 211 North Casa Grande Circle, en la Cuidad de Duncanville, condado de Dallas, Texas. Esta es la primera de dos audiencias públicas que se han programado para recibir más información sobre el cambio de zonificación solicitado.

NOTA: El propósito de la solicitud es permitir el uso de Alquiler a Corto Plazo.

Se le ha enviado este aviso ya que su propiedad está dentro del área de notificación de 200 pies de la propiedad que se solicita para un cambio de zonificación. **Su propiedad no está siendo rezonificada.**

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 27 de Junio 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 19 de Julio de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto.

Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del 19 de Julio de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Por favor, marque uno:

_____ ***A favor*** de conceder la solicitud de *zonificación.*

_____ ***No a favor*** de otorgar la solicitud de *zonificación.*

Mis razones son las siguientes:

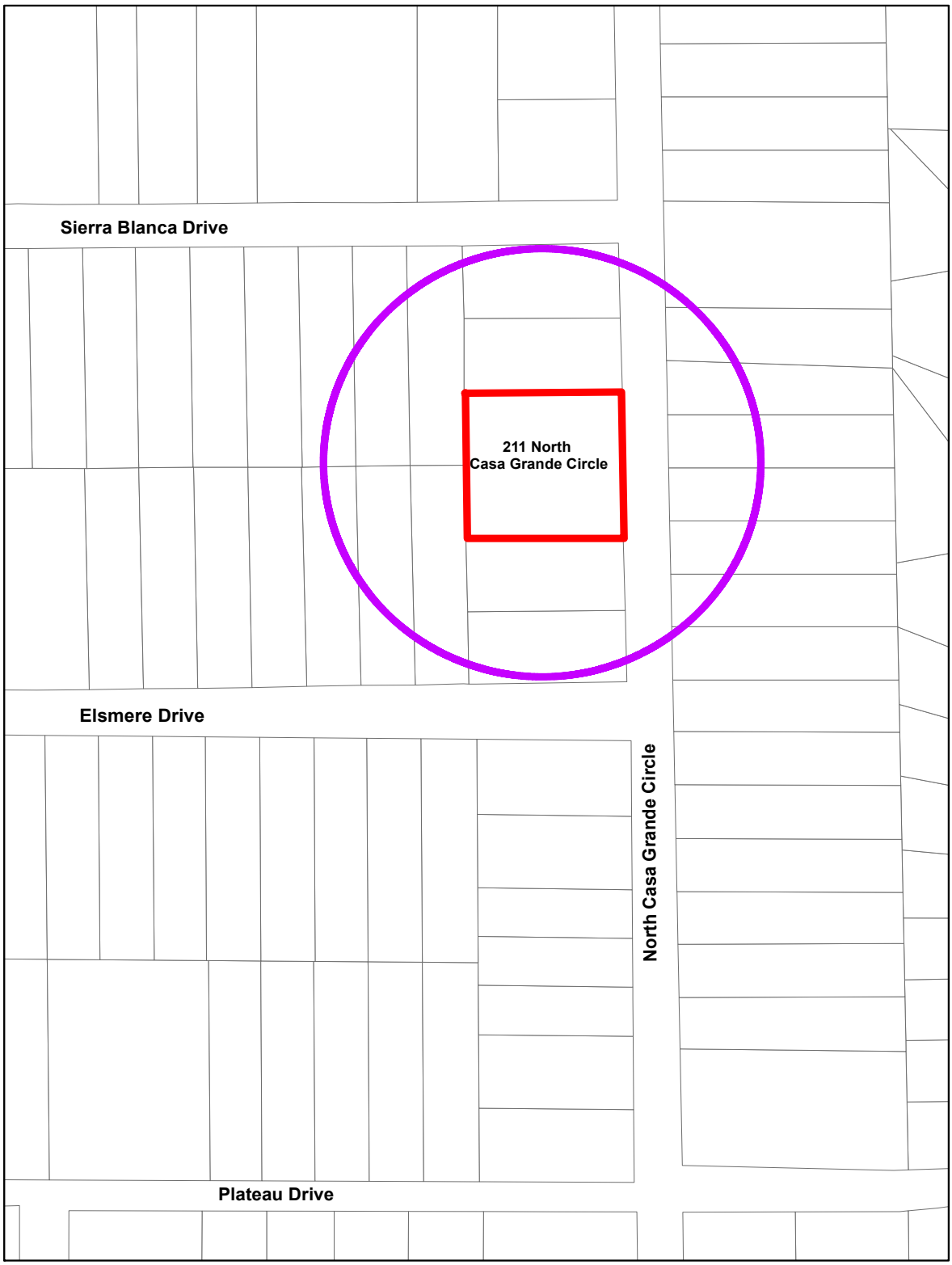
1).

2).

3).

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: __


Sierra Blanca Drive
211 North
Casa Grande Circle
Elsmere Drive
North Casa Grande Circle
Plateau Drive

1

From: WIRELESS CALLER
To: Lynette Romero
Subject: AIr B & B
Date: Sunday, June 26, 2022 10:25:28 PM

Mr. Romero,

I am against 211 N. Casa Grande Circle and 203 N. Casa Grande receiving special use permits to become short term rentals. We have enough crime city without welcoming more. This is our neighborhood. Frankly I regret moving back to Duncanville. Enough is enough.
Margaret Atteberry
1207 Plateau Dr.
Winona Gardens.

Sent from my iPhone

Attachment 8

FLUITT CHAYENNE M
204 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

~~FLUITT CHAYENNE M &~~
~~204 N CASA GRANDE CIR~~
~~DUNCANVILLE, TEXAS 751164104~~

ROGERS FAMILY TRUST
7330 OTOMI ST
DALLAS, TEXAS 752365604

SILVA RICARDO & DIANA
208 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

DIAZ FLAVIA & SERGIO TORRES
210 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

ROJAS ANTONIO &
214 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

VAZQUEZ LORENA & JESUS P
218 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

ROSA SONIA E
222 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164104

DIAZ YOLANDA
1215 ELSMERE DR
DUNCANVILLE, TEXAS 751164107

VILLARREAL DEBRA ANN
1207 ELSMERE DR
DUNCANVILLE, TEXAS 751164107

SHELTON TRAVIS L
1211 ELSMERE DR
DUNCANVILLE, TEXAS 751164107

DAMATO PETER & SIEW T
211 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164103

~~DAMATO PETER~~
~~211 N CASA GRANDE CIR~~
~~DUNCANVILLE, TEXAS 751164103~~

~~DAMATO PETER & SIEW T~~
~~211 N CASA GRANDE CIR~~
~~DUNCANVILLE, TEXAS 751164103~~

LOPEZ JESSIE C
215 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164103

GUILLEN MARTIN
219 N CASA GRANDE CIR
DUNCANVILLE, TEXAS 751164103

MORENO FRANCISCO JAVIER
1208 SIERRA BLANCA DR
DUNCANVILLE, TEXAS 751164118

FUENTES ABRAHAM & GRACIELA
1210 SIERRA BLANCA DR
DUNCANVILLE, TEXAS 751164118

SIRCY BARRY S & JENNIFER
1214 SIERRA BLANCA DR
DUNCANVILLE, TEXAS 751164118

16 notices mailed

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, JUNE 27, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, June 27, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

Betty Culbreath	Chairman	Excused Absence
Elias Rodriguez	Vice-Chairman	
Eric Pena	Commissioner	
Jana McBroom	Commissioner	Excused Absence
Javar Avery	Commissioner	
Edward Stith	Commissioner	

Staff present:
Jeremy Tennant, Director of Planning and Neighborhood Services
Lynette Romero, Planning Technician

Item No. 1 – Call to Order.

The meeting was called to order at 7:00 p.m. by Vice-Chairman Rodriguez.

Item No. 2 – Receive Public Comments.

No public comments were received.

Item No. 3 – Approval of meeting minutes for the regular meeting on June 13, 2022.

Commissioner Avery made a motion as seconded by Commissioner Stith to approve the minutes. The vote was unanimous 4-0 in favor with Chairman Culbreath and Commissioner McBroom absent.

Item No. 4 – Conduct a public hearing (2022-18) for consideration and action regarding the request of Telese Clark, Applicant, representing Charlotte Chamness of B H Industrial LLC, Owner, to include a Specific Use Permit "SUP" for Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Red Bird Lane, Duncanville, Dallas County, Texas.

Vice-Chairman Rodriguez informed the audience that item number four would not be discussed and that the item had been rescheduled for the July 25th Planning and Zoning meeting.

Item No. 5 – Conduct a public hearing (2022-17) for consideration and action regarding the request of Audra Buckley of Permitted Development, LLC, Applicant, representing Bruce Veyna of S. E. Funeral Homes of Texas, Inc., Owner, to include a Specific Use Permit "SUP" for Event Center on Orig town

Unapproved

Duncanville, Block 6 PT and Block 7 ACS 1.572, more commonly known as 200 West Center Street, Duncanville, Dallas County, Texas.

Staff presented background information regarding the proposed request for SUP.

The applicant, Audra Buckley, was present. Miss Buckley spoke in favor of the request.

Commissioner Stith asked Miss Buckley if a traffic impact study had been completed. Miss Buckley answered no.

Commissioner Avery asked questions regarding reason for location, past incidents, percentage of the business that the business owner handles, clean up, common number of guests and vehicles, and timeline for completing proposed renovations.

Armando Aguilar, 3001 Ovilla Rd., Ovilla, TX 75154, business owner of Aguilar Events, was present and answered Commissioner Avery's questions. Mr. Aguilar stated that he chose Duncanville because of its availability, accessibility, and the City's desire for an event center. He stated there were very few incidents that have occurred in the past between family. He stated that he handles 50% of the business and this includes rental of the space and security. He stated customers may choose to use the catering provided by the event center or use an outside company. Mr. Aguilar stated cleanup is handled right after the event and an additional cleanup is completed the Monday after the event as well. He stated that there are about 200 people at each event, and he guessed that there is anywhere between 50-70 vehicles during the event. Mr. Aguilar stated that it would take him at most one year to complete all renovations.

Commissioner Stith asked Mr. Aguilar if he would be completing a great deal of interior renovations. Mr. Aguilar stated yes.

Vice-Chairman Rodriguez asked questions regarding catering and overflow of parking. Mr. Aguilar answered stating that there would be no kitchen and no cooking. He stated that his business only caters. He stated that he has his own caterer that brings in prepared food. Mr. Aguilar stated that there will be a catering room that will have commercial appliances such as an ice machine for drinks and tables for food. Mr. Aguilar stated that the required parking is 73 spaces but will be providing 83 spaces.

Staff answered Vice-Chairman Rodriguez's question about overflow of parking. Staff stated that there is no opportunity for parking along the street, but that there are two business, one next to and one across the street from subject property that presents an opportunity for a shared parking agreement.

Vice-Chairman Rodriguez asked Mr. Aguilar if weapons would be allowed into the building. Mr. Aguilar responded no.

Vice Chairman Rodriguez opened the floor for public comments.

Misty Bain, 102 Walnut Street, spoke in opposition of the request.

Unapproved

Mr. Aguilar responded to Miss Baine's concerns stating that the building will be insulated preventing any loud raucous noise from being heard from outside.

Commissioner Avery asked staff about the possibility of placing the condition of requiring a police officer on site. Staff responded stating that they would not recommend placing a condition of requiring a police officer due to the issue of availability. Staff recommended that the Commission make a condition for requiring a peace officer. Staff stated that this would allow the business owner to enter into an agreement with a private security company that can provide a peace officer on site.

Commissioner Avery made comments about his support for the proposed SUP request. He also stated his concerns about security and what his proposed recommendations for the proposed SUP request were.

Mr. Aguilar responded to Commissioner Avery's concerns stating that staff is always present during the events and security is and will always be present as well.

Commissioner Avery asked if Mr. Aguilar will have enough staff for each of his locations. Mr. Aguilar responded yes.

Commissioner Pena asked Mr. Aguilar if he would be having security during events incase an incident occurs. Mr. Aguilar responded yes.

Vice Chairman Rodriguez asked Mr. Aguilar how he would control the bringing in of alcohol. Mr. Aguilar stated that he has Texas Alcoholic Beverage Commission (TABC) certified staff, and that any alcohol brought in must be given to staff for bartenders to serve.

Commissioner Avery asked how Mr. Aguilar will keep incidents from happening outside the event center. Mr. Aguilar stated that when guests walk out, they usually leave and do not hang out in the parking lot.

Commissioner Avery asked Mr. Aguilar how his business would be affected if he ended his events at midnight. Mr. Aguilar stated that moving his closing time will hurt his business because most customers want their event to end at 2:00 a.m., but he restricts the events from going past 1:00 a.m.

Vice-Chairman Rodriguez closed the public hearing.

Miss Baines raised her hand to ask a question. Vice-Chairman Rodriguez allowed the question. Miss Baines asked what the maximum number of people is allowed in the facility. Vice-Chairman Rodriguez stated that Mr. Aguilar stated he would have about 200 people. Commissioner Pena added to Vice-Chairman Rodriguez's response. He stated that the Building Official determines occupancy load using the guidelines listed in the code requirements. Miss Baines asked who would keep the facility from going over the occupancy load. Vice-Chairman Rodriguez stated that it would be the City's Fire Department.

Unapproved

The commission discussed possible recommendations for the SUP.

Commissioner Avery made a motion to approve the request for SUP with the following conditions, including conditions that the applicant proposed to ensure that the use remains in good standing with the surrounding neighborhood:

There must not be any loud and raucous noise heard outside the building of the property between the hours of 10:00 p.m. and 1:00 a.m.
There must not be any littering and trash left on the property overnight.
Lighting illumination must be contained within the property and not illuminate onto adjacent properties.
All patrons are required to vacate the property by no later than 1:15 a.m.
The Event Center or Banquet Hall shall be used for the sole purpose of lease or rental by others for a privately sponsored event that is not open to the public and does not charge an admission fee of any type for entry into the event or establishment. Examples of privately sponsored events that are not allowed to be held at the Event Center or Banquet Hall include but are not limited to, quinceañeras, wedding receptions, graduation parties, etc. Community meetings regarding public issues or townhalls intended for the public are exempt from this provision.
The primary entrance to the facility shall be located on the south side of the building adjacent to the parking lot. The entrance facing west Center Street shall be for deliveries and ADA patrons only.
The operator must provide security personnel in the form of peace officers, private security firms, etc. to assist with all events from the hours of 8:00 p.m. and 2:00 a.m.
The operator's staff must be on-site whenever an event occurs. A member of staff must serve or dispense alcoholic beverages under the authority of a license, certification, or permit, including persons who immediately manage, direct, supervise, or control the service of alcoholic beverages.

Commissioner Pena seconded the motion to approve the request for SUP. The vote was 3-1 with Commissioner Stith in opposition and Chairman Culbreath and Commissioner McBroom absent.

Item No. 6 – Conduct a public hearing (2022-19) for consideration and action regarding the request of Peter D'Amato, Applicant and Owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, Duncanville, Dallas County, Texas.

Staff presented background information on the proposed request for SUP.

The applicant and owner, Peter D'Amato, was present. Vice-Chairman Rodriguez asked Mr. D'Amato if he lives on the property, what the square footage of the house is, how many bedrooms and bathrooms the house has, how long he has owned the property, if this was his only short-term rental and how long he has owned this property. Mr. D'Amato stated that he does not live at the property, that the house is approximately 1,836 square feet, that that the house has 2 bedrooms and 2 bathrooms, that he also operates a short-term rental at the house he resides - 211 North Casa Grande Circle and has owned 203 North Casa Grande Circle two years now.

Commissioner Pena asked Mr. D'Amato what his target market is and where his residence is located.

Unapproved

Mr. D'Amato stated that his target market are single travelers, and that the house he resides at, 211 North Casa Grande Circle, is two lots down.

Mr. D'Amato gave background information on his operation of short-term rentals.

Ethan D'Amato, 211 North Casa Grande Circle, spoke in favor of the request.

Joshua D'Amato, 211 North Casa Grande Circle, spoke in favor of the request.

Siew D'Amato, 211 North Casa Grande Circle, spoke in favor of the request.

Stuart Carlson, 822 Sherrill Boulevard, spoke in favor of the request.

Ruth Carlson, 822 Sherrill Boulevard, spoke in favor of the request.

Vice-Chairman Rodriguez closed the public hearing. More citizens came in after the closing of the public hearing. Vice-Chairman Rodriguez informed the newcomers that questions could be asked after voting.

Commissioner Avery asked Mr. D'Amato how he keeps parties from happening on the property. Siew D'Amato, wife of Mr. D'Amato, answered Commissioner Avery stating that they only allow one guest, require a background check, ask them several questions, and make the guest acknowledge their house rules. She also stated that Airbnb is called right away if any guest breaks any of their house rules.

Commissioner Avery asked staff what could be done if an Airbnb does not comply with the ordinance. Staff stated that the Commission may place conditions that will revoke the SUP if the Airbnb is not in compliance with the City ordinance and regulations.

Mrs. D'Amato stated that one of their reasons for operating a short-term rental is to provide a source of income and an occupation for her son Ethan incase anything happened to her and her husband.

Commissioner Pena made a motion to approve the request for SUP with the following staff recommended conditions:

1. No loud and raucous noise may be present on the property between the hours of 10:0 p.m. and 7:00 a.m.
2. The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
3. The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
4. A report must be submitted to Planning staff each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year
    - Proof of payment of Hotel Occupancy Taxes
    - Proof of current property insurance

Unapproved

5. The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions or if the Hotel Occupancy Tax has not been paid in a timely manner.
6. Continued operation of a Short-Term Rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

Commissioner Stith seconded the motion. The vote was unanimous 4-0 with Chairman Culbreath and Commissioner McBroom absent.

Vice-Chairman Rodriguez opened the floor for public comments.

Jennifer Sircy, 1214 Sierra Blanca Drive, inquired what will be going on with the property. Vice-Chairman Rodriguez answered Miss Sircy and stated that they are operating a short-term rental at this specific property.

Ricardo Silva, 208 North Casa Grande Circle, inquired about what measures the owners will be taking to keep the neighborhood safe while operating as a short-term rental. Vice-Chairman Rodriguez stated that the Commission only recommends and that the City Council will have the final decision. He also stated that there are provisions that have been placed to prevent short-term rentals from operating if they are non-compliant.

Misty Bain, 102 Walnut Street, stated that at the last City Council meeting the City Attorney stated that the owner operating the short-term rental must reside on the property. Staff answered Miss Bain stating that the definition for short-term rental listed in the Comprehensive Zoning ordinance does not mention that the owner must reside on the property. Vice-Chairman Rodriguez added that he was not present during that particular City Council meeting, but that she may request an open record request or possibly a meeting with staff or the City Attorney for clarification.

Item No. 7 – Conduct a public hearing (2022-20) for consideration and action regarding the request of Peter D'Amato, Applicant and Owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, Duncanville, Dallas County, Texas.

Staff presented background information on the proposed request for SUP.

The applicant and Owner, Mr. D'Amato, and his family were present.

Commissioner Pena asked what the number of guests are for this house. Mrs. D'Amato answered stating that there are two units within the house, and they only allow one guest per unit. Commissioner Pena asked if this house had the same target market as 203 North Casa Grande Circle. Mr. and Mrs. D'Amato stated yes.

Diana Silva, 208 North Casa Grande Circle, spoke and inquired if this house would be an Airbnb and what their customer base is. Vice-Chairman Rodriguez answered Mrs. Silva stating that yes, the

Unapproved

owners will be renting out two rooms within their household only allowing a total of two guests in their home. He also stated that he could not really answer the question about the type of people renting from the owners. Vice-Chairman Rodriguez allowed the owners to respond. Mrs. D'Amato answered Mrs. Silva's question and gave her background information on her operation and procedures.

Commissioner Stith made a motion to approve the request for SUP with the following staff recommended conditions:

1. No loud and raucous noise may be present on the property between the hours of 10:0 p.m. and 7:00 a.m.
2. The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
3. The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
4. A report must be submitted to Planning staff each January that indicates the following:
    - The number of nights the unit was rented as a Short-Term Rental in the previous year
    - Proof of payment of Hotel Occupancy Taxes
    - Proof of current property insurance
5. The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions or if the Hotel Occupancy Tax has not been paid in a timely manner.
6. Continued operation of a Short-Term Rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

Commissioner Pena seconded the motion. The vote was unanimous 4-0 with Chairman Culbreath and Commissioner McBroom absent.

Item No. 8 – Continue discussion pertaining to the five-year Comprehensive Plan update. Discuss incorporating new areas of interest within the area maps – Wheatland Plaza.

Commissioner Avery informed the audience about the updating of Duncanville's Comprehensive Plan and the Commission's idea of incorporating the Duncanville ISD bus barn and Wheatland Plaza into the Downtown District.

Vice-Chairman Rodriguez added that the Commission also has the idea of possibly implementing a stringent energy code to control the type of materials used for new development.

Ricardo Silva, 208 North Casa Grande Circle, spoke and inquired whether there would be an implementation of energy code for existing dwellings. Vice-Chairman Rodriguez answered Mr. Silva stating yes, that he is currently working on something.

Vice-Chairman Rodriguez thanked the audience for their participation before adjourning.

Item No. 9 – The meeting adjourned at 9:08 p.m.

Unapproved

_____
Jeremy Tennant, Director of Planning and Neighborhood Services

_____
Elias Rodriguez, Vice-Chairman

Unapproved

ORDINANCE NO. 2442

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY AMENDING THE EXISTING SF-10 SINGLE-FAMILY RESIDENTIAL DISTRICT TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR SHORT-TERM RENTAL ON REAL PROPERTY LOCATED ON WINONA GARDENS 2, BLOCK 4, LOT 11, MORE COMMONLY KNOWN AS 211 NORTH CASA GRANDE CIRCLE, CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR SPECIAL CONDITIONS, IF ANY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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, THAT:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Duncanville, Texas, as heretofore amended, by amending the existing SF-10 Single-Family Residential District zoning to grant a Specific Use Permit “SUP” to allow for Short-Term Rental on real property located on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, City Of Duncanville, Dallas County, Texas and being more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes (the “Property”).

SECTION 2. That the above-described property shall be used and developed only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Duncanville and regulations under the Code of Ordinance, as heretofore amended, and subject to the following additional special conditions:

a. No Loud and raucous noise may be present on the property between the hours of 10:00 p.m. and 7:00 a.m.

b. The Specific Use Permit will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.

c. The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.

d. A report must be submitted to the Planning staff 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
   3. Proof of current property insurance

e. The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions, or if the Hotel Occupancy Tax has not been paid in a timely manner.

f. Continued operation of a short-term rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance

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 Comprehensive Zoning Ordinance as a whole.

SECTION 4. That all provisions of the Ordinance of the City of Duncanville in conflict with provisions of this Ordinance be, and 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 5. That the above-described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this special use permit.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor, and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by 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 constitute a separate offense.

SECTION 7. 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 ORDAINED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 19th day of July, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Exhibit "A"
Legal Description

Being Lot 11, Block 4, Winona Gardens in the City of Duncanville, Dallas County, Texas and more commonly referred to as 203 North Casa Grande Circle.

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Conduct a Public Hearing regarding the request of Alejandro Mora, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, Duncanville, Dallas County, Texas.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Re-Imagine: High Quality of Life**
  - **Develop, maintain, and encourage safe, attractive, viable family-oriented neighborhoods that embrace diversity and pride, promoting economic vitality.**

STAFF RESPONSIBLE:
Jeremy Tennant, Planning and Neighborhood Services Director

BACKGROUND/HISTORY:
Comprehensive Plan
The subject property has a Future Land Use Designation of Low Density Residential. The Plan states that low density residential represents a traditional single-family detached neighborhood and includes housing and living units for people with a range of incomes and needs. Low density residential areas generally range between three and five dwelling units per acre.

The Plan goes on to list the following policies to guide low density areas:

- They should be protected from, but accessible to, the major roadway network, commercial establishments, and industrial areas.
- Subdivisions should be accessible to collector and arterial streets, but should directly access only local streets, creating a balanced land-use pattern across the city.
- They should not be directly accessible to major arterials and freeways without adequate buffering and access management.

This request is in conformance with the Comprehensive Plan as the proposed accessory use is for the purpose of an existing single-family residence.

Project Scope

A carport is an 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.

As shown on the building permit application, property survey and material exhibits, the proposed carport is designed to be in conformance with associated standards such as lot orientation, setbacks, and materials. Per Section 4.13(D)(4) Exterior Wall Covering Requirements, 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.

Per Section 4.13(G)(1) Exterior Wall Covering Requirements, the supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard.

Parking
The Zoning Ordinance requires two (2) unenclosed, paved parking spaces plus a one or two-car garage or Porte Cochere. Section 4.04.B.3.(Single-Family and Townhome Parking Accommodations) of the Ordinance provides an exception that states “Exception: A carport may be provided in lieu of a garage or Porte Cochere upon approval of a Specific Use Permit.”

This request, if approved, would be in conformance with this language.

Surrounding Land Use
To the north, west, and east of the subject property are existing single-family residences zoned SF-7 Single-Family Residential District. To the south, directly behind the subject property, are multi-family residences zoned MF-21, Multi-Family Residential District.

Planning & Zoning Commission Recommendation
The Planning & Zoning Commission consider the applicant’s request and recommended approval to City Council.

POLICY EXPLANATION:
Notification
Thirteen (13) notices were sent out for this public hearing. As of this writing, no responses have been received. Letters will be received until Tuesday, August 16, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, August 16, 2022, City Council hearing.

FUNDING SOURCE:

ORG and Object Number
N/A

Available Budget	**Purchase Amount**	**After Encumber**

$0.00	$0.00	$0.00

ACTION ALTERNATIVES:

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

ATTACHMENTS:

Attachment 1 - Legal Advertisement
Attachment 2 - Maps
Attachment 3 - Applications
Attachment 4 - Property Survey
Attachment 5 - Exhibits
Attachment 6 - Letter from Applicant
Attachment 7 - Letter to Property Owners within 200 Feet
Attachment 8 - List of Property Owners within 200 Feet
Attachment 9 - PZ Minutes - July 25 2022
Attachment 10 - Ordinance No. - 2445 - SUP - 218 Cedar Street

Attachment 1

Advertise 1 time - By July 13

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-21

A public hearing will be held before the Planning & Zoning Commission on Monday, July 25, 2022, at 7:00 p.m., and before City Council on Tuesday, August 16, 2022, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Rd, Duncanville, Texas, to hear a request of the City of Duncanville for a Specific Use Permit to allow for Carport, on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, City of Duncanville, Dallas County, Texas.

As an interested citizen, you may appear at the public hearing or you may send a notice to either Kristin Downs, the City Secretary or to Jeremy Tennant, Planning and Neighborhood Services Director, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

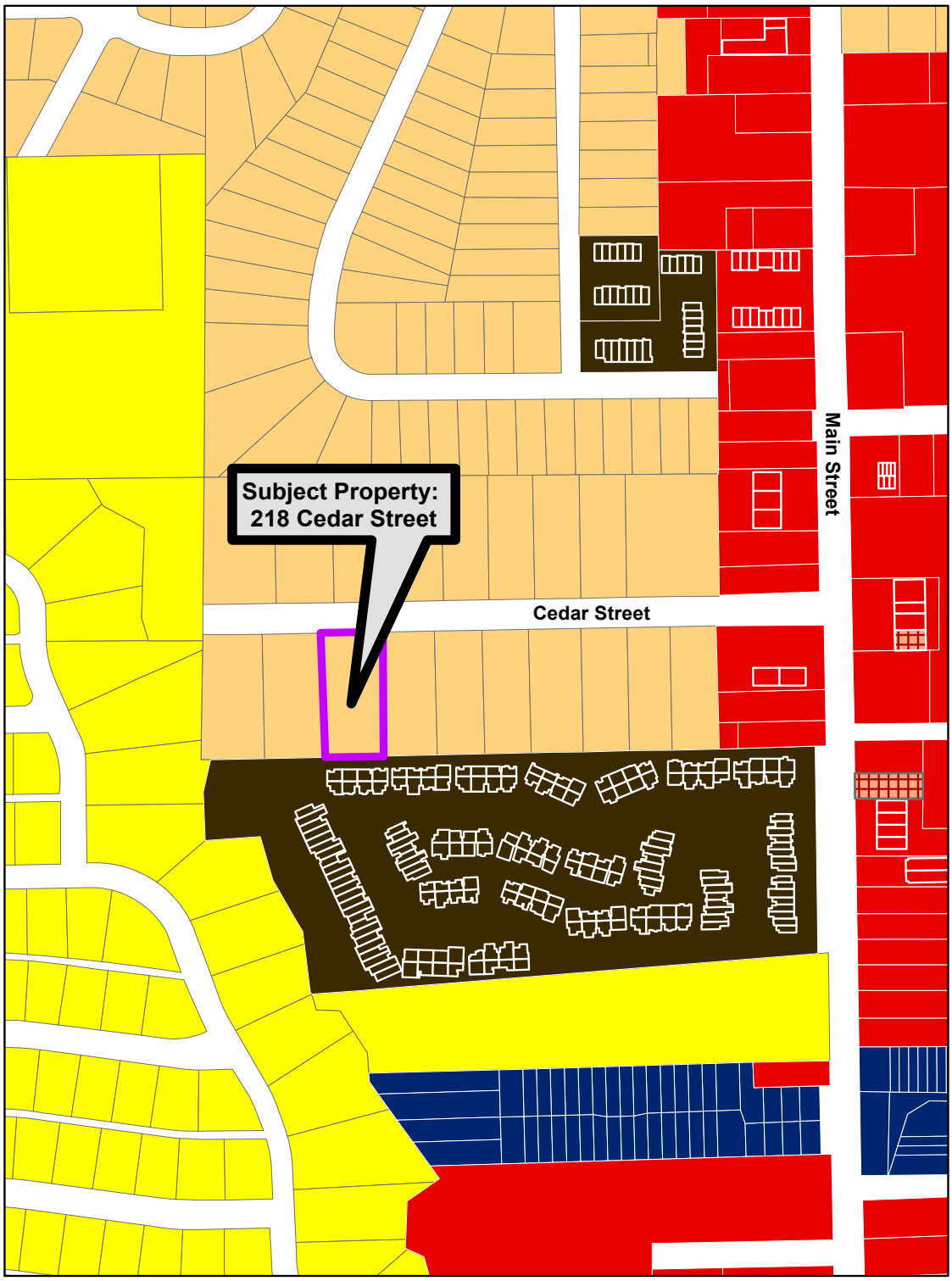
Jeremy Tennant,
Planning and Neighborhood Services Director

Attachment 2

Duncanville
City of Champions

SUP Request for Carport
Case 2022-21
218 Cedar Street

N
W E
S



Duncanville
City of Champions

SUP Request for Carport
Case 2022-21
Current Zoning Area
218 Cedar Street

N
W E
S

Duncanville
City of Champions

RECEIVED 06.20.2022

Public Works Department
Planning Division
203 E Wheatland Road
P.O. Box 380280
Duncanville, TX 75138
(972) 780-5015

ZONING CHANGE APPLICATION

CONTACT INFORMATION (REQUIRED)

Applicant/ Agent Alejandro Mora Contact:

☐ Engineer ☐ Architect ☐ Surveyor ☒ Owner ☐ Other

Applicant/Agent Address: 218 cedar St City: Duncanville State: TX Zip: 75137

Agent Email: _____ Telephone: [redacted] (Fax) _____

Property Owner: Alejandro mora Contact: [redacted]

Owner Address 218 cedar St City: Duncanville State: TX Zip: 75137

Owner Email: _____ Telephone: [redacted] (Fax) _____

PROPERTY INFORMATION (REQUIRED)

Property Address: 218 cedar ST Duncanville TX 75137

Legal Description of Property: Paxton Acres

Lot No. 8 Block No. A Acreage: _____ Existing Zoning District: SF-7

REQUEST TYPE (REQUIRED)

☐ Specific Use Permit - Commercial
For _____

☒ Specific Use Permit - Residential
For carport cattached

☐ Change in Zoning
From _____ To _____ _____

☐ Planned Development (PD)
☐ Amend PD Approval
☐ Development Plan Approval
☐ Conceptual Plan Approval
☐ Alternative Compliance Request

SUBMITTAL DOCUMENTS (REQUIRED)

ALL ZONING REQUESTS MUST CONTAIN THE FOLLOWING DOCUMENTATION

- ☐ Completed application
- ☒ Application fee $125.00
- ☐ Property survey, or site plan or electronic copy of the metes and bounds legal description Microsoft word format or plat
- ☐ Written description of request (associated variance requests require justification), business statement or business plan with detailed description of proposed operation
- ☐ Electronic copies of all submittals via email

Acknowledgments

I understand that all required information and plans must be submitted with this application or the application be deemed incomplete.

I hereby authorize the placing of a sign on subject property indicating a zoning change is under consideration.

I understand the requirements of the zoning classifications as stated in the City of Duncanville Zoning Ordinance related to this request and will comply with all necessary requirements of the City codes. I am aware that the City Council has the power to zone land as most appropriate in their wisdom, to promote the health, safety, and morals and for the protection and preservation of places of historical or cultural importance, and the general welfare of the community.

I have read and understand this application and certify that all information and attachments are true and correct. I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the request described. Applicants (or a representative) are expected to be present at all public hearings concerning this application to justify and explain their request and to answer questions posed by the City Planning and Zoning Commission and City Council.

Alejandro Mora — Signature of Current Property Owner

6/17/22 — Date

Notarization

BEFORE ME, Edith Perez, on this day personally appeared Alejandro Mora, known to or proved to me on the oath of _____ or through NJ DL exp: 11/24/25 (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17 day of June, 2022.

(Seal)

Notary Public in and for the State of Texas

My Commission Expires: 04/04/24

Following is to be completed only if a person other than the owner is submitting this application.

Owner Validation

Applicant has permission to pursue a zoning change on the property located at _____ with the City of Duncanville.

Alejandro Mora — 6/17/22

Signature of Owner/Agent — Date

BEFORE ME, Edith Perez, on this day personally appeared Alejandro Mora, known to or proved to me on the oath of _____ or through NJ DL exp: 11/24/25 (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 17 day of June, 2022

(SEAL)

Notary Public in and for the State of Texas

My Commission Expires: 04/04/24

22-1952

$175

Duncanville
City of Champions

Application for Building Permit - Residential

☐ Apartment Unit ☐ Duplex Unit ☑ Single Family Dwelling

JOB SITE ADDRESS: 218 Cedar st Duncanville tx 75137

Class of Work: ☐ New ☒ Addition ☐ Remodel ☐ Repair ☐ Garage Conversion ☐ Fence ☐ Demolition ☐ Driveway ☐ Paving ☐ Foundation

DESCRIPTION OF JOB: Adding a roof to the driveway Attached to the roof and 2 wood post at the end **VALUE:** $2000

Living Area: _____ Other Area: _____ Total Area: _____ Addition: _____
Lot Size: _____ (sf) Rear Setback: _____ Front Setback: _____ Left Setback: _____ Right Setback: _____

Property Owner Alejandro Mora Alicia Cortez	Address, City, State, Zip 218 Cedar St Duncanville tx 75137	Phone # [redacted]
Construction Contractor Alejandro Mora Alicia Cortez	Address, City, State, Zip 218 Cedar st Duncanville tx 75137	Phone # [redacted]
Concrete Contractor N/A	Address, City, State, Zip	Phone #
Electrical Contractor N/A	Address, City, State, Zip	Phone #
Mechanical Contractor N/A	Address, City, State, Zip	Phone #
Plumbing Contractor	Address, City, State, Zip	Phone #

I have carefully read the completed application and know the same is true and correct and hereby agree that if a permit is issued, all provisions of the City ordinances and State laws will be complied with, whether herein specified or not. I agree to comply with all property restrictions. I am the owner of the above property on his/her duty authorized agent. Permission is hereby granted to enter the premises and make all necessary inspections. A permit shall not be valid until all the fees prescribed by law have been paid for, nor shall an amendment to a permit be released until the additional fee or fees have been paid for.

Applicants Signature Alicia Cortez Date 4-12-22
Applicants Name (Print) Alicia Cortez Phone # [redacted]
Email: [redacted] Alt Pho[redacted]

PERMIT FEES

Building Permit _____	Plan Review _____	Water Pro-Rata _____
Water Connect. _____	Certificate Occupancy _____	Sewer Pro-Rata _____
Sewer Connect. _____	Fire Sprinkler/Alarm _____	Total Fee Due _____

APPROVED:	DATE:	PERMIT #	DATE ISSUED:
[signature]	4/19/22		

Rev. 10/2019

Attachment 4

SURVEY PLAT **JIMMY W. POGUE, INC.**

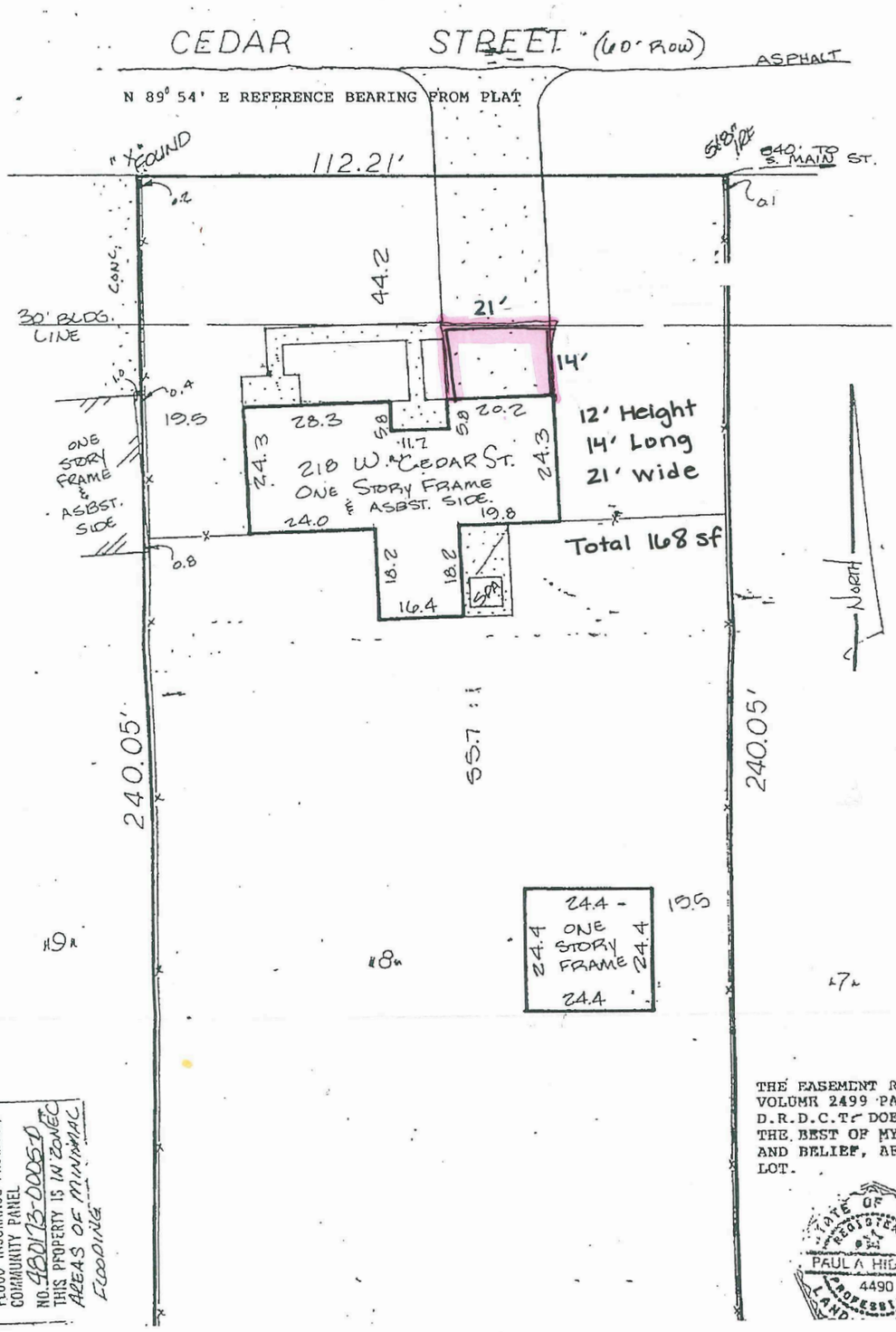
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 218 CEDAR STREET in the city of DUNCANVILLE Texas

Lot No. 8 1N, Block No. A City Block No. ___

of PAXTON ACRES, an addition to the

City of DUNCANVILLE, DALLAS COUNTY, Texas according to the MAP OR PLAT

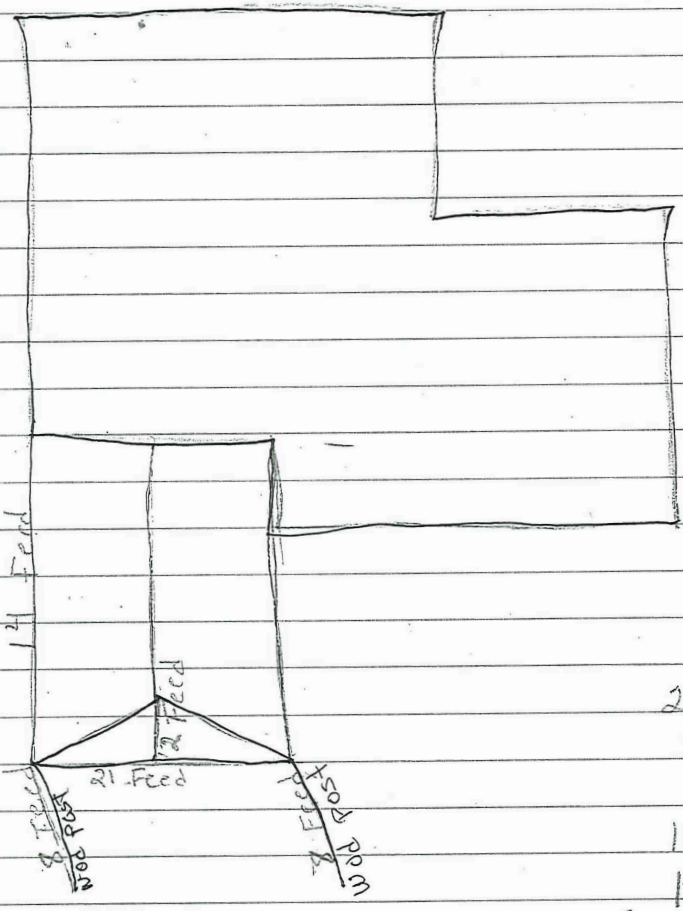
recorded in Vol. 13 Page 249 MAP Rec. DALLAS



NOTE: PER THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NO. 480173-0005D THIS PROPERTY IS IN ZONE C AREAS OF MINIMAL FLOODING

THE EASEMENT RECORDED IN VOLUME 2499 PAGE 546 D.R.D.C.T. DOES NOT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AFFECT THIS LOT.

STATE OF TEXAS REGISTERED PAUL A HIDALGO 4490 PROFESSIONAL LAND SURVEYOR



21 piez Ancho
8 piez de Alto
Esquinas
12 piez de Alto
14 piez de largo

21 ft wide
8 ft tall where post go
12ft tall in midde
14ft long

Attachment 6

6/23/22

La Razón de esta Carta es para explicar porqué necesitamos una cochera en nuestra propiedad en 218 Cedar St Duncanville TX 75137 Hemos estado viviendo en este lugar desde 28 de marzo de 2012 La Cochera en Cuestion que se va a Construir nos ayudara a mantener nuestros ~~el~~ coches alejados del sol y a mantenerlos frescos durante los días de verano no tengo un garaje y necesito uno para guardar mis 2 carros y tambien Cuando llueve se moja mucho mi puerta principal y se me puede dañar y la Cochera les proporciona sombra a mis niños para que puedan jugar al aire libre a temperaturas muy altas esperamos que mantengan nuestra solicitud en consideración y gocierne a nuestro favor ya que nuestra familia realmente necesita una Cochera Gracias pero muchas Gracias por su tiempo y servicio. A.T.

Alejandro Mora

218 cedar st Duncanville TX 75137
Alejandro mora
Alicia Cortez

Carport material
madera 2X4
madera 2X6
PLYWOOD 1/2
SHINGLES ROOF

Section 4.13. Exterior Wall Covering Requirements

D. Miscellaneous standards (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.

The carport will comply with section 4.13 (D) (4) of the Comprehensive Zoning ordinance.
Alejandro Mora

Attachment 7

City of Duncanville
Planning Division
203 E. Wheatland Rd.
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

July 14, 2022

Zoning File: 2022-21

Dear Property Owner:

Alejandro Mora, Applicant and Owner, is requesting approval of a Specific Use Permit to allow for the use of Carport on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, in the City of Duncanville, Dallas County, Texas.

Your property is NOT being rezoned. You have been sent this notice because you are within the required 200-foot notification area of property that is being considered for rezoning for this particular public hearing. Please refer to the enclosed map that indicates which property is being rezoned.

The Planning and Zoning Commission will hold a public hearing on Monday, July 25, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, August 16, 2022, at 7:00 p.m., both in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change. If you oppose the zoning change, however, the attached survey must be completed and returned by August 16, 2022, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary, Kristin Downs, or to the Planning and Neighborhood Services Director, Jeremy Tennant, P.O. Box 380280, Duncanville, Texas, 75138-0280 or email lromero@duncanville.com stating your position. You are encouraged to participate in the public hearing and offer comments.

Sincerely,

Jeremy Tennant

Jeremy Tennant
Planning and Neighborhood Services Director

Enclosures

City of Duncanville
Planning Division
203 E. Wheatland Rd.
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

Julio 14, 2022

Archivo de zonificación: 2022-21

Estimado propietario:

Alejandro Mora, solicitante y propietario, está solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Cochera en Paxton Acres, Block A, Lot 8, más comúnmente conocido como 218 Cedar Street, en la ciudad de Duncanville, condado de Dallas, Texas.

Su propiedad NO está siendo rezonificada. Se le ha enviado este aviso porque se encuentra dentro del área de notificación requerida de 200 pies de la propiedad que se está considerando para la rezonificación para esta audiencia pública en particular. Consulte el mapa adjunto que indica qué propiedad se está rezonificando.

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 25 de Julio de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 16 de Agosto de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto. Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del **16 de Agosto de 2022**, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretaria de la Ciudad, Kristin Downs, o a el Director de Planificación y Servicios Vecinales, Jeremy Tennant, P.O. Box 380280, Duncanville, Texas, 75138-0280 o enviar un correo electrónico lromero@duncanville.com indicando su posición. Se le anima a participar en la audiencia pública y ofrecer comentarios.

Sinceramente

Jeremy Tennant

Jeremy Tennant
Director de Planificación y Servicios Vecinales

Recintos

The following form may be filled out and mailed to:

Planning and Zoning Commission
City of Duncanville
P.O. Box 380280
Duncanville, TX 75138-0280

Case No. 2022-21 Alejandro Mora, Applicant and Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Carport on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, in the City of Duncanville, Dallas County, Texas. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

NOTE: The purpose of the request is to allow for the use of **Carport**.

You have been sent this notice since your property is within the 200-foot notification area of the property being requested for a zoning change. **Your property is not being rezoned.**

The Planning and Zoning Commission will hold a public hearing on Monday, July 25, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, August 16, 2022, at 7:00 p.m., both at the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by **August 16, 2022**, to fulfill legal requirements for a written formal protest.

Please check one:

_____ ***In favor*** *of granting the zoning request.*

_____ ***Not in favor*** *of granting the zoning request.*

My reasons are as follows:

1).

2).

3).

Printed Name: _____ Address: _____

Signature: _____ Date: __

El siguiente formulario puede ser llenado y enviado por correo a:

Planning and Zoning Commission
City of Duncanville
P.O. Box 380280
Duncanville, TX 75138-0280

Caso No. 2022-21 Alejandro Mora, Solicitante y Propietaria, está solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Cochera en Paxton Acres, Block A, Lot 8, mas comúnmente conocido como 218 Cedar Street, en la Cuidad de Duncanville, condado de Dallas, Texas. Esta es la primera de dos audiencias públicas que se han programado para recibir más información sobre el cambio de zonificación solicitado.

NOTA: El propósito de la solicitud es permitir el uso de **Cochera**.

Se le ha enviado este aviso ya que su propiedad está dentro del área de notificación de 200 pies de la propiedad que se solicita para un cambio de zonificación. **Su propiedad no está siendo rezonificada.**

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 25 de Julio 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 16 de Agosto de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto.

Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del **16 de Agosto de 2022**, para cumplir con los requisitos legales para una protesta formal por escrito.

Por favor, marque uno:

_____ ***A favor*** de conceder la solicitud de *zonificación.*

_____ ***No a favor*** de otorgar la solicitud de *zonificación.*

Mis razones son las siguientes:

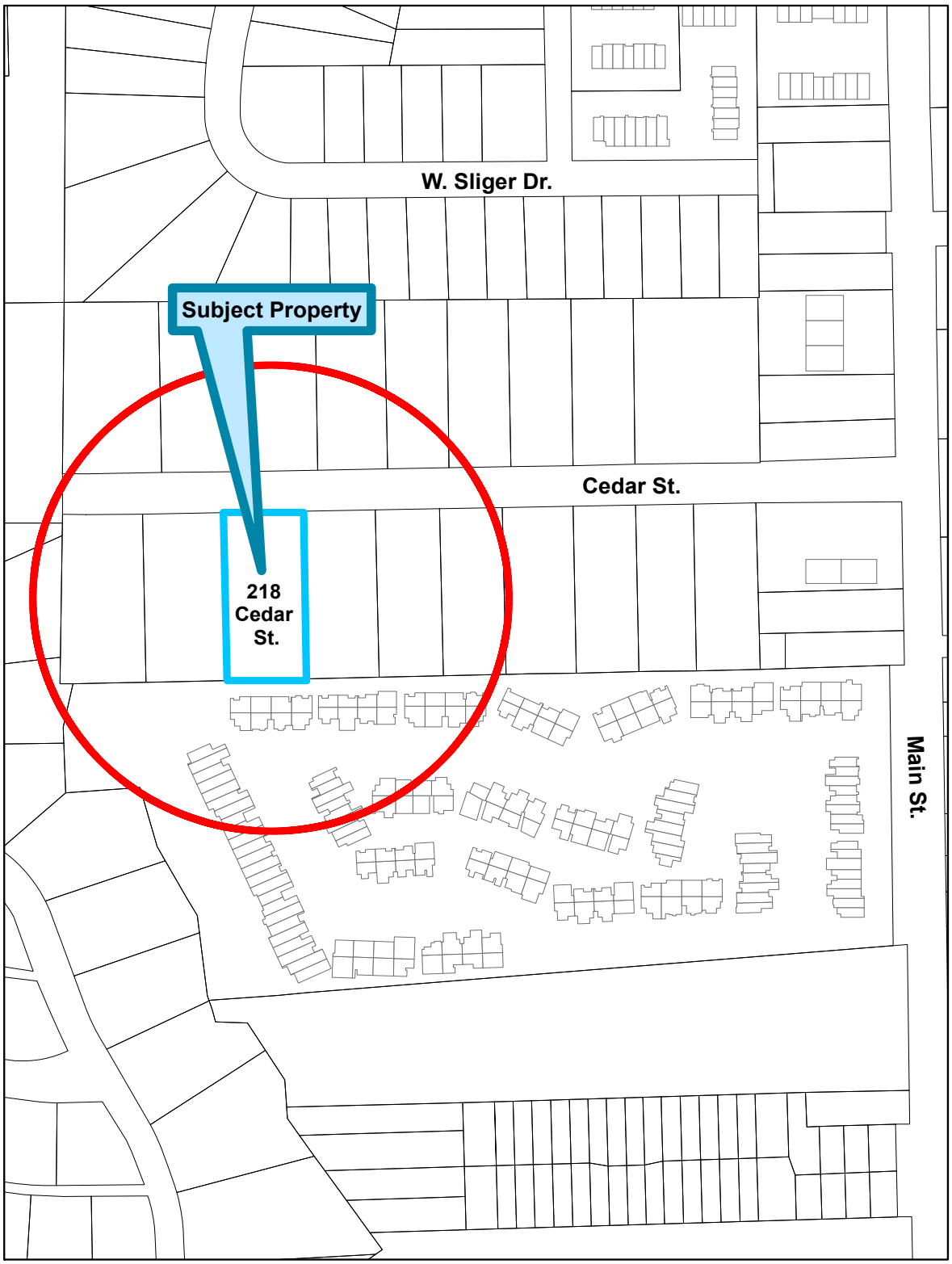
1).

2).

3).

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: ___


W. Sliger Dr.
Subject Property
Cedar St.
218 Cedar St.
Main St.

Attachment 8

GREGORY DAVID A &
1306 CARDINAL CREEK DR
DUNCANVILLE, TEXAS 751373135

ALARCON ALICIA CORTEZ &
219 CEDAR ST
DUNCANVILLE, TEXAS 751373207

4TUNE HOMES LLC
1021 KINGS WAY
DALLAS, TEXAS 752083704

SMITH JAYE ROBERT
214 CEDAR ST
DUNCANVILLE, TEXAS 751373208

1303 MAIN GARDENS LP
999 WATERSIDE DR STE 2300
NORFOLK, VIRGINIA 235103324

MORENO JOSE ALEJANDRO B &
227 CEDAR ST
DUNCANVILLE, TEXAS 751373207

MADRIGAL RODRIGO III
215 CEDAR ST
DUNCANVILLE, TEXAS 751373207

BUSTOS ESTEBAN ARCE &
222 CEDAR ST
DUNCANVILLE, TEXAS 751373208

DIAZ JULIO C & EUNICE J JIMENEZ
210 CEDAR ST
DUNCANVILLE, TEXAS 751373208

MORA RAUNEL REYES
223 CEDAR ST
DUNCANVILLE, TEXAS 751373207

MAURILLO MARIA DEL REGUJIO &
211 CEDAR ST
DUNCANVILLE, TEXAS 751373207

MORA ALEJANDRO & ALICIA
218 CEDAR ST
DUNCANVILLE, TEXAS 751373208

BALDERAS JAVIER &
206 CEDAR ST
DUNCANVILLE, TEXAS 751373208

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, JULY 25, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, July 25, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

Betty Culbreath	Chair	
Elias Rodriguez	Vice-Chair	
Eric Pena	Commissioner	Excused Absence
Jana McBroom	Commissioner	Excused Absence
Javar Avery	Commissioner	
Edward Stith	Commissioner	

Staff:
Jeremy Tennant, Director of Planning and Neighborhood Services
Lynette Romero, Planning Technician

Item No. 1 – Call to Order.
The meeting was called to order at 7:00 p.m. by Chair Culbreath.

Item No. 2 – Receive Public Comments.
None.

Item No. 3 – Approval of meeting minutes for the regular meeting on June 27, 2022, and cancelled meeting on July 11, 2022.
Commissioner Rodriguez made a motion to approve the item as stated, Commissioner Avery seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Item No. 4 – Consider a request for approval of a Replat by Bryan M. Burger, P.E., of Burger Engineering, LLC., Applicant, representing Kyle Barrett of Vaquero Duncanville 67 Partners, Owner, to replat Exxon Mobil from Block 1, Lot 2 and Block A, Lot 3 into Block 1, Lot 2 ACS 1.033, more commonly known as 300 West Highway 67, Duncanville, Dallas County, Texas.
Staff presented background information regarding the proposed request for replat.

The Applicant was present but did not speak on his request.

Commissioner Avery made a motion to approve the item as stated, Commissioner Rodriguez seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Unapproved

Item No. 5 – Conduct a public hearing (2022-21) for consideration and action regarding the request of Alejandro Mora, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, Duncanville, Dallas County, Texas.
Staff presented background information regarding the proposed request for SUP.

The applicant was presented but did not speak on his request.

Commissioner Avery asked staff questions regarding building requirements.

Staff clarified that the proposed carport will be tied into the roof of the main structure.

Commissioner Rodriguez made a motion to approve the item as stated, Commissioner Stith seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Item No. 6 – Conduct a public hearing (2022-18) for consideration and action regarding the request of Telese Clark, Applicant, representing Jordan Myller of B H Industrial LLC, Owner, to include a Specific Use Permit "SUP" for Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, Duncanville, Dallas County, Texas.
Staff presented background information regarding the proposed request for SUP.

Staff stated that the request is to revoke and rescind the SUP since the Use is now conforming. The current Comprehensive Zoning Ordinance, states that the Use of "Adult Day Services" is permitted by right within the GOR, General Office Retail district.

The applicant, Telese Clark, 328 East Camp Wisdom Road, spoke in favor of the request.

Commissioner Stith made a motion to rescind and revoke the request for proposed SUP and allow the Adult Life Skills Center to operate as permitted by right within the General Office Retail district. Commissioner Rodriguez seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Item No. 7 – Discuss duties and legal procedures with the City Attorney.
The following was discussed:

- Texas Open Meetings Act
- Secret Deliberations
- Closed Meetings
- Citizen Appearance
- Violations
- Public Information Act
- E-Mails, Text Messages and Social Media Posts
- Temporary Records Custodians

Unapproved

- Social Media
- State Conflict of Interest Law
- Relationships of Consanguinity and Affinity
- State Conflict of Interest Law
- City Code of Ethics
- Special City Ethics Code for Land Matters

Item No. 8 – Continue discussion pertaining to the five-year Comprehensive Plan update. Discuss incorporating new areas of interest within the area maps.
Commissioner Rodriguez stated that he is currently working on some presentations regarding energy conservation that he plans to discuss in more detail at the next meeting.

Commissioner Avery stated that he has a meeting with Dr. Marc Smith, Superintendent of Duncanville ISD, on August 22, to discuss the possibility of purchasing the bus barn located at 530 East Freeman Street. The purpose for obtaining the bus barn is to incorporate it into the Downtown District.

Item No. 9 - Adjournment
The meeting was adjourned at 8:08 p.m.

APPROVED:

_____
Betty Culbreath, Chair

ATTEST:

_____
Jeremy Tennant, Director of Planning and Neighborhood Services

Unapproved

ORDINANCE NO. 2445

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY AMENDING THE EXISTING SINGLE FAMILY RESIDENTIAL DISTRICT (SF-7) TO GRANT A SPECIFIC USE PERMIT "SUP" FOR A CARPORT WITH SPECIAL CONDITIONS FOR REAL PROPERTY ON PAXTON ACRES DESCRIBED AS LOT 8, BLOCK A, MORE COMMONLY KNOWN AS 218 CEDAR STREET, DUNCANVILLE, DALLAS COUNTY, TEXAS, EXHIBIT A; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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, THAT:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Duncanville, Texas, as heretofore amended, be, and the same are hereby amended by amending the existing Single family residential district (SF-7) to grant a Specific Use Permit "SUP" for a carport with special conditions for real property described as Lot 8, Block A, more commonly known as 218 Cedar Street, Duncanville, Dallas County, Texas, Exhibit A.

SECTION 2. That said Property shall be used, developed, and maintained only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Duncanville, as heretofore amended, and in conformance with this Ordinance and the amended Site Plan, Exhibit B, as special conditions and subject to the following additional special conditions:

a. The carport will not be built with the identified prohibited materials
b. The carport will not encroach into the required front yard setback.

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 Comprehensive Zoning Ordinance as a whole.

SECTION 4. That all provisions of the Ordinance of the City of Duncanville in conflict with provisions of this Ordinance be, and 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 5. That the above-described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this special use permit.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor, and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by 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 constitute a separate offense.

SECTION 7. 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 PASSED by the City Council of the City of Duncanville, Texas, on the 16th day of August, 2022.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

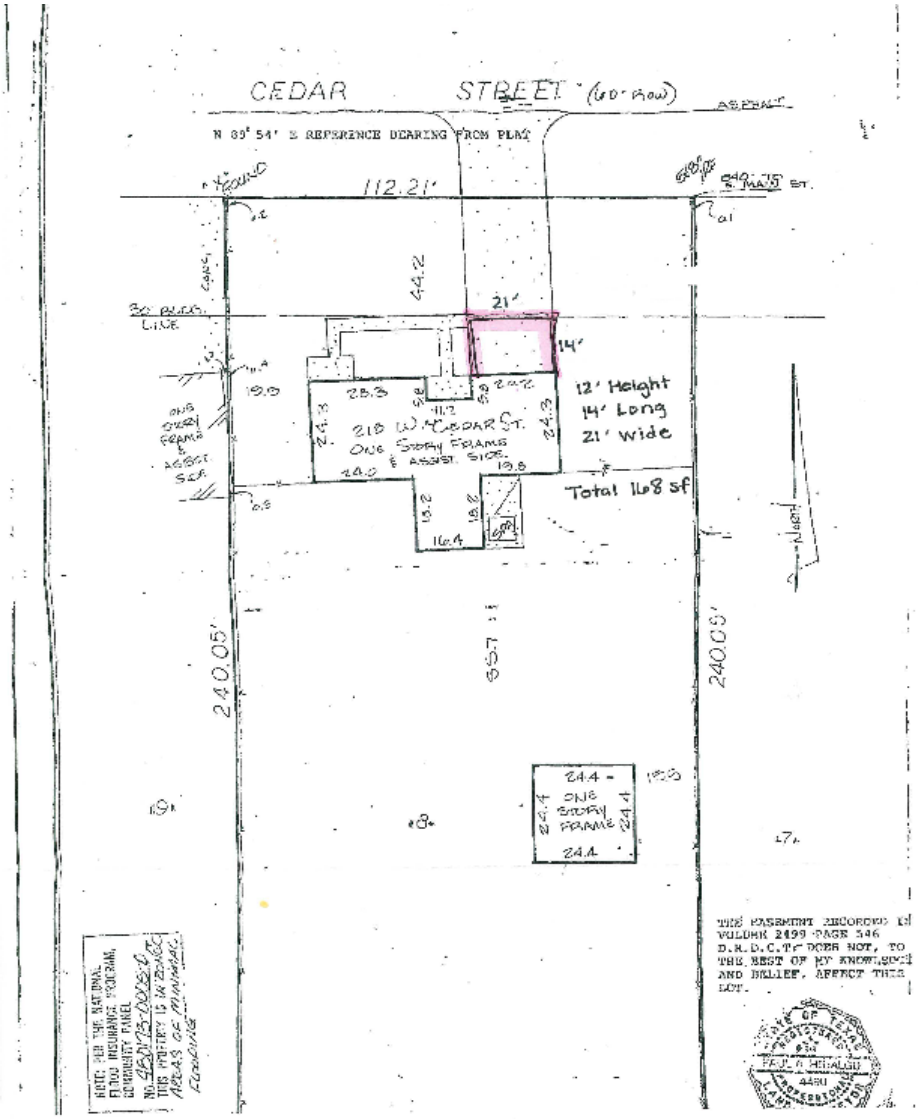
_____
Robert E. Hager, City Attorney

EXHIBIT “A”

LEGAL DESCRIPTION

Being on Paxton Acres, Lot 8, Block A, in the City of Duncanville, Dallas County, Texas and more commonly referred to as 218 Cedar Street, Duncanville, Dallas County, Texas.

EXHIBIT "B"
SITE PLAN



STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Conduct a Public Hearing regarding the request of Telese Clark, Applicant, representing Jordan Myller of B H Industrial LLC, Owner, to include a Specific Use Permit "SUP" for Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, Duncanville, Dallas County, Texas.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Re-Imagine: High Quality of Life**
  - **Develop, maintain, and encourage safe, attractive, viable family-oriented neighborhoods that embrace diversity and pride, promoting economic vitality.**

STAFF RESPONSIBLE:
Jeremy Tennant, Director of Planning and Neighborhood Services

BACKGROUND/HISTORY:
Comprehensive Plan
The subject property has a Future Land Use Designation of two primary purposes:

- An upscale retail/commercial and entertainment area serving as a key transition into Downtown along Camp Wisdom.
- High quality interstate/highway commercial development along I-20.

Retail/commercial establishments have goods for purchase by the general public and generating sales tax revenue. Retail uses require high visibility locations such as along arterial roadways.

Examples of retail uses include clothing stores, dry cleaners, and branch banks.

The Plan goes on to list the following policies to guide these areas:

- Retail should be located at high points of visibility.
- They should serve as a buffer and transition between higher and lower intensity uses.

Commercial uses are more intense than retail establishments, yet also provide goods and services for the public. Examples of commercial establishments would include hotels, restaurants, and big box retailers.

The Plan goes on to list the following policies to guide these areas:

- They are located along major arterial, super arterial and freeway corridors.
- Outside storage associated with commercial activity should e screened from the primary roadway on which the establishment is located.
- Commercial activity should be buffered from low density residential areas using enhanced landscaping, increased rear setbacks, the use of medium density residential, and by floodplains or other man-made features.
- Retail/Commercial uses above two stories should be required to observe additional setbacks.

This request is not in conformance with the Comprehensive Plan as the proposed use is for an Adult Day Services.

Project Scope

The applicant is seeking approval to renew their SUP for Adult Day Services at the subject property. The SUP was originally approved by City Council on December 6, 2016, under Ordinance No. 2294. The applicant was required to renew five years after the effective date of the ordinance. The applicant has complied with the renewal conditions.

Definition

Adult Day Services is defined 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.

Parking

Adult Day Services Requirements are as follows:

- One (1) space per every 400 square feet plus one (1) space per employee
- The suite is approximately 6,218 square feet and there are a total of eight (8) employees
- The required parking is twenty-four (24) spaces, and the subject property is currently located within a shopping strip that has over five hundred (500) spaces as shown in the property survey attached.

This request, if approved, would be in conformance with this language.

Surrounding Land Use

To the north of the subject property are shopping strips zoned LOR, Local Office Retail District and GOR, General Office Retail District. To the west are multi-family residences zoned DD, Downtown District. To the east, are businesses zoned LOR, Local Office Retail District. To the south, just behind the subject property, are townhomes currently zoned as PD, Planned Development with a base zoning of LOR, Local Office Retail District.

Planning & Zoning Commission Recommendation

The Planning & Zoning Commission recommended approval of the proposal to City Council.

Recommended Conditions

- No overnight stays.

- No Loud and raucous noise may be present on the property between the hours of 10:00 p.m. and 7:00 a.m.

POLICY EXPLANATION:

Notification

One-hundred and eight (108) notices were sent out for this public hearing. As of this writing, one response has been received in favor of the request. Letters will be received until Tuesday, August 16, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, August 16, 2022, City Council hearing.

FUNDING SOURCE:

ORG and Object Number

N/A

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

ACTION ALTERNATIVES:

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

ATTACHMENTS:

Attachment 1 - Legal Advertisement
Attachment 2 - Maps
Attachment 3 - Application
Attachment 4 - Property Survey - resize
Attachment 5 - Floor Plan
Attachment 6 - Letter from Applicant
Attachment 7 - List of Property Owners within 200 Feet with Buffer & Responses
Attachment 8 - List of Property Owners within 200 Feet
Attachment 9 - PZ Minutes - July 25 2022
Attachment 10 - Ordinance No. - 2294R - SUP - Amend - 328 East Camp Wisdom Road

Attachment 1

Advertise 1 time - By June 13

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION
ZONING FILE #2022-18

A public hearing will be held before the Planning & Zoning Commission on Monday, July 25, 2022, at 7:00 p.m. and before the City Council on Tuesday, August 16, 2022, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Road, Duncanville, Texas to hear a request of the City of Duncanville for a Specific Use Permit to allow for Adult Day Services on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, City of Duncanville, Dallas County, Texas.

As an interested citizen, you may appear at the public hearing or you may send a notice to either Kristin Downs, the City Secretary or to Jeremy Tennant, Planning and Neighborhood Services Director, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

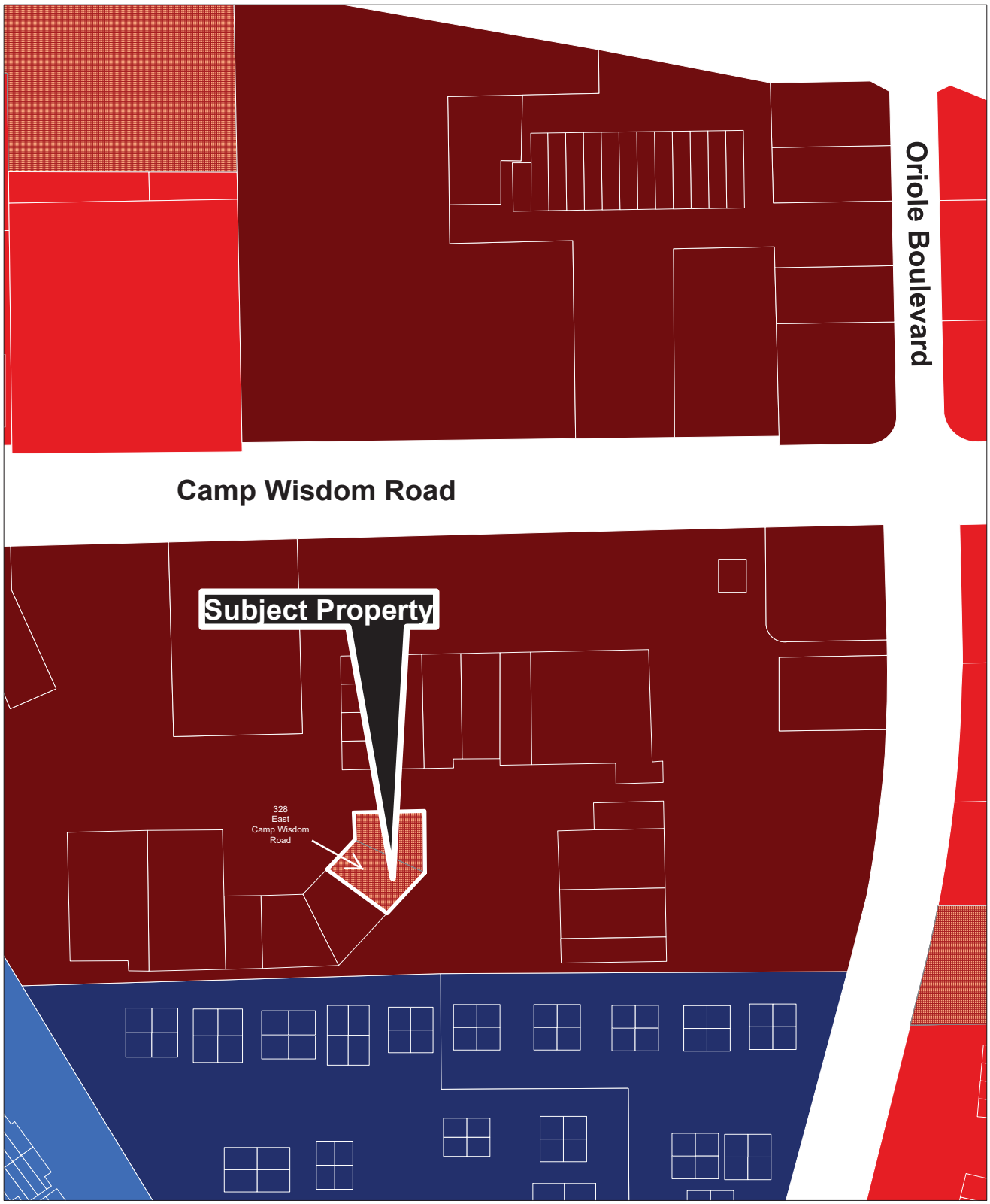
Jeremy Tennant
Planning and Neighborhood Services Director

Attachment 2

Duncanville
City of Champions

Proposed Zoning Change
Aerial Location
328 East Camp Wisdom Road

N
W E
S



Duncanville
City of Champions

Zoning Case 2022-18
SUP Request for
Adult Life Skills Center

N
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Attachment 3

Duncanville
City of Champions

Public Works Department
Planning Division
203 E Wheatland Road
P.O. Box 380280
Duncanville, TX 75138
(972) 780-5015

ZONING CHANGE APPLICATION

CONTACT INFORMATION

Applicant/ Agent Life Skills Center for Adults Contact: Telese Clarke

☐ Engineer ☐ Architect ☐ Surveyor ☐ Owner ☐ Other

Applicant/Agent Address: 328 E Camp Wisdom Rd City: Duncanville State: TX Zip: 75116

Agent Email: Clarke.star@gmail.com Telephone: 214-763-1215 (Fax)

Property Owner: BH property Contact: ~~Charlotte Chapman~~ Jordan Myller

Owner Address 1410 E Kenner Rd Ste. 210 City: Richardson State: TX Zip: 75082

Owner Email: charlottechapmess@bhproperties.com Telephone: 972-233-8203 (Fax) 972-233-8422

PROPERTY INFORMATION — REQUIRED

Property Address: 300 E. Camp Wisdom Rd. Suites 328, 330

Legal Description of Property: Fairmeadows Village Replat

Lot No. 2R Block No. P Acreage: 9.8519 Existing Zoning District: SUP/Comm

REQUEST TYPE — REQUIRED

☒ Specific Use Permit - Commercial
For Life Skills Center

☐ Specific Use Permit - Residential
For

☐ Change in Zoning
From To

☐ Planned Development (PD)
☐ Amend PD Approval
☐ Development Plan Approval
☐ Conceptual Plan Approval
☐ Alternative Compliance Request

SUBMITTAL DOCUMENTS — REQUIRED

ALL ZONING REQUESTS MUST CONTAIN THE FOLLOWING DOCUMENTATION

☑ Completed application
☑ Application fee - $0
☑ Property survey, or site plan or electronic copy of the metes and bounds legal description Microsoft word format or plat
☑ Written description of request (associated variance requests require justification), business statement or business plan with detailed description of proposed operation
☐ Electronic copies of all submittals via email

2022-18
P&Z: 06/27
CC: 07/19

RECEIVED
05.06.2022

April 2021

1

Acknowledgments

I understand that all required information and plans must be submitted with this application or the application be deemed incomplete.

I hereby authorize the placing of a sign on subject property indicating a zoning change is under consideration.

I understand the requirements of the zoning classifications as stated in the City of Duncanville Zoning Ordinance related to this request and will comply with all necessary requirements of the City codes. I am aware that the City Council has the power to zone land as most appropriate in their wisdom, to promote the health, safety, and morals and for the protection and preservation of places of historical or cultural importance, and the general welfare of the community.

I have read and understand this application and certify that all information and attachments are true and correct. I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the request described. Applicants (or a representative) are expected to be present at all public hearings concerning this application to justify and explain their request and to answer questions posed by the City Planning and Zoning Commission and City Council.

Signature of Current Property Owner

4/29/2022
Date

Notarization

BEFORE ME, Oswaldo B Moreno, on this day personally appeared Jordan Myller, known to or proved to me on the oath of _____ or through Drivers Licence (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 29 day of April, 2022.

(Seal)

Oswaldo B Moreno
Notary Public in and for the State of Texas
My Commission Expires: 4-06-2025

NOTARY PUBLIC STATE OF TEXAS
Oswaldo B Moreno
My Commission Expires
04/06/2025
ID No. 133019222

2

Following is to be completed only if a person other than the owner is submitting this application.

Owner Validation

Applicant has permission to pursue a zoning change on the property located at Telese Clarke with the City of Duncanville.

Signature of Owner/Agent — Date: 4-27-2022

BEFORE ME, Telese Clarke, on this day personally appeared personally, known to or proved to me on the oath of _____ or through _____ (description of identity card or other document) to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 27th day of April, 2022.

(SEAL)

Rebecca K. Hall

Notary Public in and for the State of Texas

My Commission Expires: Jan. 24, 2024

REBECCA K. HALL
My Notary ID # 450899
Expires January 24, 2024

3

SUBMITTAL CHECKLIST

Specific Use Permit - Commercial

Please check if applicable

YES	N/A	
☑	☐	Written Letter with detailed description of proposed operation
☑	☐	Site Plan no changes have been made to
☐	☐	Building Elevation and Signage Plan
☑	☐	Landscape Plan
☑	☐	Floor Plans no change have been made to
☐	☐	Other _____

Specific Use Permit - Residential

Please check if applicable

YES	N/A	
☐	☐	Written Letter of Intent with detailed description of request
☐	☐	HOA approval letter (if applicable)
☐	☐	Drawings, spec sheets, diagrams or other documents in electronic format (PDF)
☐	☐	Letter from owner (if applicant is not owner) and/or approval letter from HOA (if applicable)
☐	☐	Other _____

Planned Development

YES	N/A	
☐	☐	Written Letter with detailed description of proposed development with proposed conditions
☐	☐	Conceptual Plan

(The purpose of a Conceptual Plan is to provide a general layout of the proposed development prior to a more specific Development Plan being submitted. A Conceptual Plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed.)

☐ ☐ Development Plan with proposed PD Conditions

(The purpose of a Development Plan is to specifically illustrate the proposed location and arrangement of uses and structures, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development. Development Plan shall be incorporated into the regulations of the PD ordinance, shall be construed in conjunction with the authorized uses and development standards set forth in such regulations, and shall be in general conformity with the approved Conceptual Plan for the PD (if applicable).

REQUIRED

4

American National

Commercial Real Estate
Due Diligence Management
3465 S. Arlington Road, Suite E #153
Akron, OH 44312
866.290.8121
www.amnational.net

ALTA/NSPS Land Title Survey

Fair Meadows Village
Surveyor Certification
Fair Meadows Village
401 E. Camp Wisdom Road
Duncanville, TX 75657
County of Dallas

To: B.H. Management, Inc.; B.H. Properties; Chicago Title Insurance Company; Wells Fargo Bank, National Association; B.H. Industrial LLC; A California limited liability company, d/b/a in Texas as B.H. Dallas Industrial, LLC; and American National, LLC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10a, 13, 14, 16, 17, 18, 19, and 20 of Table A thereof.

The field work was completed on: October 10, 2017.

The date of this map or plat is: October 12, 2017.

David M. Henderson
Registered Professional Land Surveyor No. 4489
In the State of Texas

Date of Last Revision: 11/06/17--MC
Dwg. No.: 1735530
Network Ref. No.: 2017844.001
Drawn By: FG

Survey Performed By:
Benchmark Group of Texas, Inc.
599 Presidential Drive, Suite 110
Richardson, TX 75081
License No. 10120700
commbg1@gmail.com

STATE OF TEXAS · REGISTERED · DAVID M. HENDERSON · 4489 · PROFESSIONAL · LAND SURVEYOR

Legal Description

TRACT 1:
BEING Lots 2R, 5, and 6, Block P, of Fairmeadows Village Replat of Lot 2, Block P, an addition to the City of Duncanville, Dallas County, Texas, according to the plat thereof recorded under Clerk's File No. 201503092289 Map Records, Dallas County, Texas.

TRACT 2:
BEING Lots 3 and 4, Block P, of Fairmeadows Village, an addition to the City of Duncanville, Dallas County, Texas, according to the plat thereof recorded in Volume 73051, Page 45, Map Records, Dallas County, Texas.

The above described property is based on a title report prepared by Chicago Title Insurance Company, Commitment GF No. 473012821, effective September 20, 2017.

Notes Corresponding to Schedule B

This survey is based on a title report prepared by Chicago Title Insurance Company, Commitment GF No. 473012821, effective September 20, 2017.

The following restrictive covenants of record itemized below:

(10a) Building Lines and Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat recorded under Clerk's File No. 201503092289 Map Records, Dallas County, Texas: SHOWN HEREON

1) 24' Mutual Access Easement;
2) 10' Utility Easements;
3) 15' Utility Easements;
4) 15' x 15' Utility Easements;
5) 40' Drainage Easement;
6) 8' Sanitary Sewer Easement;
7) Utility Easement, undetermined width; and
8) Ingress & Egress Easements, variable widths.

Affects: Tract 1

(10d) Building Lines and Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat recorded in Volume 73051, Page 45, Map Records, Dallas County, Texas: SHOWN HEREON

1) Ingress & Egress Easements, variable widths.

Affects: Tract 2

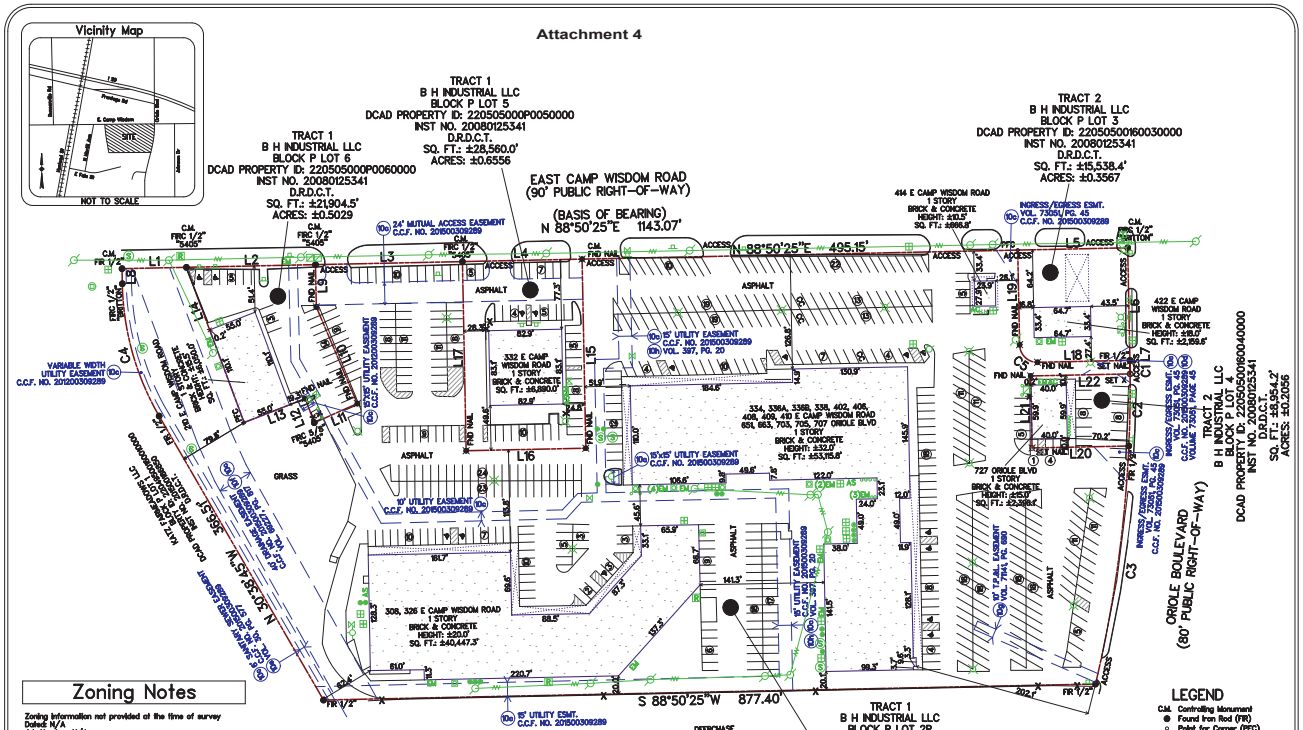
(10e) Easement executed by Fair-Meadows Village, Inc., to City of Duncanville, dated March 19, 1963, filed March 28, 1963, recorded in Volume 30, Page 577 of the Real Property Records of Dallas County, Texas, and shown on the Fairmeadow Survey. SHOWN HEREON

(10f) Easement executed by Landmark Properties, Inc., to State of Texas, dated October 23, 1968, filed November 20, 1968, recorded in Volume 69227, Page 817 of the Real Property Records of Dallas County, Texas, and shown on the Fairmeadow Survey. SHOWN HEREON

(10g) Easement to Texas Power & Light Company, dated May 3, 1971, filed July 21, 1971, recorded in Volume 71141, Page 590 of the Real Property Records of Dallas County, Texas, and shown on the Fairmeadow Survey. SHOWN HEREON

(10h) Easement as recorded in Volume 397, Page 20, Deed Records, Dallas County, Texas, and shown on the Fairmeadow Survey. SHOWN HEREON

Attachment 4



Zoning Notes

Zoning information not provided at the time of survey
Dated: N/A
Job Number: N/A

Zoned: N/A
Permitted Use Classification: N/A
Observed Use(s): Shopping Center

Zoning Regulations are subject to change and interpretation, for further information contact:

Site Restrictions:

1. Minimum building setbacks:
   Front: N/A (Provided: 33.4')
   Side: N/A (Provided: 62.4')
   Rear: N/A (Provided: 20.0')
2. Minimum lot size: N/A (Provided: ±429,143.9 sq. ft.)
3. Maximum building height: N/A (Provided: ±32.0')
4. Maximum Density: N/A (Provided: ±26.0%)
5. Minimum Lot Width/Frontage: N/A (Provided: 1143.07')

Parking Tabulation:

Total Parking Spaces Required: N/A
Regular Spaces: 587
Handicap Spaces: 15
Total Parking Spaces: 602

Utility Note

The visible utilities shown have been plotted from field survey information and/or provided drawings. The Surveyor makes no guarantee that the visible utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has physically located the visible utilities.

Flood Note

By graphic plotting only, this property is in Zones "AE & X" of the Flood Insurance Rate Map, Community Panel No. 48113 0047D J which bears an effective date of August 23, 2001 respectively, and IS in a Special Flood Hazard Area. By FEMA website we have learned this community DOES currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

General Notes

1. The nearest intersection is as shown hereon.
2. There was no observable evidence of cemeteries, individual gravesites, or burial grounds found at the time of this survey.
3. There was no observable evidence of recent construction on the property.
4. There was no observable evidence of changes in right-of-way lines, recent street or sidewalk construction or repairs.
5. There was no observable evidence of site being used as a solid waste dump, sump or sanitary landfill.
6. The Basis of Bearings for this survey was based on the Northerly line (N 88°50'25"E) of Lot 2R, 5, and 6, Block P, FAIRMEADOWS VILLAGE REPLAT OF LOT 2, BLOCK P, as recorded in Clerk's File No. 201503092289 of the Plat Records of Denton County, Texas.
7. Building street numbers observed as 220, 332, 308, 326, 334, 336A, 336B, 338, 402, 408, 408, 409, 410, and 422 E Camp Wisdom Road. Building street numbers also observed as 651, 663, 703, 705, 707, 727 Oriole Boulevard.
8. The Property has access to East Camp Wisdom Road and Oriole Boulevard, which are both public right-of-ways.
9. There was no evidence observed of party walls at the time of survey.
10. There was no evidence of wetlands observed at the time of survey.
11. There was no visible evidence of waterways, creeks, streams, or lakes at the time of survey.
12. In response to Table A Item 19, wetlands mapping website www.fws.gov/wetlands/Data/Mapper.html) designates the property as being clear of wetlands.
13. There was no observed evidence of offsite easements affecting the subject property. The surveyor has not been provided with any documents indicating the existence of offsite easements.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°50'25"E	73.15'
L2	N 88°50'25"E	146.74'
L3	N 88°50'25"E	167.03'
L4	N 88°50'25"E	139.00'
L5	N 88°50'25"E	125.00'
L6	S 01°09'35"E	125.00'
L7	S 01°09'35"E	0.97'
L8	N 01°09'34"W	15.76'
L9	S 01°09'25"E	46.97'
L10	S 23°29'55"E	95.95'
L11	S 66°31'05"W	53.36'
L12	N 20°52'55"W	28.82'
L13	S 89°07'05"W	74.44'
L14	N 20°52'55"W	154.57'
L15	S 01°09'35"E	210.00'
L16	S 88°50'25"W	136.00'
L17	N 01°09'35"W	210.00'
L18	S 88°50'25"W	105.00'
L19	N 01°09'35"W	105.00'
L20	S 88°50'25"W	110.00'
L21	N 01°09'35"W	80.00'
L22	N 88°50'25"E	113.09'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	00°34'27"	1400.00'	14.03'	S 00°52'22"E	14.03'
C2	03°16'32"	1400.00'	80.07'	S 01°03'41"W	80.06'
C3	10°56'38"	1400.00'	267.40'	S 08°09'46"W	266.99'
C4	29°29'09"	300.00'	154.39'	N 15°54'10"W	152.69'
C5	89°58'56"	20.00'	31.41'	N 46°09'35"W	28.28'

Encroachment Statement

No encroachments provided at the time of survey

LEGEND
C.M. Controlling Monument
Found Iron Rod (FIR)
Point for Corner (PFC)
Nail Found
Nail Set
"X" Set in Concrete
Handicapped Space
Utility Pole
Light Pole
Electric Transformer
Electric Meter
Signal Controller
Telephone Vault
Telephone Junction Box
Telephone Riser
Cleanout
Sanitary Sewer Manhole
Water Meter
Water Valve
Auto Sprinkler
Fire Hydrant
Storm Manhole
Gas Meter
Guard Post (Bollard)
Sign
Fence
Overhead Power Line

SCALE 1" = 60'

TEXAS EXCAVATION SAFETY SERVICES 1-800-344-8377

Sheet 1 of 1

Restrooms
Restrooms
Restrooms
Restrooms
Mechanical Room
Changing Room
Conference Room
Conference Room
Reflection Room
Craft Room
Storage
Lunch/Classroom
TV Room #2
TV Room #1
Reception
Office
Lunch Room
Restroom
Office
B Class Room
Sensory Room
Office
Office
TV / Classroom
HELPING HANDS
PROPOSED FINISH OUT
(Floor Plan - with Dimensions)
328 E. Camp Wisdom Rd
Duncanville TX 75116

Attachment 6

Helping Hands of Duncanville

April 27, 2022

Helping Hands of Duncanville is an adult day habilitation program for adults with special needs. We serve a diverse population of individuals in and around the Duncanville area and work closely with Duncanville High School to support their special needs student body. We opened our doors in April 2013, where we serve individuals that are unable to enter the workforce after high school. We strive to continue their education through life skills training, socialization and community integration. Most of our consumers live with their parents or foster parents and programs like ours afford these families with special needs the opportunities to continue to work and support their families and receive the much deserve respite they require when caring for an adults child with special needs.

Day habilitations programs were initiated to assist the consumes with special needs to find a location that could support their individual needs. We are fortunate to provide services to a unique clientele. We are able to assist individuals with Down syndrome, autism, cerebral palsy and other developmental disabilities continue to grow and develop into well-adjusted, respectful members of the community.

We are looking to renew our Specific Use Permit for 5 more years at 328 E. Camp Wisdom Rd., Duncanville, TX 75116. We like our location as it is still central to downtown Duncanville for community integration outings and ease of access for Duncanville High School participants and all our families in the surrounding areas.

We appreciate you consideration for our request to renew our Specific Use Permit for 5 more years. In comparison to many other options we have researched to remain in the Duncanville area, this choice by far appears to meet all the city safety, parking and traffic requirements. It allows for our program to continue to flourish and serve the growing needs of the special needs population in the area and support Duncanville High School student body.

Thank you,

Telese Clarke
Director

Helping Hands of Duncanville. 328 E. Camp Wisdom Road. Duncanville, TX 75116. 972-709-3451

City of Duncanville
Planning Division
203 E. Wheatland Rd.
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

July 14, 2022

Zoning File: 2022-18

Dear Property Owner:

Telese Clark, Applicant, representing Jordan Myller of B H Industrial LLC, Owner, is requesting approval of a Specific Use Permit to allow for the use of Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, in the City of Duncanville, Dallas County, Texas.

Your property is NOT being rezoned. You have been sent this notice because you are within the required 200-foot notification area of property that is being considered for rezoning for this particular public hearing. Please refer to the enclosed map that indicates which property is being rezoned.

The Planning and Zoning Commission will hold a public hearing on Monday, July 25, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, August 16, 2022, at 7:00 p.m., both in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change. If you oppose the zoning change, however, the attached survey must be completed and returned by **August 16, 2022**, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary, Kristin Downs, or to the Planning and Neighborhood Services Director, Jeremy Tennant, P.O. Box 380280, Duncanville, Texas, 75138-0280 or email lromero@duncanville.com stating your position. You are encouraged to participate in the public hearing and offer comments.

Sincerely,

Jeremy Tennant

Jeremy Tennant
Planning and Neighborhood Services Director

Enclosures

City of Duncanville
Planning Division
203 E. Wheatland Rd.
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878
(e) lromero@duncanville.com

Julio 14, 2022

Archivo de zonificación: 2022-18

Estimado propietario:

Telese Clark, Solicitante, representando a Jordan Myller of B H Industrial LLC., Propietario, está solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Centro de Habilidades para La Vida Adulta en Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, más comúnmente conocido como 328 East Camp Wisdom Road, en la ciudad de Duncanville, condado de Dallas, Texas.

Su propiedad NO está siendo rezonificada. Se le ha enviado este aviso porque se encuentra dentro del área de notificación requerida de 200 pies de la propiedad que se está considerando para la rezonificación para esta audiencia pública en particular. Consulte el mapa adjunto que indica qué propiedad se está rezonificando.

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 25 de Julio de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 16 de Agosto de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto. Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del **16 de Agosto de 2022**, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretaria de la Ciudad, Kristin Downs, o a el Director de Planificación y Servicios Vecinales, Jeremy Tennant, P.O. Box 380280, Duncanville, Texas, 75138-0280 o enviar un correo electrónico lromero@duncanville.com indicando su posición. Se le anima a participar en la audiencia pública y ofrecer comentarios.

Sinceramente

Jeremy Tennant

Jeremy Tennant
Director de Planificación y Servicios Vecinales

Recintos

The following form may be filled out and mailed to:

Planning and Zoning Commission
City of Duncanville
P.O. Box 380280
Duncanville, TX 75138-0280

Case No. 2022-18 Telese Clark, Applicant, representing Jordan Myller of B H Industrial LLC, Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, in the City of Duncanville, Dallas County, Texas. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

NOTE: The purpose of the request is to allow for the use of Adult Life Skills Center.

You have been sent this notice since your property is within the 200-foot notification area of the property being requested for a zoning change. **Your property is not being rezoned.**

The Planning and Zoning Commission will hold a public hearing on Monday, July 25, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, August 16, 2022, at 7:00 p.m., both at the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to state their opinion directly to the Planning & Zoning Commission either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by **August 16, 2022**, to fulfill legal requirements for a written formal protest.

Please check one:

_____ ***In favor*** *of granting the zoning request.*

_____ ***Not in favor*** *of granting the zoning request.*

My reasons are as follows:

1).

2).

3).

Printed Name: _____ Address: _____

Signature: _____ Date: ___

El siguiente formulario puede ser llenado y enviado por correo a:

Planning and Zoning Commission
City of Duncanville
P.O. Box 380280
Duncanville, TX 75138-0280

Caso No. 2022-18 Telese Clark, Solicitante, representando Jordan Myller of B H Industrial LLC, Propietario, está solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Centro de Habilidades para la Vida Adulta en Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, mas comúnmente conocido como 328 East Camp Wisdom Road, en la Cuidad de Duncanville, condado de Dallas, Texas. Esta es la primera de dos audiencias públicas que se han programado para recibir más información sobre el cambio de zonificación solicitado.

NOTA: El propósito de la solicitud es permitir el uso de Centro de Habilidades para la Vida Adulta.

Se le ha enviado este aviso ya que su propiedad está dentro del área de notificación de 200 pies de la propiedad que se solicita para un cambio de zonificación. **Su propiedad no está siendo rezonificada.**

La Comisión de Planificación y Zonificación llevará a cabo una audiencia pública el Lunes 25 de Julio 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 16 de Agosto de 2022, a las 7:00 p.m., ambas en las Cámaras del Consejo de la Ciudad de Duncanville, 203 E. Wheatland Road. Las audiencias públicas se llevan a cabo para permitir a las personas interesadas la oportunidad de expresar su opinión directamente a la Comisión de Planificación y Zonificación, ya sea a favor o en contra del cambio de zonificación propuesto.

Sin embargo, si se opone al cambio de zonificación, la encuesta adjunta debe completarse y devolverse antes del **16 de Agosto de 2022**, para cumplir con los requisitos legales para una protesta formal por escrito.

Por favor, marque uno:

_____ ***A favor*** de conceder la solicitud de *zonificación.*

_____ ***No a favor*** de otorgar la solicitud de *zonificación.*

Mis razones son las siguientes:

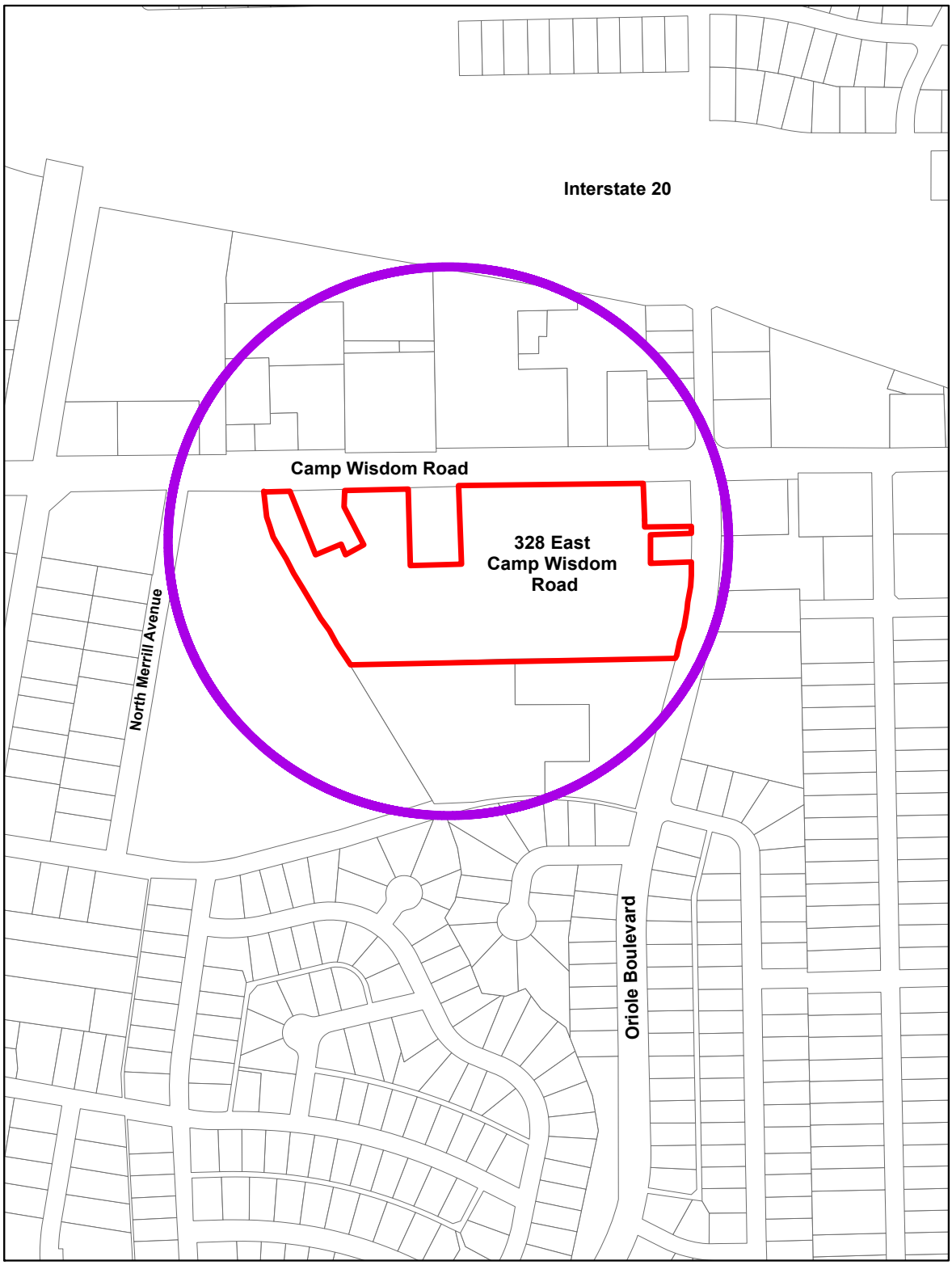
1).

2).

3).

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: ___


Interstate 20
Camp Wisdom Road
328 East
Camp Wisdom
Road
North Merrill Avenue
Oriole Boulevard

From:	BARNIE RAYFORD
To:	Lynette Romero
Cc:	BARNIE RAYFORD
Subject:	City of Duncanville Planning Division -- Zoning request inquiry
Date:	Thursday, June 23, 2022 9:50:36 PM
Attachments:	Dville_Plnng_Div_B.Rayford.pdf

To: City of Duncanville Planning Division

Please refer to the attached file which states (shows) my position in reference to granting the zoning request. Should you have any questions or concerns, please do not hesitate to contact me.

Kind regards,

Barnie Rayford
611 Oriole Blvd.
APT. #2002
Duncanville, TX 75116
972-283-6605 (p)

1

The following form may be filled out and mailed to:

Planning and Zoning Commission
City of Duncanville
Attn: Development Services Department
P.O. Box 380280
Duncanville, TX 75138-0280

Case No. 2022-18 Telese Clark, Applicant, representing Charlotte Chamness of B H Industrial LLC, Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, in the City of Duncanville, Dallas County, Texas. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

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If you oppose the zoning change, however, the attached survey must be completed and returned by July 19, 2022, to fulfill legal requirements for a written formal protest.

Please check one:

✓ ***In favor** of granting the zoning request.*

_____ ***Not in favor** of granting the zoning request.*

My reasons are as follows:

1).

2).

3).

Printed Name: BARNIE RAYFORD Address: 611 ORIOLE BLVD, UNIT 2002

Signature: Barnie Rayford Date: 6.17.22

BH PROPERTIES
1410 E Renner Road, Suite 260
Richardson, TX 75082

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 000.80⁰
0001787303 JUN 23 2022
MAILED FROM ZIPCODE 75082

Planning and Zoning Commission
City of Duncanville
Attn: Development Service Department
P.O. Box 380280
Duncanville TX 75138-0280

RECEIVED
By Lynette Romero at 11:38 am, Jun 27, 2022

The following form may be filled out and mailed to:

2

Planning and Zoning Commission
City of Duncanville
Attn: Development Services Department
P.O. Box 380280
Duncanville, TX 75138-0280

Case No. 2022-18 Telese Clark, Applicant, representing Charlotte Chamness of B H Industrial LLC, Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, in the City of Duncanville, Dallas County, Texas. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

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If you oppose the zoning change, however, the attached survey must be completed and returned by July 19, 2022, to fulfill legal requirements for a written formal protest.

Please check one:

_x_ ***In favor** of granting the zoning request.*

_____ ***Not in favor** of granting the zoning request.*

My reasons are as follows:

1).

2).

3).

Printed Name: Jordan Myller

Address: 1410 E Renner Rd #260 Richardson, TX 75082

Signature: Jordan Myller

Date: 06/23/2022

Attachment 8

B H INDUSTRIAL LLC
11111 SANTA MONICA BLVD
LOS ANGELES, CALIFORNIA 900253333

~~B H INDUSTRIAL LLC~~
~~11111 SANTA MONICA BLVD~~
~~LOS ANGELES, CALIFORNIA 900253333~~

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~~LOS ANGELES, CALIFORNIA 900253333~~

~~B H INDUSTRIAL LLC~~
~~11111 SANTA MONICA BLVD~~
~~LOS ANGELES, CALIFORNIA 900253333~~

AMTEX PROPERTY GROUP
6688 EXCELSIOR PL
FRISCO, TEXAS 750357228

CASTILLO ANGELA MARIE
611 ORIOLE BLVD #1102
DUNCANVILLE, TEXAS 751163557

PRESTIGE TEXAS PPTIES LLC
2550 E TRINITY MILLS RD STE 13
CARROLLTON, TEXAS 750062075

CACACE DONNA
611 ORIOLE BLVD #1001
DUNCANVILLE, TEXAS 751163557

BROWN RONNIE
611 ORIOLE BLVD #1002
DUNCANVILLE, TEXAS 751163557

DOMINGUEZ MARI
611 ORIOLE BLVD APT 1004
DUNCANVILLE, TEXAS 751163557

BROWN ROBBIN &
611 ORIOLE BLVD APT 902I
DUNCANVILLE, TEXAS 751165219

PUENTE CLAUDIA
611 ORIOLE BLVD #0903
DUNCANVILLE, TEXAS 751165219

LARSON PATRICIA D
611 ORIOLE BLVD APT 901
DUNCANVILLE, TEXAS 751165219

R N G MGMT LP
PO BOX 3574
CEDAR HILL, TEXAS 751063574

COOK SHAKENA
611 ORIOLE BLVD UNIT 801
DUNCANVILLE, TEXAS 751165218

SANCHEZ DANIEL
611 ORIOLE BLVD
DUNCANVILLE, TEXAS 751163556

RENTPLICITY INVESTMENTS LLC
904 GINGER TRL
DESOTO, TEXAS 751151538

RICHARDS CHARON
611 ORIOLE BLVD APT 804
DUNCANVILLE, TEXAS 751165218

WHEATLEY DAVID
611 ORIOLE BLVD APT 703
DUNCANVILLE, TEXAS 751165217

IMTIAZ MOHAMMAD &
611 ORIOLE BLVD STE 702
DUNCANVILLE, TEXAS 751165217

CLARK DYNETTE
611 ORIOLE BLVD UNIT 701
DUNCANVILLE, TEXAS 751165217

EQUITY TRUST CO CUSTODIAN
PO BOX 3574
CEDAR HILL, TEXAS 751063574

CLAYBORN ROBERTA
611 ORIOLE BLVD APT 603F
DUNCANVILLE, TEXAS 751165216

ALL SAINTS CARE INJURY & REHABILITATION CLINIC INC

606 ORIOLE BLVD

DUNCANVILLE, TEXAS 751163500

~~B H INDUSTRIAL LLC~~

~~11111 SANTA MONICA BLVD~~

~~LOS ANGELES, CALIFORNIA 900253333~~

DUNCANVILLE PLAZA LP

8100 LOMO ALTO DR STE 235

DALLAS, TEXAS 752256541

B H INDUSTRIAL LLC

PO BOX 49993

LOS ANGELES, CALIFORNIA 900490993

~~B H INDUSTRIAL LLC~~

~~PO BOX 49993~~

~~LOS ANGELES, CALIFORNIA 900490993~~

~~B H INDUSTRIAL LLC~~

~~11111 SANTA MONICA BLVD~~

~~LOS ANGELES, CALIFORNIA 900253333~~

~~B H INDUSTRIAL LLC~~

~~11111 SANTA MONICA BLVD~~

~~LOS ANGELES, CALIFORNIA 900253333~~

DUNCANVILLE MEADOWS LLC

1401 LAVACA ST 191

AUSTIN, TEXAS 787011634

107 CAMP WISDOM LLC

1915 WESTRIDGE DR

IRVING, TEXAS 750382902

SHREE TAL BARAHI LLC

3801 OAK MANOR CT

BEDFORD, TEXAS 760216048

GEE JUDY

9207 MILL HOLLOW DR

DALLAS, TEXAS 752436372

MURGA MARIA MAURA

PO BOX 411486

DALLAS, TEXAS 752418486

THIEN LAM INC

702 ORIOLE BLVD

DUNCANVILLE, TEXAS 751163504

~~DUNCANVILLE PLAZA LP~~

~~8100 LOMO ALTO DR STE 235~~

~~DALLAS, TEXAS 752256541~~

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~~8100 LOMO ALTO DR STE 235~~

~~DALLAS, TEXAS 752256541~~

~~DUNCANVILLE PLAZA LP~~

~~8100 LOMO ALTO DR STE 235~~

~~DALLAS, TEXAS 752256541~~

CFOC DUNCANVILLE TX LLC

5713 GRAND AVE STE B

DULUTH, MINNESOTA 558072564

INWOOD NATL BANK

7621 INWOOD RD

DALLAS, TEXAS 752094000

ARC CAFEHLD001

PO BOX 460369 DEPT 100

HOUSTON, TEXAS 770568369

MARTINEZ RUBEN

1207 S GREENSTONE LN

DUNCANVILLE, TEXAS 751372800

SALEH GROUP PROPERTIES LLC

2130 E LEDBETTER DR

DALLAS, TEXAS 752167435

RED STONE UNITED LTD

PO BOX 382416

DUNCANVILLE, TEXAS 751382416

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, JULY 25, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, July 25, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

Betty Culbreath	Chair	
Elias Rodriguez	Vice-Chair	
Eric Pena	Commissioner	Excused Absence
Jana McBroom	Commissioner	Excused Absence
Javar Avery	Commissioner	
Edward Stith	Commissioner	

Staff:
Jeremy Tennant, Director of Planning and Neighborhood Services
Lynette Romero, Planning Technician

Item No. 1 – Call to Order.
The meeting was called to order at 7:00 p.m. by Chair Culbreath.

Item No. 2 – Receive Public Comments.
None.

Item No. 3 – Approval of meeting minutes for the regular meeting on June 27, 2022, and cancelled meeting on July 11, 2022.
Commissioner Rodriguez made a motion to approve the item as stated, Commissioner Avery seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Item No. 4 – Consider a request for approval of a Replat by Bryan M. Burger, P.E., of Burger Engineering, LLC., Applicant, representing Kyle Barrett of Vaquero Duncanville 67 Partners, Owner, to replat Exxon Mobil from Block 1, Lot 2 and Block A, Lot 3 into Block 1, Lot 2 ACS 1.033, more commonly known as 300 West Highway 67, Duncanville, Dallas County, Texas.
Staff presented background information regarding the proposed request for replat.

The Applicant was present but did not speak on his request.

Commissioner Avery made a motion to approve the item as stated, Commissioner Rodriguez seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Unapproved

Item No. 5 – Conduct a public hearing (2022-21) for consideration and action regarding the request of Alejandro Mora, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Paxton Acres, Block A, Lot 8, more commonly known as 218 Cedar Street, Duncanville, Dallas County, Texas.
Staff presented background information regarding the proposed request for SUP.

The applicant was presented but did not speak on his request.

Commissioner Avery asked staff questions regarding building requirements.

Staff clarified that the proposed carport will be tied into the roof of the main structure.

Commissioner Rodriguez made a motion to approve the item as stated, Commissioner Stith seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Item No. 6 – Conduct a public hearing (2022-18) for consideration and action regarding the request of Telese Clark, Applicant, representing Jordan Myller of B H Industrial LLC, Owner, to include a Specific Use Permit "SUP" for Adult Life Skills Center on Fairmeadows Village Replat, Block P, Lot 2R ACS 9.8519 AC, more commonly known as 328 East Camp Wisdom Road, Duncanville, Dallas County, Texas.
Staff presented background information regarding the proposed request for SUP.

Staff stated that the request is to revoke and rescind the SUP since the Use is now conforming. The current Comprehensive Zoning Ordinance, states that the Use of "Adult Day Services" is permitted by right within the GOR, General Office Retail district.

The applicant, Telese Clark, 328 East Camp Wisdom Road, spoke in favor of the request.

Commissioner Stith made a motion to rescind and revoke the request for proposed SUP and allow the Adult Life Skills Center to operate as permitted by right within the General Office Retail district. Commissioner Rodriguez seconded the motion. The vote was cast 4 for, 0 against, with Commissioner Pena and Commissioner McBroom absent.

Item No. 7 – Discuss duties and legal procedures with the City Attorney.
The following was discussed:

- Texas Open Meetings Act
- Secret Deliberations
- Closed Meetings
- Citizen Appearance
- Violations
- Public Information Act
- E-Mails, Text Messages and Social Media Posts
- Temporary Records Custodians

Unapproved

- Social Media
- State Conflict of Interest Law
- Relationships of Consanguinity and Affinity
- State Conflict of Interest Law
- City Code of Ethics
- Special City Ethics Code for Land Matters

Item No. 8 – Continue discussion pertaining to the five-year Comprehensive Plan update. Discuss incorporating new areas of interest within the area maps.
Commissioner Rodriguez stated that he is currently working on some presentations regarding energy conservation that he plans to discuss in more detail at the next meeting.

Commissioner Avery stated that he has a meeting with Dr. Marc Smith, Superintendent of Duncanville ISD, on August 22, to discuss the possibility of purchasing the bus barn located at 530 East Freeman Street. The purpose for obtaining the bus barn is to incorporate it into the Downtown District.

Item No. 9 - Adjournment
The meeting was adjourned at 8:08 p.m.

APPROVED:

_____
Betty Culbreath, Chair

ATTEST:

_____
Jeremy Tennant, Director of Planning and Neighborhood Services

Unapproved

ORDINANCE NO. 2294R

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY RESCINDING ORDINANCE NO. 2294, WHICH ESTABLISHED A SPECIFIC USE PERMIT "SUP" FOR A ADULT LIFE SKILLS CENTER TO COMPLY WITH THE AMENDED COMPREHENSIVE ZONING ORDINANCE, FOR REAL PROPERTY DESCRIBED AS LOT 2R, BLOCK P, MORE COMMONLY KNOWN AS 328 EAST CAMP WISDOM ROAD, DUNCANVILLE, DALLAS COUNTY, TEXAS, EXHIBIT A; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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, THAT:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Duncanville, Texas, as heretofore amended, be, and the same are hereby amended by amending Ordinance No. 2015, which established a Specific Use Permit for a adult life skills center to comply with the amended Comprehensive Zoning Ordinance, for real property described as Lot 2R, Block P, more commonly known as 328 East Camp Wisdom Road, Duncanville, Dallas County, Texas, (the "Property"). Exhibit 'A'.

SECTION 2. That said Property shall be used, developed, and maintained only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Duncanville, as heretofore amended, and in conformance with this Ordinance and the Site Plan, Exhibit B; Floor Plan, Exhibit C.

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 Comprehensive Zoning Ordinance as a whole.

SECTION 4. That all provisions of the Ordinance of the City of Duncanville in conflict with provisions of this Ordinance be, and 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 5. That the above-described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as amended herein by the granting of this special use permit.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Comprehensive Zoning Ordinance as amended hereby shall be deemed guilty of a misdemeanor, and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance, and upon conviction shall be punished by 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 constitute a separate offense.

SECTION 7. 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 PASSED by the City Council of the City of Duncanville, Texas, on the 16th day of August, 2022.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

Being on Fairmeadows Village Replat, Lot 2R, Block P, in the City of Duncanville, Dallas County, Texas and more commonly referred to as 328 East Camp Wisdom Road, Duncanville, Dallas County, Texas.

EXHIBIT "B"
SITE PLAN

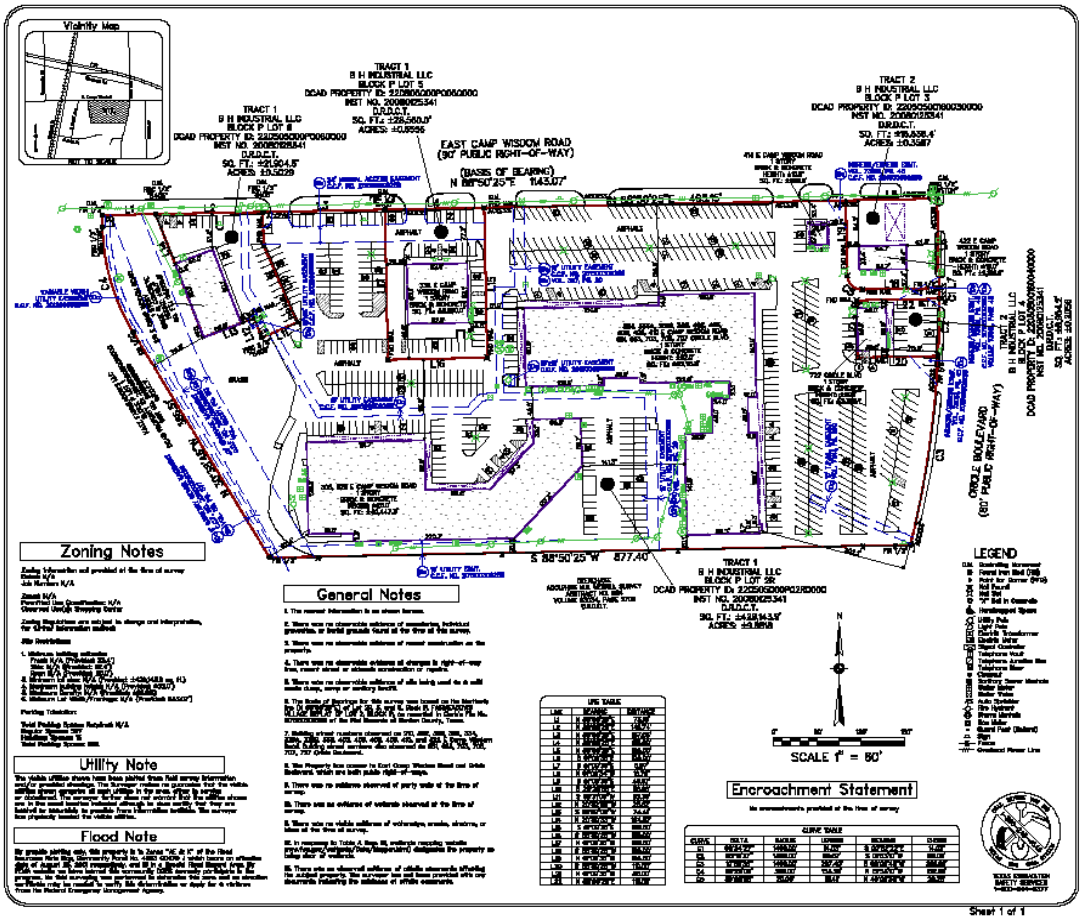
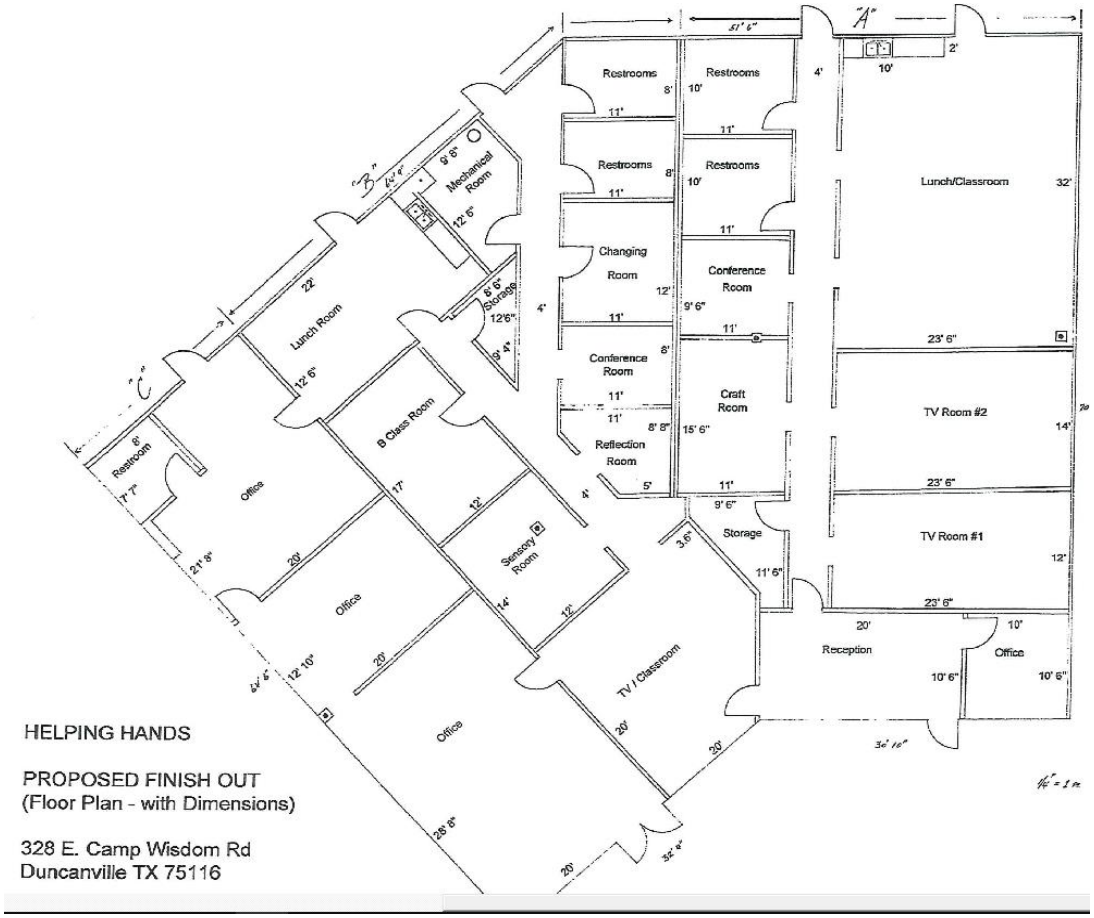


EXHIBIT "C"
FLOOR PLAN



STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider an Ordinance revising the operating budget for Fiscal Year 2021-2022 by appropriating supplemental revenues and revising expenditures.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Jennifer Otey, Chief Innovation Officer

BACKGROUND/HISTORY:
The purpose of this ordinance is to revise the FY 2021-22 Adopted budget to reflect proposed changes in appropriations of revenues and expenditures among the various funds and accounts. The FY 2021-22 Revised Budget is a closer projection of what actual revenue and expenses will be at year-end. Expenditures for terminations and leave payouts, inflationary increases, and unanticipated maintenance/repairs, were not captured in the FY 2021-22 Adopted Budget. Additionally, Capital Improvement Project costs and plans have changed since the FY 2021-22 Adopted Budget and to adequately account for cash needed on hand to support current project obligations, revisions to project budgets are necessary as well.

POLICY EXPLANATION:
The Texas Local Government Code 102.010 allows for changes to the municipality's budget as necessary for operations.

FUNDING SOURCE:

ORG and Object Number
NA

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

ACTION ALTERNATIVES:

1. Approve the operating budget revision for Fiscal Year 2021-2022 as detailed in the ordinance and Exhibit A.
2. Do not approve the operating budget revision as presented.
3. Other actions as directed by Council.

ATTACHMENTS:

Ordinance No. - 2409R - FY 2021-22 Operating Budget Revisions - Pdf

ORDINANCE NO. 2409R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, REVISING THE OPERATING BUDGET FOR THE FISCAL YEAR 2021-2022 BY APPROPRIATING SUPPLEMENTAL REVENUES AND REVISING EXPENDITURES; EXCEPT AS REVISED HEREIN SHALL BE IN FULL FORCE AND EFFECT; AUTHORIZING THE CITY MANAGER TO MAKE ADJUSTMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2021-2022 Operating Budget by Ordinance 2409 on August 31, 2021, appropriating the necessary funds out of general revenues, grants, and other revenue sources for the maintenance and operation of various funds, departments, activities, and improvements of the City; and

WHEREAS, the Texas Local Government Code 102.010, "Changes in Budget for Municipal Purposes", allows a municipality to amend their budgets as deemed necessary for municipal purposes; and

WHEREAS, circumstances have arisen during the fiscal year which have, or will require the expenditure of additional funds in some line items of the budget, and which there is supplemental revenue to provide for adequate funding; and

WHEREAS, the City Manager is submitting the revised budget of revenues and expenditures for conducting the affairs of the City for the Fiscal Year 2021-2022.

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

SECTION 1. That the Operating Budget for the Fiscal Year 2021-2022 be, and hereby, revised as set forth in Exhibit "A" which is attached hereto and incorporated herein by reference for all purposes.

SECTION 2. That the balance of the Operating Budget, as revised, except as revised herein, shall be in full force and effect.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

2021-22 BUDGET REVISIONS	REVENUES			EXPENSES		
	FY 2022 ADOPTED	FY 2022 REVISED	DIFFERENCE	FY 2022 ADOPTED	FY 2022 REVISED	DIFFERENCE
Revenue						
001 - GENERAL FUND	34,309,933	35,080,959	771,026	(36,809,715)	(36,265,634)	(544,081)
002 - WATER/SEWER UTILITY FUND	18,026,096	17,293,269	(732,827)	(20,235,028)	(20,299,305)	64,277
005 - DEBT SERVICE FUND	1,410,657	1,410,157	(500)	(1,482,357)	(1,482,357)	(0)
008 - COMPREHENSIVE SELF INSURANCE	468,629	467,629	(1,000)	(551,200)	(640,000)	88,800
010 - HOTEL TAX FUND	734,550	881,000	146,450	(739,821)	(741,536)	1,715
012 - ECONOMIC DEVELOPMENT	2,781,174	3,081,326	300,152	(1,830,881)	(3,353,464)	1,522,583
013 - GRANT FUND	(0)	72,000	72,000	(352,160)	(424,160)	72,000
015 - DRAINAGE FUND	841,000	801,000	(40,000)	(1,933,214)	(696,970)	(1,236,244)
016 - FLEET/EQUIP REPR/REPLACE FUND	893,709	904,709	11,000	(2,161,838)	(2,003,213)	(158,625)
017 - UTILITY CAPITAL PROJECTS	5,000,500	5,000,500	(0)	(8,334,398)	(5,534,242)	(2,800,156)
019 - SANITATION FUND	4,168,500	4,120,500	(48,000)	(4,453,612)	(4,580,863)	127,251
020 - STREET/ALLEY CIP FUND	1,471,000	951,722	(519,279)	(1,001,737)	(453,766)	(547,972)
024 - PARK CAPITAL IMPROV FUND	(0)	5,220,000	5,220,000	(0)	(20,000)	20,000
025 - ALLEY IMPROVEMENT FUND	150,000	150,000	(0)	(230,591)	(22,444)	(208,147)
026 - CAPITAL IMPROVEMENT PROJ FUND	100,000	100,000	(0)	(10,439,101)	(9,007,432)	(1,431,669)
031 - TRAFFIC IMPROVEMENT & SAFETY	(0)	(0)	(0)	(0)	(243,522)	243,522
032 - INFO TECH REPAIR/REPLACE FUND	152,033	385,996	233,963	(129,800)	(229,800)	100,000
033 - TAX INCREMENT FINANCING FUND	75,575	75,575	(0)	(2,750)	(2,750)	(0)
041 - ONE-TIME PROJECTS	1,136,000	1,136,000	(0)	(2,703,103)	(2,830,022)	126,919
050 - POLICE FORFEITURE/SEIZURE FUND	1,300	1,300	(0)	(0)	(60,774)	60,774
051 - STATE ASSET FORFEITURE FUND	5,500	5,500	(0)	(79,248)	(79,248)	(0)
052 - FEDERAL ASSET FORFEITURE FUND	30,000	30,000	(0)	(37,736)	(96,576)	58,840
225 - COURT SECURITY FUND	12,000	8,600	(3,400)	(30,366)	(11,160)	(19,206)
230 - JUVENILE CASE MANAGER FUND	19,500	10,000	(9,500)	(26,109)	(26,209)	100
235 - COURT TECHNOLOGY	12,000	7,500	(4,500)	(970)	(0)	(970)
456 - FIELDHOUSE	1,884,975	1,940,225	55,250	(1,883,204)	(1,933,861)	50,657
757 - EMERGENCY/ DISASTER RELIEF	(0)	(0)	(0)	(0)	(0)	(0)
758 - AMERICAN RESCUE PLAN	(0)	4,800,000	4,800,000	(0)	(4,800,000)	4,800,000
Grand Total	**$73,684,631**	**$83,935,467**	**$10,250,836**	**(95,448,940)**	**(95,839,308)**	**$390,368**

FY 2022 REVISED BUDGET
GENERAL FUND REVENUES

	FY 2021 ACTUAL	FY 2022 YTD ACTUAL as of 08/03/22	FY 2022 ADOPTED	FY 2022 REVISED	FY 2022 REVISION AMOUNT	EXPLANATION
Revenue						
50 - PROPERTY TAXES	19,219,947	18,513,338	18,614,836	18,569,836	(45,000)	Reduce for Property Tax Deliquent Collections & Penalities/Interest collections not on target
51 - SALES & OTHR TAXES	8,939,100	6,273,795	8,413,523	9,322,979	909,456	Increase in sales tax collection. Revised Budget is based on amounts collected from October - April 22+ FY 21 collectes of May - September.
52 - PERMITS & LICENSES	1,603,365	1,072,020	1,395,050	1,428,850	33,800	Increase target for Building and Electrical Permit receipts.
53 - FINES & FEES	644,322	220,033	476,730	313,600	(163,130)	Reduce for Municipal Court fines.
54 - INTERGOVERNMENTAL	153,621	90,059	165,000	182,500	17,500	Increase estimate for DISD & Dallas County crossing guard reimbursement and Regional Emergency Manager
55 - INTEREST	139,903	43,016	150,000	69,000	(81,000)	Reduce for low rates of investment returns
56 - FRANCHISE FEE REV	1,798,295	955,792	1,710,000	1,739,000	29,000	Increase target of Gas and Cable Franchise Collection
57 - CHARGES FOR SERVICES	268,742	188,267	283,000	271,500	(11,500)	Reduce for memberships and facility rentals. Usage is down.
58 - TRANS FROM OTHR FUND	2,631,399	2,262,660	2,715,194	2,715,194		
59 - OTHER SOURCES	580,185	439,273	386,600	468,500	81,900	Revenue collected in miscelleanous category exceeded adopted budget. Revise budget amount.
Grand Total	**$35,978,879**	**$30,058,252**	**$34,309,933**	**$35,080,959**	**$771,026**	**TOTAL INCREASE TO GENERAL FUND BUDGETED REVENUES**

FY 2022 REVISED BUDGET
GENERAL FUND EXPENSES BY DEPARTMENT

	FY 2021 ACTUAL	FY 2022 YTD ACTUAL as of 08/03/22	FY 2022 ADOPTED	FY 2022 REVISED	FY 2022 REVISION AMOUNT	EXPLANATION
Expense						
0101 - GENERAL GOV. SERVICES DEPT.	3,025,094	3,026,221	3,648,118	3,864,797	216,678	•Project balance rollover from FY 2021 •Ring Central contract increased •Compensation Study and increase in Civil Service Promotional exams •Termination – Leave payout
0102 - FISCAL SERVICES DEPT.	1,353,480	979,955	1,219,175	1,230,859	11,684	•Investment consulting services – moved from non-department line item •Procurement memberships for networks not originally identified and budgeted •Reduced budgeted hours for Court – Judges – overestimated
0103 - NEIGHBORHOOD & PLANNING DEPT.	983,669	830,286	1,148,058	1,217,897	69,839	•Increase in Third-Party inspections, continued MyGov software subscription (legacy system until Energov is implemented), demolition project rollover
0104 - PARK AND RECREATION DEPT.	2,602,925	1,851,269	3,120,436	3,151,286	30,850	•Increase to Water utilities
0105 - POLICE SERVICES DEPT.	9,422,203	8,107,275	10,181,357	10,413,890	232,533	•PD overtime •Terminations – Leave Payouts
0106 - PUBLIC WORKS DEPT.	6,275,213	3,525,057	6,983,080	7,056,162	73,082	•Increase in traffic materials and supply cost •Wholesale diesel and fuel cost •Outsourcing more vehicle/equipment repairs •Unanticipated HVAC and plumbing repairs at 103 E. Wheatland.
0107 - FIRE SERVICES DEPT.	6,704,883	5,989,984	7,376,358	7,299,070	(77,288)	•Reduce EMS Billing Collection fees – vendor deducts fees from the revenue
0108 - NON-DEPARTMENTAL	2,045,148	1,792,677	3,133,132	1,931,673	(1,201,459)	•Reduce transfer to Street CIP fund. $1.3 Million budgeted. Only $150,000 needed to cover current obligations.
0109 - USE OF FUND BALANCE	0	0	0	100,000	100,000	•Amount to cover depleted IT Replacement Fund. Requesting a transfer to the IT Replacement fund for unanticipated costs that depleted it.
4110 - ONE-TIME PROJECTS	0	0	0	0		
Grand Total	**$32,412,615**	**$26,102,723**	**$36,809,715**	**$36,265,634**	**($544,081)**	**Total reduction in expenses**

ALL OTHER FUNDS – FY 2022 BUDGET REVISIONS

002 – UTILITY FUND

REVENUES: (-$732,827) Reduce projected revenues – the trend projects less in collected water/sewer charges.

EXPENSES: (+$64,277) Primary increase is Water/Wastewater Rate Study service.

005 – DEBT SERVICE

REVENUES: (-$500) Remove interest revenue.

008 – COMPREHENSIVE LIABILITY INSURANCE

REVENUES: (-$1,000) Remove interest revenue.

EXPENSES: (+$88,800) Increase in Workers Comp and Liability Claims.

010 – HOTEL/MOTEL

REVENUES: (+$146,450) Increase projected hotel/motel tax collection.

012 – ECONOMIC DEVELOPMENT

REVENUES: (+$300,152) Increase for sales tax collections.

EXPENSES: (+$1,522,583) Primary increase is the $1.5 million incentive approved by DCEDC board and council for investment in Wheatland Plaza.

013 – GRAND FUND

REVENUES: (+$72,000) Increase to reflect 2 new grants for Police Department – SWAT Robots and Rifle Resistant Armor

EXPENSE: (+$72,000) Increase to reflect the expenses for the 2 new Police Department grants.

015 – DRAINAGE FUND

REVENUES: (-$40,000) Reduce projected revenues – the trend projects less in collections for commercial drainage.

EXPENSES: (-$1,236,244) Reduce projected expenses for CIP projects due to the timing of starting projects.

016 – FLEET REPLACEMENT

REVENUES: (+$11,000) Transfer from One-Time Project Fund (041) for Vericutter approved in FY 2022 Adopted budget.

EXPENSES: (-$158,625) Reduce projected expenses due to timing of procuring and receiving orders.

017 – UTILITY CAPITAL PROJECTS

REVENUES: No changes

EXPENSES: (-$2,800,156) Reduce projected expenses for CIP projects due to the timing of starting and completion of projects.

019 – SANITATION FUND

REVENUES: ($-48,000) Reduce projected revenues – the trend projects less in collections.

EXPENSES: (+$127,251) Increase garbage and landfill charges.

020 – STREET CIP

REVENUES: (-$519,279) Reduce transfer from General Fund. Other transfers came into fund from remaining Red Light fund balance, One-time Project fund – covers the current obligated projects. Also, a reimbursement from Dallas County for approved Community Development Block Grant (CDBG) is expected.

EXPENSES: (-$547,972) Reduce projected expenses for CIP projects. Revised project needs and timelines. Completing US67 Monument signage and sidewalk projects.

024 – PARKS CIP

REVENUES: (+$5,220,000) – Parks CIP fund has not historically been used. For clarity of projects, the bond proceeds projects for Armstrong and Harrington parks, a transfer from fund 026 (Capital Improvement projects) is budgeted to move remaining Park projects allocation.

EXPENSES: (+$20,000) – Funding transferred from One-Time Projects (Fund 041) for LED lighting at Amphitheatre. Project was originally approved in FY 2020 budget. Anticipated expense.

025 – ALLEY IMPROVEMENT FUND

REVENUES: No Change

EXPENSES: (-$208,147) Reduce for timing of reconstruction project. FY 2022 focuses on the design only. FY 2023 will focus on the construction project of Center St./Cherry St. Alley project.

026 – CAPITAL IMPROVEMENT PROJECTS

REVENUES: No Change. As a note all bonds proceed revenue has been received and captured in fund balance. Only new revenue into this fund is interest received on investments.

EXPENSES: (-$1,431,669) Reduce projection of expenses. Currently wrapping up Street project of Danieldale/US67. Remainder of parks projects moved to Parks CIP fund.

031 – REDLIGHT CAMERA

EXPENSES: (+$243,522) Budget for transfer of remaining fund balance to Street CIP for sidewalk projects. This remaining transfer will close out the fund.

032 – IT REPLACEMENT FUND

REVENUES: (+$233,963) Increase to capture a 1x transfer from General Fund ($100,000) for unexpected hardware, network expenses. ($133,963) transfer from One-Time Project funds (Fund 041 for approved security camera and remaining balance of Energov ERP implementation).

041 – ONE TIME PROJECTS FUND

REVENUES: No Change

EXPENSES: (+$126,919) Increase to capture transfers to IT Replacement Fund, Street CIP Fund, Parks CIP Fund, offset by decrease in projected P-25 Radio project expenses projected in FY 2022.

050 – ASSET FORFEITURE

REVENUES: No change

EXPENSES: (+$60,774) Balance of red-light funds for remaining Watchguard Body Worn camera project was moved into fund in FY 2021. Increase is to account for the remaining expenses for this contract.

052 – FEDERAL ASSET FORFEITURE

REVENUES: No change

EXPENSES: (+$58,840) Increase for purchase of Night Vision Goggles. Items partially covered by PD grant.

225 – COURT SECURITY

REVENUES: (-$3,400) Reduce projected revenues – revenues based on citations issued and collections.

EXPENSES: (-$19,206) Reduce projected expenses. Funds can only be spent on Court related security items and therefore limited expenses.

230 – JUVENILE CASE MANAGER

REVENUES: (-$9,500) Reduce projected revenues – revenues based on citations issued and collections on juvenile related cases.

EXPENSES: (+$100) Minor increase for supplies. There is 1 employee in Municipal Court partially funded in this fund.

235 – COURT TECHNOLOGY

REVENUES: (-$4,500) Reduce projected revenues – revenues based on citations issued and collections.

EXPENSES: (-$970) Minor decrease. No expenses projected from this fund in FY 2022. This is a specific use fund and expenses can only be used for Court technology related items.

456 - FIELDHOUSE

REVENUES: (+$55,250) Increase revenue for Fieldhouse Café.

EXPENSES: (+$50,657) Increase expenses for food and beverage items to support increase in Café purchases.

758 – AMERICAN RESCUE PLAN (ARPA)

REVENUES: (+$4,800,000) To account for the revenue received in calendar year 2021. It was not originally budgeted.

EXPENSES: (+$4,800,000) Expenses were not adopted in the FY 2022 budget as projects were not taken to Council for consideration until after budget was adopted. The following items have been approved by Council and accounted for in the FY 2022 budget revisions:

- $700,000 – Small Business Grants
- $376,430 – Ambulance
- $1,695,000 – HVAC systems at Fieldhouse and 103 E. Wheatland and Emergency Generators at various City facilities
- $350,000 – Outdoor Fitness Equipment
- $68,852 – Code and Inspections – Body Worn Cameras
- $70,000 – Library and Youth Leadership program – Staff desires to redirect funds toward programs such as Spanish instructors
- $1,232,000 – Employee Premium Pay

ITEMS ADDED:

- $125,000 – Added to install network lines at new Fire Station property – not covered in build cost
- $50,000 – Added expense for wiring of electricity and network in City Hall Lobby – to turn into a Customer Service reception area

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider approval of an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by amending Chapter 20, "Water, Sewer and Sewage Disposal," by amending Article II, "Water Services Charges", Section 20-16, "Rates Established, Determination by Meter Readings," Subsections (a)(1)a. through e., (a)(2)a. 1 through 5, (a)(2)b. 1 through 5, to provide New Water Rates for FY 2022-2023 through FY 2026-2027 for Residential, Multi-Family, Commercial, School, and Municipal Customers; and, by amending Subsections (b)(1) through (b)(4) to provide New Water Rates for FY 2022-2023 through FY 2026-2027 for Commercial and Irrigation Customers; and, by amending Subsections (e)(1), (e)(3)a.,(e)(3)b., (e)(4)a, (e)(4)b., (e)(5)a., (e)(5)b., to provide New Wastewater Rates for Residential, Multi-Family, Commercial, School, and Municipal Customers.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Edena J. Atmore, Managing Director, Fiscal Services

BACKGROUND/HISTORY:
Any changes made to water and wastewater rates require the ordinance to be updated/amended.

POLICY EXPLANATION:
A separate ordinance apart from the Master Fee Schedule is necessary due to utility rate making rules.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ACTION ALTERNATIVES:

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

ATTACHMENTS:

Attachment 1 - Ordinance No. - 2230R - Water Rate

ORDINANCE NO. 2230R

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 20, "WATER, SEWER AND SEWAGE DISPOSAL," BY AMENDING ARTICLE II, "WATER SERVICE CHARGES", SECTION 20-16, "RATES ESTABLISHED, DETERMINATION BY METER READINGS," SUBSECTIONS (a)(1)a. THROUGH e., (a)(2)a. 1 THROUGH 5, (a)(2)b. 1 THROUGH 5, TO PROVIDE NEW WATER RATES FOR FY 2022-2023 THROUGH FY 2026-2027 FOR RESIDENTIAL, MULTI-FAMILY, COMMERCIAL, SCHOOL, AND MUNICIPAL CUSTOMERS; AND, BY AMENDING SUBSECTIONS (b)(1) THROUGH (b)(4) TO PROVIDE NEW WATER RATES FOR FY 2022-2023 THROUGH FY 2026-2027 FOR COMMERCIAL AND IRRIGATION CUSTOMERS; AND, BY AMENDING SUBSECTIONS (e)(1), (e)(3)a.,(e)(3)b., (e)(4)a, (e)(4)b., (e)(5)a., (e)(5)b., TO PROVIDE NEW WASTEWATER RATES FOR RESIDENTIAL, MULTI-FAMILY, COMMERCIAL, SCHOOL, AND MUNICIPAL CUSTOMERS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

SECTION 1. Adoption of Amended Water Rates and Charges. The City of Duncanville Code of Ordinances, Chapter 20--Water, Sewer and Sewage Disposal, Article II--Water Service Charges, Section 20-16 – Rates established, determination by meter readings, subsections (a)(1)a. through e., (a)(2)a. 1 through 5, (a)(2)b. 1 through 5, to provide new water rates for FY 2022-2023 through FY 2026-2027 for residential, multi-family, commercial, school, and municipal customers; and, by amending subsections (b)(1) through (b)(4) to provide new water rates for commercial and irrigation customers; and by amending subsections (e)(1), (e)(3)a., (e)(2), (e)(3)b., (e)(4)a., (e)(4)b., (e)(5)a., (e)(5)b., to provide new wastewater rates for FY 2022-2023 through FY 2026-2027 for residential, multifamily, commercial, school, and municipal customers; are amended to in accordance with the attached Rate Schedule:

SECTION 2. Savings/Repealing Clause. Duncanville's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in

conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 3. Penalty. 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, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Duncanville hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. 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 ADOPTED by the City Council of Duncanville, Texas on the 16th day of August, 2022.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

APPROVED AS TO FORM:

_____
CITY ATTORNEY

EXHIBIT A

CITY OF DUNCANVILLE
WATER/WASTEWATER COST OF SERVICE MODEL

Rate Plan Summary
Scenario: **2022 08 15 -- Proposed Rate Plan with Senior Rate**

Water Rates

			Current	Effective Oct-22	Oct-23	Oct-24	Oct-25	Oct-26
Residential								
Min Chg	-	1,000	$ 14.00	$ 15.82	$ 17.88	$ 19.84	$ 21.83	$ 24.01
Usage Charge	1,001	7,000	3.76	4.25	4.80	5.33	5.86	6.45
	7,001	15,000	4.85	5.48	6.19	6.87	7.56	8.32
	15,001	30,000	5.98	6.76	7.64	8.48	9.32	10.26
	30,001	Above	7.09	8.01	9.05	10.05	11.05	12.16
Commercial								
Minimum Charge	-	1,000	$ 14.00	$ 15.82	$ 17.88	$ 19.84	$ 21.83	$ 24.01
Usage Charge	1,001	7,000	3.38	3.82	4.32	4.79	5.27	5.80
	7,001	15,000	4.41	4.98	5.63	6.25	6.88	7.56
	15,001	30,000	5.45	6.16	6.96	7.72	8.50	9.35
	30,001	Above	5.45	6.16	6.96	7.72	8.50	9.35
Irrigation								
Minimum Charge	-	1,000	$ 14.00	$ 15.82	$ 17.88	$ 19.84	$ 21.83	$ 24.01
Usage Charge	1,001	7,000	3.85	4.35	4.92	5.46	6.00	6.60
	7,001	15,000	4.98	5.63	6.36	7.06	7.76	8.54
	15,001	30,000	6.11	6.90	7.80	8.66	9.53	10.48
	30,001	Above	7.22	8.16	9.22	10.23	11.26	12.38
Apartments								
Minimum Charge	-	1,000	$ 14.00	$ 15.82	$ 17.88	$ 19.84	$ 21.83	$ 24.01
Usage Charge	1,001	7,000	3.38	3.82	4.32	4.79	5.27	5.80
	7,001	15,000	4.41	4.98	5.63	6.25	6.88	7.56
	15,001	30,000	5.45	6.16	6.96	7.72	8.50	9.35
	30,001	Above	5.45	6.16	6.96	7.72	8.50	9.35
School								
Minimum Charge	-	1,000	$ 14.00	$ 15.82	$ 17.88	$ 19.84	$ 21.83	$ 24.01
Usage Charge	1,001	7,000	5.48	6.19	7.00	7.77	8.54	9.40
	7,001	15,000	6.49	7.33	8.29	9.20	10.12	11.13
	15,001	30,000	7.49	8.46	9.56	10.62	11.68	12.85
	30,001	Above	8.50	9.61	10.85	12.05	13.25	14.58
Municipal								
Minimum Charge	-	1,000	$ 14.00	$ 15.82	$ 17.88	$ 19.84	$ 21.83	$ 24.01
Usage Charge	1,001	7,000	6.49	7.33	8.29	9.20	10.12	11.13
	7,001	15,000	7.49	8.46	9.56	10.62	11.68	12.85
	15,001	30,000	8.50	9.61	10.85	12.05	13.25	14.58
	30,001	Above	9.49	10.72	12.12	13.45	14.80	16.28
Residential Senior								
Minimum Charge	-	1,000	$ 14.00	$ 14.24	$ 16.09	$ 17.86	$ 19.64	$ 21.61
Usage Charge	1,001	7,000	3.76	3.82	4.32	4.80	5.28	5.80
	7,001	15,000	4.85	4.93	5.57	6.19	6.81	7.49
	15,001	30,000	5.98	6.08	6.87	7.63	8.39	9.23
	30,001	Above	7.09	7.21	8.15	9.04	9.95	10.94

EXHIBIT A

CITY OF DUNCANVILLE
WATER/WASTEWATER COST OF SERVICE MODEL

Rate Plan Summary
Scenario: **2022 08 15 -- Proposed Rate Plan with Senior Rate**

			Current	Effective Oct-22	Oct-23	Oct-24	Oct-25	Oct-26
Wastewater Rates								
Residential								
Min Chg	-	1,000	$ 19.25	$ 20.79	$ 22.45	$ 23.58	$ 24.75	$ 25.99
Usage Chg	1,001	7,000	8.22	8.88	9.59	10.07	10.57	11.10
	7,001	Above	8.22	8.88	9.59	10.07	10.57	11.10
Commercial								
Min Chg	-	1,000	$ 9.07	$ 9.80	$ 10.58	$ 11.11	$ 11.66	$ 12.25
Usage Chg	1,001	7,000	9.07	9.80	10.58	11.11	11.66	12.25
	7,001	Above	9.07	9.80	10.58	11.11	11.66	12.25
Apartments								
Min Chg	-	1,000	$ 9.07	$ 9.80	$ 10.58	$ 11.11	$ 11.66	$ 12.25
Usage Chg	1,001	7,000	9.25	9.99	10.79	11.33	11.90	12.49
	7,001	Above	9.25	9.99	10.79	11.33	11.90	12.49
School								
Min Chg	-	1,000	$ 9.07	$ 9.80	$ 10.58	$ 11.11	$ 11.66	$ 12.25
Usage Chg	1,001	7,000	9.07	9.80	10.58	11.11	11.66	12.25
	7,001	Above	9.07	9.80	10.58	11.11	11.66	12.25
Municipal								
Min Chg	-	1,000	$ 9.07	$ 9.80	$ 10.58	$ 11.11	$ 11.66	$ 12.25
Usage Chg	1,001	7,000	9.07	9.80	10.58	11.11	11.66	12.25
	7,001	Above	9.07	9.80	10.58	11.11	11.66	12.25
Residential Senior								
Min Chg	-	1,000	$ 19.25	$ 18.71	$ 20.21	$ 21.22	$ 22.28	$ 23.39
Usage Chg	1,001	7,000	8.22	7.99	8.63	9.06	9.51	9.99
	7,001	Above	8.22	7.99	8.63	9.06	9.51	9.99

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider appointments to various Boards and Commissions including Audit Committee, Board of Adjustment, City Planning & Zoning Commission, Duncanville Community and Economic Development Corporation Board (DCEDC), Duncanville Neighborhood Vitality Commission, Keep Duncanville Beautiful Board, Library Advisory Board, Park & Recreation Advisory Board, Sign Control Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Kristin Downs, City Secretary

BACKGROUND/HISTORY:
Each year the board and commission members whose terms are ending in August of that year are given the opportunity to request reappointment to their current board or commission. In addition, the City advertises the need for new board and commission applicants through various media including the City's website, the Champion monthly newsletter, announcements during City Council meetings, and as a utility billing insert. In addition, the City communicated the need for additional board and commission members to the citizens through its quarterly on the City's LED sign at the corner of Main and Wheatland, posters in the City Hall lobby; as well as other forms of social media. These communication tools were successful resources for recruiting new applicants to fill the vacancies.

The City Council held a Special Meeting to interview each of the new applicants and the applicants requesting a new board. Once appointments have been made by City Council, the new terms for each will begin on September 1, 2022.

POLICY EXPLANATION:
City Council will need to formally appoint citizens to the Board of Adjustment, City Planning & Zoning Commission, Duncanville Community and Economic Development Corporation Board (DCEDC),

Duncanville Neighborhood Vitality Commission, Keep Duncanville Beautiful Board, Library Advisory Board, Park & Recreation Advisory Board, Sign Control Board, and TIF (Tax Increment Financing Reinvestment Zone Number One) to fill the vacancies created by terms ending in August 2022 as well as resignations over the past year

FUNDING SOURCE:

ORG and Object Number
N/A

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

ACTION ALTERNATIVES:
Make appointments.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2022-078 - 2022 Board and Commission Appointments

RESOLUTION NO. 2022-078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPOINTING MEMBERS TO VARIOUS POSITION OF THE BOARD AND COMMISSION, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Duncanville, Texas has different Board and Commissions including Audit Committee, Board of Adjustment, City Planning & Zoning Commission, Duncanville Community and Economic Development Corporation Board (DCEDC), Duncanville Neighborhood Vitality Commission, Keep Duncanville Beautiful Board, Library Advisory Board, Park & Recreation Advisory Board, Sign Control Board, And Tax Increment Financing Reinvestment Zone Number One (TIF#1); and

WHEREAS, each year the Board and Commission members are given the opportunity to request reappointment to their current board or commission; and

WHEREAS, appointments to vacancies on the City's various Board and Commission are made each year by the end of the month of August; and

WHEREAS, the City Council of the City of Duncanville, Texas, finds it to be in the public interest to make appointments to fill said vacancies.

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

SECTION 1. That the City Council hereby appoints members to various positions of the Board and Commissions, which are attached hereto and incorporated herein as Exhibit A.

SECTION 2. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED by the City Council of the City of Duncanville, Texas, on 16th of August, 2022.

APPROVED:

_____
Barry L. Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

TM 130976

City Council B&C Appointments

EXHIBIT A

City Planning & Zoning Commission
Appointment for 1 Year 2022-2023
1. Betty Culbreath
Appointment for 2 Year Terms 2022-2024
2. Misty Bain
3. Charles Smith
4. Jana McBroom

Zoning Board of Adjustment
Apointment for 2 Year Terms 2022-2024
1. Bobby Lydia
2. Lewis Fulbright
3. Stephanie Rutherford

Park & Recreation Advisory Board
Appointment for 2 Year Terms 2022-2024
1. Beth Ferrell
2. Kim Malone
3. Calvin Wells

Library Advisory Board
Appointment for 2 Year Terms 2022-2024
1. Barbara Boddie
2. Shanna Gabel
3. Jan Knoll
4. Cindy Clinton

Audit Committee
Appointment for 1 Year Terms 2022-2023
1. Sue Clark

Sign Control
Appointment for 2 Year Terms 2022-2024
1. Carolyn Cardoza
2. Zebulon Williams
3

DCEDC
Appointment for 2 Year Terms 2022-2024
1. Kenneth Govan
2. Leah Carter

TIF
Appointment for 2 Year Terms 2022-2024
1. Allen Conley
2. Kenneth Bain

Duncanville Neighborhood Vitality Commission
Appointment for 2 Year Terms 2022-2024
1. Robert Romero
2. Jennifer Lott Hagler
3. Melanie Clay

Keep Duncanville Beautiful Board
Appointment for 2 Year Terms 2022-2024
1. JW Wright
2. Shelly Warner
3
4

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider a Resolution confirming the City Manager's reappointment of Lia Polk as a member of the Duncanville Civil Service Commission for a three (3) year term, to expire October 31, 2025.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Todd C. Siegel, HR and Civil Service Director

BACKGROUND/HISTORY:
For a Civil Service Commission, consisting of three members appointed by the municipality's chief executive officer, and confirmed by the governing body of the municipality. The Commission's duties are also established by Chapter 143, but 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 and members may serve three consecutive terms.

Persons appointed to the Commission must:

- be of good moral character;
- be a United States citizen;
- be a resident of the municipality and have resided in the municipality for more than three years;
- be over the age of 25 years; and
- ·not have held public office within the preceding three years

This will be Lia Polk's third term to serve on the Civil Service Commission. Ms. Polk is a twelve-year resident of Duncanville and an attorney which is valuable as a Commissioner. Being that this is a reappointment, Ms. Polk is familiar with Civil Service and the responsibilities of the Commission.

POLICY EXPLANATION:
Section 143.006 (b) of the Texas Local Government Code states, "The commission consists of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality." After conferring with Police Chief Mark LiVigni, and Fire Chief Sam Rohde, it is my desire to reappoint Ms. Lia Polk to serve as a Civil Service Commissioner through October 31, 2025.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ACTION ALTERNATIVES:
Appointment of Civil Service Commission.

ATTACHMENTS:
Attachment 1 - Application - Lia Polk
Attachment 2 - Resolution No. - 2022-072 - Civil Service Appointment - Lia Polk

ATTACHMENT 1

DUNCANVILLE

The Perfect Blend of Family, Community and Business.

Boards and Commissions
P.O. Box 380280
Duncanville, TX 75138-0280
www.duncanville.com

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 citizen 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 be a servant of the community!

Name	Lia Polk	Home Address	[redacted]
Telephone	[redacted]	Email	[redacted]
Occupation	Attorney		
Registered Voter?	yes	Resident in District #?	2
Resident for # Years in City?	6 yrs.		

Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 14

Planning and Zoning Commission	3	Library Advisory Board	6
Board of Adjustments	3	Duncanville Community Economic Development Corporation Board	1
Sign and Control Board	4	Keep Duncanville Beautiful Board	7
Park & Recreation Advisory Board	5	Duncanville Community Multicultural Commission	10
Animal Control Board	8	Duncanville Neighborhood Vitality Commission	n/a
Duncanville Virtual Reality Innovation Commission	n/a	Duncanville Social Engagement Partnership	9
Duncanville Sports Legacy Commission	n/a	Duncanville Senior Advocacy Commission	n/a

Why are you interested in applying for this specific Board or Commission? this is important to the economic development of our city. Critical decisions are made and should be a part of our diverse community. Not a committee of only all men. Women should be involved!

What do you hope to accomplish by serving on this Board or Commission? meeting the needs of our community, financially & overall.

What experience do you possess that will be helpful to the mission of this Board or Commission? I am well aware of growth in this city, surrounding suburbs & other states. I lived in Collin County prior to moving to Duncanville

How will you engage other citizens to provide to you, perspective on recommendations? Listen to people every where but not in-form them of what CPE DC does or is doing. Just having an ear that hears in on people & needs- Demand over supply

What concerns, if any, do you have about issues facing Duncanville? Having businesses that will stay, last & improve our economic growth

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.

Signature Lia Polk *Date* 5-11-16

Please return to mjones@ci.duncanville.tx.us or 203 E. Wheatland Road, Duncanville, TX 75116

ATTACHMENT 1

LIA POLK

[redacted]

EMPLOYMENT

MARCH 2011-PRESENT

DALLAS COUNTY
ASSISTANT PUBLIC DEFENDER
CHILD WELFARE DIVISION AND JUVENILE DIVISION
ATTORNEY IV

Currently, since 2012, provides services to juveniles out of the 305th Judicial District Court in felony and misdemeanor cases, competency hearings, and detention hearings for all juveniles. Previously, provided a full range of legal services to indigent defendants in the 304th Judicial District Court representing parents in CPS cases and children in Chapter 263 cases. Such services include case evaluation, legal advice, plea offers and representing clients in jury trials, non-jury hearings, plea negotiations and dismissals. Conduct legal research, draft legal documents and interpret laws, rules and regulations.

DECEMBER 2007-MARCH 2011

LIA HAYES
ATTORNEY AT LAW
LAW OFFICES OF LIA HAYES & ASSOCIATES, P.L.L.C.

In the general private practice of law including, but not limited to, criminal, probate, family, civil, and juvenile law. I have participated in contempt hearings, contested hearings, plea and dispositions, mediations, prove-ups, pretrial matters such as discovery etc. I have drafted pleadings, answers, and final orders of the Court. I handle adult and juvenile parole revocation hearings; serve as attorney ad litem in guardianship, juvenile delinquency/CINS and determination of heirship cases; and serve as guardian ad litem in cps cases for children and parents as well as attorney ad litem for parents. I have represented defendants in various criminal matters as well as civil matters. In all matters before each court, I have exhibited professionalism and effective communication with Judges, prosecutors, clients, defense counsel, court personnel, and witnesses.

OCTOBER 2006-NOVEMBER 2007

DALLAS CITY ATTORNEY'S OFFICE
PROSECUTION DIVISION
ASSISTANT CITY ATTORNEY/MUNICIPAL PROSECUTOR

I was assigned to the Prosecution Division. This division is responsible for representing the State of Texas in all criminal matters before the Dallas Municipal Courts. I was primarily responsible for prosecuting all Class C misdemeanors committed within the City of Dallas by adults and juveniles including, traffic offenses, theft, assault, domestic violence, reckless damages, and housing code violations. etc. I had also trained new hires. I was assigned to both civil and criminal courts. On a typical day, I processed a criminal

docket of approximately eighty cases, disposing of each through both plea negotiations and trials as well as processing a civil docket of approximately forty-five cases heard by the Hearing Officer. In trials before the court, I had a conviction rate of 98%.

AUGUST 2005-SEPTEMBER 2006

LIA HAYES CAMPBELL
ATTORNEY AT LAW

I practiced the general practice of law including but not limited to, family law, social security law, wills, business formation and contract law as a solo practicioner. I drafted motions and pleadings. I communicated with opposing counsel and entered into agreed motions. I have handled over 50 social security hearings in several states. I have written on the record letters, proffers, reviewed and requested medical records.

OCTOBER 2004-JULY 2005

AMEGY BANK NATIONAL ASSOCIATION
CONTRACTS DEPARTMENT ATTORNEY

I reviewed, drafted and negotiated over a 115 transactions in which the bank was the customer to protect the interests of the bank, including but not limited to, software license agreements, confidentiality agreements, HIPAA and GLBA agreements, master service and professional agreements, statements of work. I ensured that the transactions adhered to the bank's standards in compliance with Sarbanes Oxley. I also handled good faith dispute matters and enforcement issues, advised the business units on contractual provisions and issues, and conducted business unit interviews, document review and contract review.

AUGUST 1998-MAY 2001

FORT BEND INDEPENDENT SCHOOL DISTRICT
SECONDARY SCHOOL TEACHER

I was a secondary teacher assigned to Hightower High School in Sugar Land, TX. I was responsible for teaching and preparing course outlines for World Geography for grades 9-10. The average class size was approximately 25 students. My duties included teaching the subject based on the State-approved curriculum. Each week I taught a new subject through lectures, visual aids and hands-on assignments. At the end of the week each student was tested over the subject matter. This weekly routine prepared students for the essay portion of the state mandated Texas Assessment of Academic Skills (TAAS) test. Each student was required to be successful on the TAAS test in order to receive their high school diploma. In addition to my regular teaching duties, I also coached the mediation conflict resolution team and the junior varsity cheerleaders. During the three years I taught, over 85% of my students were successful the first time on the English portion of the TAAS test.

EDUCATION

SOUTH TEXAS COLLEGE OF LAW
Juris Doctor, May 2004

UNIVERSITY OF HOUSTON
Bachelor of Science in Political Science, December 1997

ATTACHMENT 1

LICENSE

Member of the State Bar of Texas since 2004
State Bar No. 24045608

INTERNSHIPS/CLERKSHIPS

2004	Law Clerk for Judge Jennifer Walker Elrod, 190th Civil District Court, Harris County, Houston, TX (now serving beginning in 2008 on the 5th Circuit Federal Court of Appeals after being appointed)
2003	Judicial Intern for Judge Vanessa D. Gilmore, Southern District of Texas, Houston, TX
2003	Judicial Intern for Magistrate Judge Marcia A. Crone, Southern District of Texas, Houston, TX (now serving in Beaumont after being appointed as a District Judge in 2004)
2002	Summer Associate for Nixon Mims, LLP in Dallas, TX
1997	Congressional Intern on Capitol Hill, Office of former Congressman Martin Frost of Dallas
1996	Member of Emmett J. Conrad Leadership Program sponsored by State Senator Royce West, interned for State Farm Insurance in Dallas, TX

HONORS/ACTIVITIES

2015	Member, Duncanville Community Multicultural Commission
2014	Co-Chair of Dallas Bar Association Juvenile Justice Committee
2013	Co-Vice Chair of Dallas Bar Association Juvenile Justice Committee
2010-2011	Participant of the CPS Collaborative Law Project
2009	Participated in the NITA Trial Advocacy Program
2009-2011	Member, Collin County Bar Association and Juvenile Section
2008-2011	Member, DBA Co-Vice Chair of the Community Involvement Committee, Juvenile Justice Committee of DBA and State Bar of Texas Juvenile Justice Section, J.L. Turner Legal Association Member
2007	Judge for the Dallas Bar Association High School Mock Trial Tournament
2005-2006	Houston Young Lawyers Association, Treasurer
2004-2005	HYLA Chair Law Student Outreach Committee and HYLA Co-Chair Barbara Jordan Project Committee
2003-2004	HYLA Law Student Director
2004	Regional BLSA, Thurgood Marshall Mock Trial Competition, 1st place and National BLSA, Thurgood Marshall Mock Trial Competition, 5th place
2002-2004	STCL Langdell Scholar
2002	STCL Leroy Jeffers Moot Court Competition and STCL Intramural Mock Trial Litigation Competition
2001	Phi Delta Phi
1996-present	Member of Delta Sigma Theta Sorority, Inc.

RESOLUTION NO. 2022-072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, CONFIRMING REAPPOINTMENT OF THE CITY MANAGER OF LIA POLK AS A MEMBER OF THE DUNCANVILLE CIVIL SERVICE COMMISSION FOR THREE (3) YEAR TERM; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager is by state law required to appoint members to the Duncanville Civil Service Commission; and

WHEREAS, Lia Polk meets all the qualifications required by Section 143.006 of the Texas Local Government Code; and

WHEREAS, Lia Polk has previously served as a member of the Duncanville Civil Service Commission; and

WHEREAS, City Manager, Aretha Ferrell-Benavides, has reappointed Lia Polk to the Duncanville Civil Service Commission subject to the confirmation of the City Council; and

WHEREAS, the City Council desires to confirm the reappointment of Lia Polk to the Duncanville Civil Service Commission to serve a three (3) year term; and

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

SECTION 1. The Duncanville City Council hereby confirms reappointment of Lia Polk to the Duncanville Civil Service Commission to serve a three (3) year term.

SECTION 2. 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 16th day of August, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider a Resolution authorizing the City Manager to accept a grant in the amount of $252,801.25 from the Texas Office of the Governor, Public Safety Office – Criminal Justice Division, body-worn camera grant program fy22, to provide funding for the police department, to authorize the cash match amount of $84,267.09 to purchase 65 body-worn-cameras, related storage, charging and docking equipment, and maintenance and warranty agreements for use by police officers.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Develop: Infrastructure Improvement Strategy**
  - **Ensure the viability and adaptability of the city's infrastructure, facilities, and transportation network through thoughtful financial and long-term planning.**
- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Mark LiVigni, Chief of Police

BACKGROUND/HISTORY:
On November 22nd, 2021, the Duncanville Police Department applied for a body-worn camera grant to secure funding for upgrading body-worn cameras used by our Department's police officers. Our current system has and continues to present chronic issues that have caused incredible inefficiencies for our staff, and its lifespan is drawing near.

On March 28th, 2022, the Duncanville Police Department was awarded $252,801.25 from the Texas Office of the Governor, Criminal Justice Division (CJD) to purchase sixty-five (65) body-worn cameras and digital storage systems to serve as a tool in a law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes. This grant requires a city-cash match of $84,267.09 for a grant project total of $337,068.34.

The awarding of this grant by the State of Texas, which is not guaranteed year to year, provides the City even more of an opportunity to minimize the use of the City's general fund while securing needed equipment for our best-practices police department for the next five years. Due to this type of equipment having a limited lifespan, problems with our current vendor, and the expiration of service agreements, the department would need to secure a new contract next year due to our current vendor contract ending in June 2024.

POLICY EXPLANATION:
Approval of this item will require a budget revision to the ARPA Fund (revenue) for $252,801.25 and is contingent on the City Council's approval of a related item for procurement of a police integrated camera system from AXON.

FUNDING SOURCE:

ORG and Object Number
758 (Fund), 75800001 (ORG), 700884 (OBJ) (revenue code 508101)

Available Budget	**Purchase Amount**	**After Encumber**
$0.00	$252,801.25	$0.00

ACTION ALTERNATIVES:
1. Approve the revision to the fund (ARPA) (revenue) in the amount of $252,801.25 by accepting the grant.
2. Do not accept the grant for Staff to procure the body-worn cameras.
3. Other actions as directed by Council.

ATTACHMENTS:
Attachment 1 - Office of the Governor
Attachment 2 - Resolution No. - 2022-076 - Accepting Grant for Criminal Justice Division

Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Uniform Grant Management Standards (UGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Grant Number:	4391801	**Award Amount:**	$252,801.25
Date Awarded:	3/28/2022	**Grantee Cash Match:**	$84,267.09
Grant Period:	03/01/2022 - 02/28/2023	**Grantee In Kind Match:**	$0.00
Liquidation Date:	05/29/2023	**Grantee GPI:**	$0.00
Program Fund:	BC-Body-Worn Camera (BWC) Program	**Total Project Cost:**	$337,068.34
Grantee Name:	Duncanville, City of		
Project Title:	Body Worn Camera Project Implementation		
Grant Manager:	Marvin Alcorn		
Unique Entity Identifier (UEI):	HFQDFSSCNT71		

CFDA:	N/A
Federal Awarding Agency:	N/A - State Funds
Federal Award Date:	N/A - State Funds
Federal/State Award ID Number:	2022-BC-ST-0020
Total Federal Award/State Funds Appropriated:	$10,000,000.00
Pass Thru Entity Name:	Texas Office of the Governor – Criminal Justice Division (CJD)

Is the Award R&D:	No
Federal/State Award Description:	Funds are used for the purchase of body cameras and digital storage systems to serve as a tool in a law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes.

RESOLUTION NO. 2022-076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT IN THE AMOUNT OF TWO HUNDRED FIFTY-TWO THOUSAND EIGHT HUNDRED ONE AND TWENTY-FIVE HUNDREDTHS ($252,801.25) FROM THE TEXAS OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE – CRIMINAL JUSTICE DIVISION, BODY-WORN CAMERA GRANT PROGRAM FY22, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO AUTHORIZE THE CASH MATCH AMOUNT OF $84,267.09 TO PURCHASE 65 BODY-WORN-CAMERAS, RELATED STORAGE, CHARGING AND DOCKING EQUIPMENT, AND MAINTENANCE AND WARRANTY AGREEMENTS FOR USE BY POLICE OFFICERS; AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Duncanville Police Department applied for a body-worn camera grant to secure funding for upgrading body-word cameras used by the department; and

WHEREAS, on March 28, 2022, the Duncanville Police Department from the Texas Office of the Governor, Criminal Justice Division (CJD) to accept purchase sixty-five (65) body-worn cameras and digital storage systems in the amount of $252,801.25 to serve as a tool in a law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes; and

WHEREAS, this grant requires a city-cash match of $84,267.09 for a grant project total of $337,068.34; and

WHEREAS, the City desires to accept such grant for the interest of the City of Duncanville, it's citizens, and local businesses.

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 hereby accepts from the Texas Office of the Governor, Public Safety Office – Criminal Justice Division, a Grant in the amount of $252,801.25 and, the City Council hereby authorizes the payment of $84,267.09 for the cash grant match for said grant for body-worn camera grant program FY22, to provide funding for the police department for use by police officers; authorizing the City Manager to execute related documents; and providing an effective date.

SECTION 2. This resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 16th day of August, 2022.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Consider a Resolution authorizing the purchase of nineteen (19) in-car cameras and sixty-five (65) body-worn cameras, cloud storage, an evidence library platform, and maintenance and warranty agreements for five years from Axon Integrated Camera System, in an amount not to exceed $580,975.40

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Mark LiVigni, Chief of Police

BACKGROUND/HISTORY:
Since 2018, the Duncanville Police Department has used WatchGuard Video (acquired by Motorola) for our in-car and body-worn cameras (integrated system). At the time, the WatchGuard system scored well against other systems that were evaluated. We chose WatchGuard Video because it was a local company based in Allen, Texas, and we believed their close geographic proximity would enhance customer service and support.

The WatchGuard integrated system was initially implemented in July 2018. We began to immediately experience technical issues with the interface between WatchGuard Evidence Library, where our videos are stored, and the system's third-party DVD burner. The burner is used to burn footage from the video evidence library to discs. Such evidence is vital to prosecution. Additionally, all video footage captured by personnel assigned to an incident must be submitted to the District Attorney's Office when cases are filed. Therefore, the burner is vital to the video evidence handling process. The issues with the burner have continued for years, as evidenced by the multitude of customer support cases, emails, phone calls, and letters regarding the issue to WatchGuard. One such letter was sent to WatchGuard by then Chief Robert Brown on April 2, 2020, outlining the issues.

Part of the contract with WatchGuard included a camera refresh at year three, in mid-2021. WatchGuard advised that our current body-worn cameras were no longer manufactured and that our camera refresh would be of refurbished cameras. When we pushed for new cameras, we were told our current server configuration did not support the new cameras. After months of back and for with WatchGuard, they conceded and provided new cameras and the needed upgrade in our video storage solutions to support the new cameras. However, the upgraded video storage solution did not have an interface with the unreliable third-party DVD burner. As a workaround to the need for a reliable burner, the vendor supplied the department with thumb drives to store and transfer evidence which has proven problematic.
As noted, the Dallas County DA's office requires all video footage pursuant to a case, regardless of its perceived relevance, to be submitted to their office. Due to the vendor's workaround, we are now having to use USB drives to provide video evidence to the District Attorney's Office. Furthermore, the process is time-consuming and inefficient. Without personnel on light duty, dedicated almost exclusively to putting video evidence on USB drives, our submissions to the DA's office would delay the filing of cases. This is not sustainable, as a delay in the prosecution of cases could be viewed as unconstitutional.

In October 2021, a police integrated-camera system was among other possible projects proposed to the City Council for the use of ARPA funding.

On November 22, 2021, the department made a grant application to the State of Texas to secure funding for body-worn cameras. The department sought to offset the cost of upgrading the WatchGuard Video system to an AXON integrated camera system. Regardless of the awarding of the grant, the need for a new contract is pending within the year due to the equipment's lifespan and the expiration of the current system's service agreement with our current vendor. Additionally, the Cedar Hill and Desoto Police Departments both use an AXON integrated camera system and have no complaints. Further, AXON currently has a working interface with the District Attorney's Office allowing video evidence to be shared directly to their server electronically by other Dallas County clients of AXON.

On March 28, 2022, the Duncanville Police Department was awarded $252,801.25 from the Texas Office of the Governor – Criminal Justice Division (CJD) to purchase body-worn cameras and digital storage systems to serve as a tool in a law enforcement comprehensive problem-solving approach to enhance officer interactions with the public, build community trust, and gather important evidence for use in the prosecution of crimes. This grant requires a cash match of $84,267.09 for a grant project total of $337,068.34.

The complete AXON integrated police camera project, including nineteen (19) in-car cameras and sixty-five (65) body-worn cameras, cloud storage, an evidence library platform, and maintenance and warranty agreements for five years, totals $580,975.40. This potential procurement was vetted by the City's IT and Purchasing Departments for their technical assistance. The Axon quote is based on the buy board contract 648-21.

POLICY EXPLANATION:
Approval of this item, as noted, requires:
1. A budget revision to the ARPA Fund of $580,975.40
2. Acceptance of a grant from the Texas Office of the Governor, Public Safety Office - Criminal Justice Division, Body-Worn Camera Grant
Program FY22 (a separate but related item that offsets total expenditure by $252,801.25)

FUNDING SOURCE:

ORG and Object Number
758 (Fund), 75800001 (ORG), 700884 (OBJ)

Available Budget	**Purchase Amount**	**After Encumber**
$0.00	$580,975.40	$0.00

ACTION ALTERNATIVES:

1. Approve revision to ARPA fund in the amount of $580,975.40 for the police integrated camera system.
2. Do not provide funding for Staff to procure the body-worn cameras.
3. Other actions as directed by Council.

ATTACHMENTS:
Attachment 1 - Resolution No. - 2022-077 - Axon - Body Cameras

RESOLUTION NO. 2022-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE PURCHASE OF NINETEEN (19) IN-CAR CAMERAS AND SIXTY-FIVE (65) BODY-WORN CAMERAS, CLOUD STORAGE, AN EVIDENCE LIBRARY PLATFORM, AND MAINTENANCE AND WARRANTY AGREEMENTS FOR FIVE YEARS FROM AXON INTEGRATED CAMERA SYSTEM, IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED EIGHTY THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND 40/100 ($580,975.40); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Duncanville Police Department has reviewed and evaluated the City's police technology equipment and has identified the need to replace police body worn cameras and vehicle cameras; and

WHEREAS, the City has determined in accordance with state law that the purchase of the equipment and technologies that comply with City specifications can be acquired from Axon Integrated Camera System; and

WHEREAS, the City Council of the City of Duncanville finds it to be in the public interest to authorize the above-described purchases.

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 hereby authorizes to purchase nineteen (19) in-car cameras and sixty-five (65) body-worn cameras, cloud storage, an evidence library platform, and maintenance and warranty agreements for five years from Axon Integrated Camera System, in an amount not to exceed Five Hundred Eighty Thousand Nine Hundred Seventy-Five Dollars and 40/100 ($580,975.40).

SECTION 2. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, ON THIS 16TH DAY OF AUGUST, 2022.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

_____
Barry Gordon, Mayor

ATTEST:

_____
Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____
Robert E. Hager, City Attorney

EXHIBIT A

Master Services and Purchasing Agreement for Agency

This Master Services and Purchasing Agreement ("**Agreement**") is between Axon Enterprise, Inc., a Delaware corporation ("**Axon**"), and the agency listed below or, if no agency is listed below, the agency on the Quote attached hereto ("**Agency**"). This Agreement is effective as of the later of the (a) last signature date on this Agreement or (b) signature date on the Quote ("**Effective Date**"). Axon and Agency are each a "**Party**" and collectively "**Parties**". This Agreement governs Agency's purchase and use of the Axon Devices and Services detailed in the Quote Appendix ("**Quote**"). It is the intent of the Parties that this Agreement act as a master agreement governing all subsequent purchases by Agency for the same Axon Devices and Services in the Quote, and all such subsequent quotes accepted by Agency shall be also incorporated into this Agreement by reference as a Quote. The Parties agree as follows:

1. **Definitions**.

   1.1. "**Axon Cloud Services**" means Axon's web services for Axon Evidence, Axon Records, Axon Dispatch, and interactions between Axon Evidence and Axon Devices or Axon client software. Axon Cloud Service excludes third-party applications, hardware warranties, and my.evidence.com.

   1.2. "**Axon Device**" means all hardware provided by Axon under this Agreement.

   1.3. "**Quote**" means an offer to sell and is only valid for devices and services on the quote at the specified prices. Any terms within Agency's purchase order in response to a Quote will be void. Orders are subject to prior credit approval. Changes in the deployment estimated ship date may change charges in the Quote. Shipping dates are estimates only. Axon is not responsible for typographical errors in any offer by Axon, and Axon reserves the right to cancel any orders resulting from such errors.

   1.4. "**Services**" means all services provided by Axon under this Agreement, including software, Axon Cloud Services, and professional services.

2. **Term**. This Agreement begins on the Effective Date and continues until all subscriptions hereunder have expired or have been terminated ("**Term**").

   2.1. All subscriptions including Axon Evidence, Axon Fleet, Officer Safety Plans, Technology Assurance Plans, and plans begin on the date stated in the Quote. Each subscription term ends upon completion of the subscription stated in the Quote ("**Subscription Term**").

   2.2. Upon completion of the Subscription Term, the Subscription Term, the City, at its discretion, may renew on a yearly basis for a period not to exceed five (5) years For all other purchases, Axon may increase pricing on all line items in the Quote up to 3% at the beginning of each year of the Renewal Term with no less than 30 days-notice in advance and opportunity to negotiate. New devices and services may require additional terms. Axon will not authorize services until Axon receives a signed Quote or accepts a purchase order, whichever is first.

~~3.~~ **Payment**. Axon invoices upon shipment, or on the date specified within the invoicing plan in the Quote. Payment is due net 30 days from the date invoice is received. Payment obligations are non-cancelable. Unless otherwise prohibited by law, Agency will pay interest on all past-due sums at the lower of one-and-a-half percent (1.5%) per month or the highest rate allowed by law. Agency will pay invoices without setoff, deduction, or withholding.

4. **Taxes**. Agency is responsible for sales and other taxes associated with the order unless Agency provides Axon a valid tax exemption certificate.

5. **Shipping**. Axon may make partial shipments and ship Axon Devices from multiple locations. All shipments are FOB destination via common carrier. Title and risk of loss pass to Agency upon Axon's delivery to the agency destination. Agency is responsible for any shipping charges in the Quote. Unless otherwise agreed by both parties in writing, Axon shall deliver Body Worn Cameras and related products and accessories to the agency destination by December 31, 2022 and the Fleet In-Car Cameras and related Products and Accessories to be delivered to the agency destination by March 31, 2023 as agreed between the parties in the Quote.

~~6.~~ **Returns**. All satisfactorily delivered sales are final. Axon does not allow refunds or exchanges, except for warranty return or as provided by state or federal law.

7. **Warranty**.

   ~~7.1.~~ **Limited Warranty; Disclaimer**. Axon warrants that Axon-manufactured Devices are free from defects in workmanship and materials for 1 year from the date of Agency's receipt, except Signal Sidearm and Axon-manufactured accessories, which Axon warrants for 30 months and 90 days, respectively, from the date of Agency's receipt. Used conducted energy weapon ("**CEW**") cartridges are deemed to have operated properly. Extended warranties run from the expiration of the 1-year hardware warranty through the extended warranty term. **All software and Axon Cloud Services are provided "AS IS," without any warranty of any kind, either express or implied, including without limitation the implied warranties of merchantability, fitness for a particular purpose and non-infringement.**

7.2. **Claims**. If Axon receives a valid warranty claim for an Axon-manufactured Device during the warranty term, Axon's sole responsibility is to repair or replace the Axon-manufactured Device with the same or like Axon-manufactured Device, at Axon's option. A replacement Axon-manufactured Device will be new or like new. Axon will warrant the replacement Axon-manufactured Device for the longer of (a) the remaining warranty of the original Axon Manufactured Device or (b) 90-days from the date of repair or replacement.

~~7.2.1.~~ If Agency exchanges a device or part, the replacement item becomes Agency's property, and the replaced item becomes Axon's property. Before delivering an Axon-manufactured Device for service, Agency must upload Axon-manufactured Device data to Axon Evidence or download it and retain a copy. Axon is not responsible for any loss of software, data, or other information contained in storage media or any part of the Axon-manufactured Device sent to Axon for service.

7.3. **Spare Axon Devices**. At Axon's reasonable discretion, Axon may provide Agency a predetermined number of spare Axon Devices as detailed in the Quote ("**Spare Axon Devices**"). Spare Axon Devices are intended to replace broken or non-functioning units while Agency submits the broken or non-functioning units, through Axon's warranty return process. Axon will repair or replace the unit with a replacement Axon Device. Title and risk of loss for all Spare Axon Devices shall pass to Agency in accordance with shipping terms under Section 5. Axon assumes no liability or obligation in the event Agency does not utilize Spare Axon Devices for the intended purpose.

7.4. **Limitations**. Axon's warranty excludes damage related to: (a) failure to follow Axon Device use instructions; (b) Axon Devices used with equipment not manufactured or recommended by Axon; (c) abuse, misuse, or intentional damage to Axon Device; (d) force majeure; (e) Axon Devices repaired or modified by persons other than Axon without Axon's written permission; or (f) Axon Devices with a defaced or removed serial number. Axon's warranty will be void if Agency resells Axon Devices.

7.4.1. To the extent permitted by law, the above warranties and remedies are exclusive. Axon disclaims all other warranties, remedies, and conditions, whether oral, written, statutory, or implied provided that all documentation accurately describes the software so as to enable a professional staff to utilize fully the software in accordance with the applicable specifications. If statutory or implied warranties cannot be lawfully disclaimed, then such warranties are limited to the duration of the warranty described above and by the provisions in this Agreement.

7.4.2. Axon's cumulative liability to any Party for any loss or damage resulting from any claim, demand, or action arising out of or relating to any Axon Device or Service will not exceed the purchase price multiplied by three paid to Axon for the Axon Device, or if for Services, the amount paid for such Services over the 12 months preceding the claim. Neither Party will be liable for direct, special, indirect, incidental, punitive or consequential damages, however caused, whether for breach of warranty or contract, negligence, strict liability, tort or any other legal theory.

7.5. **Online Support Platforms**. Use of Axon's online support platforms (e.g., Axon Academy and MyAxon) is governed by the Axon Online Support Platforms Terms of Use Appendix available at www.axon.com/sales-terms-and-conditions.

~~7.6.~~

7.7. **Third-Party Software and Services**. Use of software or services other than those provided by Axon is governed by the terms, if any, entered into between Agency and the respective third-party provider, including, without limitation, the terms applicable to such software or services located at www.axon.com/sales-terms-and-conditions, if any.

~~7.8.~~

7.9. **Axon Aid**. Upon mutual agreement between Axon and Agency, Axon may provide certain products and services to Agency, as a charitable donation under the Axon Aid program. In such event, Agency expressly waives and releases any and all claims, now known or hereafter known, against Axon, and its officers, directors, employees, agents, contractors, affiliates, successors, and assigns (collectively, "Releasees"), including but not limited to, on account of injury, death, property damage, or loss of data, arising out of or attributable to the Axon Aid program whether arising out of the negligence of Axon or any Releasees or otherwise. Agency agrees not to make or bring any such claim against Axon or any other Releasee, and forever release and discharge Axon and all other Releasees from liability under such claims. Agency allows Axon to publicly announce its participation in Axon Aid and use its name in marketing materials by Agency's approval on a case-by-case basis. Axon may terminate the Axon Aid program without cause immediately upon notice to the Agency.

8. **Statement of Work**. Certain Axon Devices and Services, including Axon Interview Room, Axon Channel Services, and Axon Fleet, may require a Statement of Work that details Axon's Service deliverables ("**SOW**"). In the event Axon

provides an SOW to Agency, Axon is only responsible to perform Services described in the SOW. Additional services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in fees or schedule. The SOW is incorporated into this Agreement by reference.

9. **Axon Device Warnings**. See www.axon.com/legal for the most current Axon Device warnings.

10. **Design Changes**. Axon may make design changes to any Axon Device or Service without notifying Agency or making the same change to Axon Devices and Services previously purchased by Agency.

11. **Bundled Offerings**. Some offerings in bundled offerings may not be generally available at the time of Agency's purchase. Axon will not provide a refund, credit, or additional discount beyond what is in the Quote due to a delay of availability or Agency's election not to utilize any portion of an Axon bundle.

12. **Insurance**. Axon will maintain General Liability, Workers' Compensation, and Automobile Liability insurance. Upon request, Axon will supply certificates of insurance.

13. **IP Rights**. Axon owns and reserves all right, title, and interest in Axon-manufactured Devices and Services and suggestions to Axon, including all related intellectual property rights. Agency will not cause any Axon proprietary rights to be violated.

14. **IP Indemnification**. Axon will indemnify Agency Indemnitees against all claims, losses, and reasonable expenses from any third-party claim alleging that the use of Axon-manufactured Devices or Services infringes or misappropriates the third-party's intellectual property rights. Agency must promptly provide Axon with written notice of such claim, tender to Axon the defense or settlement of such claim at Axon's expense and cooperate fully with Axon in the defense or settlement of such claim. Axon's IP indemnification obligations do not apply to claims based on (a) modification of Axon-manufactured Devices or Services by Agency or a third-party not approved by Axon; (b) use of Axon-manufactured Devices and Services in combination with hardware or services not approved by Axon; (c) use of Axon Devices and Services other than as permitted in this Agreement; or (d) use of Axon software that is not the most current release provided by Axon.

15. **Agency Responsibilities**. Agency is responsible for (a) Agency's use of Axon Devices; (b) breach of this Agreement or violation of applicable law by Agency or an Agency end user; and (c) a dispute between Agency and a third-party over Agency's use of Axon Devices.

16. **Termination**.

    16.1. **For Breach**. A Party may terminate this Agreement for cause if it provides 30 days written notice of the breach to the other Party, and the breach remains uncured at the end of 30 days. If Agency terminates this Agreement due to Axon's uncured breach, Axon will refund prepaid amounts on a prorated basis based on the effective date of termination.

    16.2. **By Agency**. If sufficient funds are not appropriated or otherwise legally available to pay the fees, Agency may terminate this Agreement. Agency will deliver notice of termination under this section as soon as reasonably practicable.

    16.3. **Effect of Termination**. Upon termination of this Agreement, Agency rights immediately terminate. Agency remains responsible for all fees incurred before the effective date of termination. If Agency purchases Axon Devices for less than the manufacturer's suggested retail price ("**MSRP**") and this Agreement terminates before the end of the Term, Axon will invoice Agency the difference between the MSRP for Axon Devices received, including any Spare Axon Devices, and amounts paid towards those Axon Devices. Only if terminating for non-appropriation, Agency may return Axon Devices to Axon within 30 days of termination. MSRP is the standalone price of the individual Axon Device at the time of sale. For bundled Axon Devices, MSRP is the standalone price of all individual components.

17. **Confidentiality**. "**Confidential Information**" means nonpublic information designated as confidential or, given the nature of the information or circumstances surrounding disclosure, should reasonably be understood to be confidential. Each Party will take reasonable measures to avoid disclosure, dissemination, or unauthorized use of the other Party's Confidential Information. Unless required by law, neither Party will disclose the other Party's Confidential Information during the Term and for 5 years thereafter. To the extent permissible by law, Axon pricing is Confidential Information and competition sensitive. If Agency receives a public records request to disclose Axon Confidential Information, to the extent allowed by law, Agency will provide notice to Axon before disclosure. Axon may publicly announce information related to this Agreement.

18. **General**.

    18.1. **Force Majeure**. Neither Party will be liable for any delay or failure to perform due to a cause that is evidently beyond a Party's reasonable control.

18.2. **Independent Contractors**. The Parties are independent contractors. Neither Party has the authority to bind the other. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary, or employment relationship between the Parties.

18.3. **Third-Party Beneficiaries**. There are no third-party beneficiaries under this Agreement.

18.4. **Non-Discrimination**. Neither Party nor its employees will discriminate against any person based on race; religion; creed; color; sex; gender identity and expression; pregnancy; childbirth; breastfeeding; medical conditions related to pregnancy, childbirth, or breastfeeding; sexual orientation; marital status; age; national origin; ancestry; genetic information; disability; veteran status; or any class protected by local, state, or federal law.

18.5. **Export Compliance**. Each Party will comply with all import and export control laws and regulations.

18.6. **Assignment**. Neither Party may assign this Agreement without the other Party's prior written consent. Axon may assign this Agreement, its rights, or obligations without consent: (a) to an affiliate or subsidiary; or (b) for purposes of financing, merger, acquisition, corporate reorganization, or sale of all or substantially all its assets. This Agreement is binding upon the Parties respective successors and assigns.

18.7. **Waiver**. No waiver or delay by either Party in exercising any right under this Agreement constitutes a waiver of that right.

18.8. **Severability**. If a court of competent jurisdiction holds any portion of this Agreement invalid or unenforceable, the remaining portions of this Agreement will remain in effect.

18.9. **Survival**. The following sections will survive termination: Payment, Warranty, Axon Device Warnings, Indemnification, IP Rights, and Agency Responsibilities.

18.10. **Governing Law**. The laws of the state where Agency is physically located, without reference to conflict of law rules, govern this Agreement and any dispute arising from it. The United Nations Convention for the International Sale of Goods does not apply to this Agreement.

18.11. **Notices**. All notices must be in English. Notices posted on Agency's Axon Evidence site are effective upon posting. Notices by email are effective on the sent date of the email. Notices by personal delivery are effective immediately. Contact information for notices:

Axon: Axon Enterprise, Inc. Attn: Legal 17800 N. 85th Street Scottsdale, Arizona 85255 legal@axon.com	Agency: Duncanville Police Dept. Attn: Street Address: 203 E Wheatland Rd City, State, Zip: Duncanville, TX 75116 Email:

18.12 **Entire Agreement**. This Agreement, including the Appendices, signed amendments, and any SOW(s), represents the entire agreement between the Parties. This Agreement supersedes all prior agreements or understandings, whether written or verbal, regarding the subject matter of this Agreement. This Agreement may only be modified or amended in a writing signed by the Parties.

Each Party, by and through its respective representative authorized to execute this Agreement, has duly executed and delivered this Agreement as of the date of signature.

AXON:	**AGENCY**:
Axon Enterprise, Inc.	Duncanville Police Dept.
Signature: _____	Signature: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

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Axon Cloud Services Terms of Use Appendix

1. Definitions.

   1.1. **"Agency Content"** is data uploaded into, ingested by, or created in Axon Cloud Services within Agency's tenant, including media or multimedia uploaded into Axon Cloud Services by Agency. Agency Content includes Evidence but excludes Non-Content Data.

   1.2. "**Evidence**" is media or multimedia uploaded into Axon Evidence as 'evidence' by an Agency. Evidence is a subset of Agency Content.

   1.3. "**Non-Content Data**" is data, configuration, and usage information about Agency's Axon Cloud Services tenant, Axon Devices and client software, and users that is transmitted or generated when using Axon Devices. Non-Content Data includes data about users captured during account management and customer support activities. Non-Content Data does not include Agency Content.

   1.4. "**Personal Data**" means any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

2. **Access**. Upon Axon granting Agency a subscription to Axon Cloud Services, Agency may access and use Axon Cloud Services to store and manage Agency Content. Agency may not exceed more end users than the Quote or an amendment specifies. Axon Air requires an Axon Evidence subscription for each drone operator

3. **Agency Owns Agency Content**. Agency controls and owns all right, title, and interest in Agency Content. Except as outlined herein, Axon obtains no interest in Agency Content, and Agency Content is not Axon's business records. Agency is solely responsible for uploading, sharing, managing, and deleting Agency Content. Axon will only have access to Agency Content for the limited purposes set forth herein. Agency agrees to allow Axon access to Agency Content to (a) perform troubleshooting, maintenance, or diagnostic screenings; and (b) enforce this Agreement or policies governing use of the Axon products.

4. **Security**. Axon will implement best efforts and appropriate measures to secure Agency Content against accidental or unlawful loss, access or disclosure. Axon will maintain a comprehensive information security program to protect Axon Cloud Services and Agency Content including logical, physical access, vulnerability, risk, and configuration management; incident monitoring and response; encryption of uploaded digital evidence; security education; and data protection. Axon agrees to the Federal Bureau of Investigation Criminal Justice Information Services Security Addendum.

5. **Agency Responsibilities**. Agency is responsible for (a) ensuring Agency owns Agency Content; (b) ensuring no Agency Content or Agency end user's use of Agency Content or Axon Cloud Services violates this Agreement or applicable laws; and (c) maintaining necessary computer equipment and Internet connections for use of Axon Cloud Services. If Agency becomes aware of any violation of this Agreement by an end user, Agency will immediately terminate that end user's access to Axon Cloud Services.

   1.5. Agency will also maintain the security of end usernames and passwords and security and access by end users to Agency Content. Agency is responsible for ensuring the configuration and utilization of Axon Cloud Services meet applicable Agency regulation and standards. Agency may not sell, transfer, or sublicense access to any other entity or person. Agency shall contact Axon immediately if an unauthorized party may be using Agency's account or Agency Content, or if account information is lost or stolen.

   1.6. To the extent Agency uses the Axon Cloud Services to interact with YouTube®, such use may be governed by the YouTube Terms of Service, available at https://www.youtube.com/static?template=terms.

6. **Privacy**. Agency's use of Axon Cloud Services is subject to the Axon Cloud Services Privacy Policy, a current version of which is available at https://www.axon.com/legal/cloud-services-privacy-policy. Agency agrees to allow Axon access to Non-Content Data from Agency to (a) perform troubleshooting, maintenance, or diagnostic screenings; (b) provide, develop, improve, and support current and future Axon products and related services; and (c) enforce this Agreement or policies governing the use of Axon products.

7. **Axon Body 3 Wi-Fi Positioning**. Axon Body 3 cameras offer a feature to enhance location services where GPS/GNSS signals may not be available, for instance, within buildings or underground. Agency administrators can manage their choice to use this service within the administrative features of Axon Cloud Services. If Agency chooses

to use this service, Axon must also enable the usage of the feature for Agency's Axon Cloud Services tenant. Agency will not see this option with Axon Cloud Services unless Axon has enabled Wi-Fi Positioning for Agency's Axon Cloud Services tenant. When Wi-Fi Positioning is enabled by both Axon and Agency, Non-Content and Personal Data will be sent to Skyhook Holdings, Inc. (**"Skyhook"**) to facilitate the Wi-Fi Positioning functionality. Data controlled by Skyhook is outside the scope of the Axon Cloud Services Privacy Policy and is subject to the Skyhook Services Privacy Policy.

8. **Storage**. For Axon Unlimited Device Storage subscriptions, Agency may store unlimited data in Agency's Axon Evidence account only if data originates from Axon Capture or the applicable Axon Device. Axon may charge Agency additional fees for exceeding purchased storage amounts. Axon may place Agency Content that Agency has not viewed or accessed for 6 months into archival storage. Agency Content in archival storage will not have immediate availability and may take up to 24 hours to access.

9. **Location of Storage**. Axon may transfer Agency Content to third-party subcontractors for storage. Axon will determine the locations of data centers for storage of Agency Content. For United States agencies, Axon will ensure all Agency Content stored in Axon Cloud Services remains within the United States. Ownership of Agency Content remains with Agency.

10. **Suspension**. Axon may temporarily suspend Agency's or any end user's right to access or use any portion or all of Axon Cloud Services immediately upon notice and notify agency immediately, if Agency or end user's use of or registration for Axon Cloud Services may (a) pose a security risk to Axon Cloud Services or any third-party; (b) adversely impact Axon Cloud Services , the systems, or content of any other customer; (c) subject Axon, Axon's affiliates, or any third-party to liability; or (d) be fraudulent. Agency remains responsible for all fees incurred through suspension. Axon will not delete Agency Content because of suspension, except as specified in this Agreement.

11. **Axon Cloud Services Warranty**. Axon disclaims any warranties or responsibility for data corruption or errors before Agency uploads data to Axon Cloud Services.

12. **Axon Records**. Axon Records is the software-as-a-service product that is generally available at the time Agency purchases an OSP 7 bundle. During Agency's Axon Records Subscription Term, if any, Agency will be entitled to receive Axon's Update and Upgrade releases on an if-and-when available basis.

    1.7. The Axon Records Subscription Term will end upon the completion of the Axon Records Subscription as documented in the Quote, or if purchased as part of an OSP 7 bundle, upon competition of the OSP 7 Term ("**Axon Records Subscription**")

    1.8. An "**Update**" is a generally available release of Axon Records that Axon makes available from time to time. An "**Upgrade**" includes (i) new versions of Axon Records that enhance features and functionality, as solely determined by Axon; and/or (ii) new versions of Axon Records that provide additional features or perform additional functions. Upgrades exclude new products that Axon introduces and markets as distinct products or applications.

    1.9. New or additional Axon products and applications, as well as any Axon professional services needed to configure Axon Records, are not included. If Agency purchases Axon Records as part of a bundled offering, the Axon Record subscription begins on the later of the (1) start date of that bundled offering, or (2) date Axon provisions Axon Records to Agency.

    1.10. Users of Axon Records at the agency may upload files to entities (incidents, reports, cases, etc) in Axon Records with no limit to the number of files and amount of storage. Notwithstanding the foregoing, Axon may limit usage should the Agency exceed an average rate of 100 GB per user per year of uploaded files. Axon will not bill for overages.

13. **Axon Cloud Services Restrictions**. Agency and Agency end users (including employees, contractors, agents, officers, volunteers, and directors), may not, or may not attempt to:

    1.11. copy, modify, tamper with, repair, or create derivative works of any part of Axon Cloud Services;

    1.12. reverse engineer, disassemble, or decompile Axon Cloud Services or apply any process to derive any source code included in Axon Cloud Services, or allow others to do the same;

    1.13. access or use Axon Cloud Services with the intent to gain unauthorized access, avoid incurring fees or exceeding usage limits or quotas;

1.14. use trade secret information contained in Axon Cloud Services, except as expressly permitted in this Agreement;

1.15. access Axon Cloud Services to build a competitive device or service or copy any features, functions, or graphics of Axon Cloud Services;

1.16. remove, alter, or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon's or Axon's licensors on or within Axon Cloud Services; or

1.17. use Axon Cloud Services to store or transmit infringing, libelous, or other unlawful or tortious material; to store or transmit material in violation of third-party privacy rights; or to store or transmit malicious code.

14. **After Termination**. Axon will not delete Agency Content for 90 days following termination. There will be no functionality of Axon Cloud Services during these 90 days other than the ability to retrieve Agency Content. Agency will not incur additional fees if Agency downloads Agency Content from Axon Cloud Services during this time. Axon has no obligation to maintain or provide Agency Content after these 90-days and will thereafter, unless legally prohibited, delete all Agency Content. Upon request, Axon will provide written proof that Axon successfully deleted and fully removed all Agency Content from Axon Cloud Services.

15. **Post-Termination Assistance**. Axon will provide Agency with the same post-termination data retrieval assistance that Axon generally makes available to all customers. Requests for Axon to provide additional assistance in downloading or transferring Agency Content, including requests for Axon's data egress service, will result in additional fees and Axon will not warrant or guarantee data integrity or readability in the external system.

16. **U.S. Government Rights**. If Agency is a U.S. Federal department or using Axon Cloud Services on behalf of a U.S. Federal department, Axon Cloud Services is provided as a "commercial item," "commercial computer software," "commercial computer software documentation," and "technical data", as defined in the Federal Acquisition Regulation and Defense Federal Acquisition Regulation Supplement. If Agency is using Axon Cloud Services on behalf of the U.S. Government and these terms fail to meet the U.S. Government's needs or are inconsistent in any respect with federal law, Agency will immediately discontinue use of Axon Cloud Services.

17. **Survival**. Upon any termination of this Agreement, the following sections in this Appendix will survive: Agency Owns Agency Content, Privacy, Storage, Axon Cloud Services Warranty, and Axon Cloud Services Restrictions.

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Professional Services Appendix

If any of the Professional Services specified below are included on the Quote, this Appendix applies.

1. **Utilization of Services**. Agency must use professional services as outlined in the Quote and this Appendix within 6 months of the Effective Date.

2. **Body-Worn Camera Starter Service (Axon Starter)**. Axon Starter includes advance remote project planning and configuration support and one day of on-site Services and a professional services manager to work closely with Agency to assess Agency's deployment and determine which Services are appropriate. If Agency requires more than 1 day of on-site Services, Agency must purchase additional on-site Services. The Axon Starter options include:

System set up and configuration (Remote Support) • Instructor-led setup of Axon View on smartphones (if applicable) • Configure categories & custom roles based on Agency need • Troubleshoot IT issues with Axon Evidence and Axon Dock ("**Dock**") access
/Dock configuration • Work with Agency to decide the ideal location of Dock setup and set configurations on Dock • Authenticate Dock with Axon Evidence using "Administrator" credentials from Agency • Does not include physical mounting of docks
Axon instructor training (Train the Trainer) Training for Agency's in-house instructors who can support Agency's Axon camera and Axon Evidence training needs after Axon's has fulfilled its contracted on-site obligations
End user go-live training and support sessions • Assistance with device set up and configuration • Training on device use, Axon Evidence, and Evidence Sync
Implementation document packet Axon Evidence administrator guides, camera implementation guides, network setup guide, sample policies, and categories & roles guide

3. **Body-Worn Camera Virtual 1-Day Service (Axon Virtual)**. Axon Virtual includes all items in the BWC Starter Service Package, except one day of on-site services.

4. **Out of Scope Services**. Axon is only responsible to perform the professional services described in the Quote and this Appendix. Any additional professional services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in the charges or schedule.

5. **Delivery of Services**. Axon personnel will work Monday through Friday, 8:30 a.m. to 5:30 p.m., except holidays. Axon will perform all on-site tasks over a consecutive timeframe. Axon will not charge Agency travel time by Axon personnel to Agency premises as work hours.

6. **Access Computer Systems to Perform Services**. Agency authorizes Axon to access relevant Agency computers and networks, solely for performing the Services. Axon will work to identify as soon as reasonably practicable resources and information Axon expects to use and will provide an initial itemized list to Agency. Agency is responsible for and assumes the risk of any problems, delays, losses, claims, or expenses resulting from the content, accuracy, completeness, and consistency of all data, materials, and information supplied by Agency.

7. **Site Preparation**. Axon will provide a hardcopy or digital copy of current user documentation for the Axon Devices ("**User Documentation**"). User Documentation will include all required environmental specifications for the professional Services and Axon Devices to operate per the Axon Device User Documentation. Before installation of Axon Devices (whether performed by Agency or Axon), Agency must prepare the location(s) where Axon Devices are to be installed ("**Installation Site**") per the environmental specifications in the Axon Device User Documentation. Following installation, Agency must maintain the Installation Site per the environmental specifications. If Axon modifies Axon Device User Documentation for any Axon Devices under this Agreement, Axon will provide the update to Agency when Axon generally releases it

8. **Acceptance**. When Axon completes professional Services, Axon will present an acceptance form ("**Acceptance Form**") to Agency. Agency will sign the Acceptance Form acknowledging completion. If Agency reasonably believes Axon did not complete the professional Services in substantial conformance with this Agreement, Agency must notify Axon in writing of the specific reasons for rejection within 7 calendar days from delivery of the Acceptance Form. Axon will address the issues and re-present the Acceptance Form for signature. If Axon does not receive the signed Acceptance Form or written notification of reasons for rejection within 7 calendar days of delivery of the Acceptance Form, Axon will deem Agency to have accepted the professional Services.
9. **Agency Network**. For work performed by Axon transiting or making use of Agency's network, Agency is solely responsible for maintenance and functionality of the network. In no event will Axon be liable for loss, damage, or corruption of Agency's network from any cause.

Axon Customer Experience Improvement Program Appendix

1. Axon Customer Experience Improvement Program (ACEIP). The ACEIP is designed to accelerate Axon's development of technology, such as building and supporting automated features, to ultimately increase safety within communities and drive efficiency in public safety. To this end, subject to the limitations on Axon as described below, Axon, where allowed by law, may make limited use of Agency Content from all of its customers, to provide, develop, improve, and support current and future Axon products (collectively, "ACEIP Purposes"). However, at all times, Axon will comply with its obligations pursuant to the Axon Cloud Services Terms of Use Appendix to maintain a comprehensive data security program (including compliance with the CJIS Security Policy for Criminal Justice Information), privacy program, and data governance policy, including high industry standards of de-identifying Personal Data, to enforce its security and privacy obligations for the ACEIP. ACEIP has 2 tiers of participation, Tier 1 and Tier 2. By default, Agency will be a participant in ACEIP Tier 1. If Agency does not want to participate in ACEIP Tier 1, Agency can revoke its consent at any time. If Agency wants to participate in Tier 2, as detailed below, Agency can check the ACEIP Tier 2 box below. If Agency does not want to participate in ACEIP Tier 2, Agency should leave box unchecked. At any time, Agency may revoke its consent to ACEIP Tier 1, Tier 2, or both Tiers.

2. **ACEIP Tier 1.**

   2.1. When Axon uses Agency Content for the ACEIP Purposes, Axon will extract from Agency Content and may store separately copies of certain segments or elements of the Agency Content (collectively, "**ACEIP Content**"). When extracting ACEIP Content, Axon will use commercially reasonable efforts to aggregate, transform or de-identify Agency Content so that the extracted ACEIP Content is no longer reasonably capable of being associated with, or could reasonably be linked directly or indirectly to a particular individual ("**Privacy Preserving Technique(s)**"). For illustrative purposes, some examples are described in footnote 1[1]. For clarity, ACEIP Content will still be linked indirectly, with an attribution, to the Agency from which it was extracted. This attribution will be stored separately from the data itself, but is necessary for and will be solely used to enable Axon to identify and delete all ACEIP Content upon Agency request. Once de-identified, ACEIP Content may then be further modified, analyzed, and used to create derivative works. At any time, Agency may revoke the consent granted herein to Axon to access and use Agency Content for ACEIP Purposes. Within 30 days of receiving the Agency's request, Axon will no longer access or use Agency Content for ACEIP Purposes and will delete any and all ACEIP Content. Axon will also delete any derivative works which may reasonably be capable of being associated with, or could reasonably be linked directly or indirectly to Agency. In addition, if Axon uses Agency Content for the ACEIP Purposes, upon request, Axon will make available to Agency a list of the specific type of Agency Content being used to generate ACEIP Content, the purpose of such use, and the retention, privacy preserving extraction technique, and relevant data protection practices applicable to the Agency Content or ACEIP Content ("Use Case"). From time to time, Axon may develop and deploy new Use Cases. At least 30 days prior to authorizing the deployment of any new Use Case, Axon will provide Agency notice (by updating the list of Use Case at https://www.axon.com/aceip and providing Agency with a mechanism to obtain notice of that update or another commercially reasonable method to Agency designated contact) ("**New Use Case**").

   2.2. **Expiration of ACEIP Tier 1**. Agency consent granted herein, will expire upon termination of the Agreement. In accordance with section 1.1.1, within 30 days of receiving the Agency's request, Axon will no longer access or use Agency Content for ACEIP Purposes and will delete ACEIP Content. Axon will also delete any derivative works which may reasonably be capable of being associated with, or could reasonably be linked directly or indirectly to Agency.

3. **ACEIP Tier 2**. In addition to ACEIP Tier 1, if Agency wants to help further improve Axon's services, Agency may choose to participate in Tier 2 of the ACEIP. ACEIP Tier 2 grants Axon certain additional rights to use Agency

[1] For example; (a) when extracting specific text to improve automated transcription capabilities, text that could be used to directly identify a particular individual would not be extracted, and extracted text would be disassociated from identifying metadata of any speakers, and the extracted text would be split into individual words and aggregated with other data sources (including publicly available data) to remove any reasonable ability to link any specific text directly or indirectly back to a particular individual; (b) when extracting license plate data to improve Automated License Plate Recognition (ALPR) capabilities, individual license plate characters would be extracted and disassociated from each other so a complete plate could not be reconstituted, and all association to other elements of the source video, such as the vehicle, location, time, and the surrounding environment would also be removed; (c) when extracting audio of potential acoustic events (such as glass breaking or gun shots), very short segments (<1 second) of audio that only contains the likely acoustic events would be extracted and all human utterances would be removed.

Content, in addition to those set forth in Tier 1 above, without the guaranteed deployment of a Privacy Preserving Technique to enable product development, improvement, and support that cannot be accomplished with aggregated, transformed or de-identified data.

☐ Check this box if Agency wants to help further improve Axon's services by participating in ACEIP Tier 2 in addition to Tier 1. Axon will not enroll Agency into ACEIP Tier 2 until Axon and Agency agree to terms in writing providing for such participation in ACEIP Tier 2.

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Technology Assurance Plan Appendix

If Technology Assurance Plan ("**TAP**") or a bundle including TAP is on the Quote, this appendix applies.

1. **TAP Warranty**. The TAP warranty is an extended warranty that starts at the end of the 1-year hardware limited warranty.

2. **OSP 7 Term**. OSP 7 begins on the date specified in the Quote ("**OSP 7 Term**").

3. **TAP BWC Upgrade**. If Agency has no outstanding payment obligations and purchased TAP, Axon will provide Agency a new Axon body-worn camera ("**BWC Upgrade**") as scheduled in the Quote. If Agency purchased TAP Axon will provide a BWC Upgrade that is the same or like Axon Device, at Axon's option. Axon makes no guarantee the BWC Upgrade will utilize the same accessories or Axon Dock.

4. **TAP Dock Upgrade**. If Agency has no outstanding payment obligations and purchased TAP, Axon will provide Agency a new Axon Dock as scheduled in the Quote ("**Dock Upgrade**"). Accessories associated with any Dock Upgrades are subject to change at Axon discretion. Axon guarantees that the associated accessories will be compatible with any Dock Upgrades. Dock Upgrades will only include a new Axon Dock bay configuration unless a new Axon Dock core is required for BWC compatibility. If Agency originally purchased a single-bay Axon Dock, the Dock Upgrade will be a single-bay Axon Dock model that is the same or like Axon Device, at Axon's option. If Agency originally purchased a multi-bay Axon Dock, the Dock Upgrade will be a multi-bay Axon Dock that is the same or like Axon Device, at Axon's option.

5. **Upgrade Delay**. Axon may ship the BWC and Dock Upgrades as scheduled in the Quote without prior confirmation from Agency unless the Parties agree in writing otherwise at least 90 days in advance. Axon may ship the final BWC and Dock Upgrade as scheduled in the Quote 60 days before the end of the Subscription Term without prior confirmation from Agency.

6. **Upgrade Change**. If Agency wants to change Axon Device models for the offered BWC or Dock Upgrade, Agency must pay the price difference between the MSRP for the offered BWC or Dock Upgrade and the MSRP for the model desired. If the model Agency desires has an MSRP less than the MSRP of the offered BWC Upgrade or Dock Upgrade, Axon will not provide a refund. The MSRP is the MSRP in effect at the time of the upgrade.

7. **Return of Original Axon Device**. Within 30 days of receiving a BWC or Dock Upgrade, Agency must return the original Axon Devices to Axon or destroy the Axon Devices and provide a certificate of destruction to Axon including serial numbers for the destroyed Axon Devices. If Agency does not return or destroy the Axon Devices, Axon will deactivate the serial numbers for the Axon Devices received by Agency.

8. **Termination**. If Agency's payment for TAP, OSP, or Axon Evidence is more than 60 days past due, Axon may terminate TAP or OSP. Once TAP or OSP terminates for any reason:

   8.1. TAP and OSP coverage terminate as of the date of termination and no refunds will be given.

   8.2. Axon will not and has no obligation to provide the Upgrade Models.

   8.3. Agency must make any missed payments due to the termination before Agency may purchase any future TAP or OSP.

Master Services and Purchasing Agreement for Agency

Axon Fleet Appendix

If Axon Fleet is included on the Quote, this Appendix applies.

18. **Agency Responsibilities**. Agency must ensure its infrastructure and vehicles adhere to the minimum requirements to operate Axon Fleet 2 or Axon Fleet 3 (collectively, "Axon Fleet") as established by Axon during the qualifier call and on-site assessment at Agency and in any technical qualifying questions. If Agency's representations are inaccurate, the Quote is subject to change.

19. **Cradlepoint**. If Agency purchases Cradlepoint Enterprise Cloud Manager, Agency will comply with Cradlepoint's end user license agreement. The term of the Cradlepoint license may differ from the Axon Evidence Subscription. If Agency requires Cradlepoint support, Agency will contact Cradlepoint directly.

20. **Third-party Installer**. Axon will not be liable for the failure of Axon Fleet hardware to operate per specifications if such failure results from installation not performed by, or as directed by Axon.

21. Wireless Offload Server.

    21.1. **License Grant**. Axon grants Agency a non-exclusive, royalty-free, worldwide, perpetual license to use Wireless Offload Server ("**WOS**"). "Use" means storing, loading, installing, or executing WOS solely for data communication with Axon Devices for the number of licenses purchased. The WOS term begins upon the start of the Axon Evidence Subscription.

    21.2. **Restrictions**. Agency may not: (a) modify, alter, tamper with, repair, or create derivative works of WOS; (b) reverse engineer, disassemble, or decompile WOS, apply any process to derive the source code of WOS, or allow others to do so; (c) access or use WOS to avoid incurring fees or exceeding usage limits; (d) copy WOS in whole or part; (e) use trade secret information contained in WOS; (f) resell, rent, loan or sublicense WOS; (g) access WOS to build a competitive device or service or copy any features, functions or graphics of WOS; or (h) remove, alter or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon or Axon's licensors on or within WOS.

    21.3. **Updates**. If Agency purchases WOS maintenance, Axon will make updates and error corrections to WOS ("**WOS Updates**") available electronically via the Internet or media as determined by Axon. Agency is responsible for establishing and maintaining adequate Internet access to receive WOS Updates and maintaining computer equipment necessary for use of WOS. The Quote will detail the maintenance term.

    21.4. **WOS Support**. Upon request by Axon, Agency will provide Axon with access to Agency's store and forward servers solely for troubleshooting and maintenance.

22. Axon Vehicle Software.

    22.1. **License Grant**. Axon grants Agency a non-exclusive, royalty-free, worldwide, perpetual license to use ViewXL or Dashboard (collectively, "Axon Vehicle Software".) "Use" means storing, loading, installing, or executing Axon Vehicle Software solely for data communication with Axon Devices. The Axon Vehicle Software term begins upon the start of the Axon Evidence Subscription.

    22.2. **Restrictions**. Agency may not: (a) modify, alter, tamper with, repair, or create derivative works of Axon Vehicle Software; (b) reverse engineer, disassemble, or decompile Axon Vehicle Software, apply any process to derive the source code of Axon Vehicle Software, or allow others to do so; (c) access or use Axon Vehicle Software to avoid incurring fees or exceeding usage limits; (d) copy Axon Vehicle Software in whole or part; (e) use trade secret information contained in Axon Vehicle Software; (f) resell, rent, loan or sublicense Axon Vehicle Software; (g) access Axon Vehicle Software to build a competitive device or service or copy any features, functions or graphics of Axon Vehicle Software; or (h) remove, alter or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon or Axon's licensors on or within Axon Vehicle Software.

23. **Acceptance Checklist**. If Axon provides services to Agency pursuant to any statement of work in connection with Axon Fleet, within 7 days of the date on which Agency retrieves Agency's vehicle(s) from the Axon installer, said vehicle having been installed and configured with tested and fully and properly operational in-car hardware and software identified above, Agency will receive a Professional Services Acceptance Checklist to submit to Axon indicating acceptance or denial of said deliverables.

24. **Axon Fleet Upgrade**. If Agency has no outstanding payment obligations and has purchased the "Fleet Technology Assurance Plan" (Fleet TAP), Axon will provide Agency with the same or like model of Fleet hardware ("**Axon Fleet Upgrade**") as schedule on the Quote.

    24.1. If Agency would like to change models for the Axon Fleet Upgrade, Agency must pay the difference between the MSRP for the offered Axon Fleet Upgrade and the MSRP for the model desired. The MSRP is the MSRP in effect at the time of the upgrade. Agency is responsible for the removal of previously installed hardware and installation of the Axon Fleet Upgrade.

    24.2. Within 30 days of receiving the Axon Fleet Upgrade, Agency must return the original Axon Devices to Axon or destroy the Axon Devices and provide a certificate of destruction to Axon, including serial numbers of the destroyed Axon Devices. If Agency does not destroy or return the Axon Devices to Axon, Axon will deactivate the serial numbers for the Axon Devices received by Agency.

25. **Axon Fleet Termination.** Axon may terminate Agency's Fleet subscription if Agency is more than 60 days past due for non-payment.

    25.1. Axon Fleet subscription coverage terminates, and no refunds will be given.

    25.2. Axon will not and has no obligation to provide the Axon Fleet Upgrade.

    25.3. Agency will be responsible for payment of any missed payments due to the termination before being allowed to purchase any future Fleet TAP.

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-388980-44740.652MA

Issued: 06/28/2022

Quote Expiration: 07/30/2022

Estimated Contract Start Date: 12/01/2022

Account Number: 170572
Payment Terms: N30
Delivery Method: Fedex - Ground

SHIP TO	BILL TO
Duncanville Police Department 203 East Wheatland Road Duncanville, TX 75116 USA	Duncanville Police Dept. - TX 203 East Wheatland Road Duncanville, TX 75116 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Matt Appelbaum Phone: Email: mappelbaum@axon.com Fax:	Rebekah Hendrick Phone: 972-780-5034 Email: rhendrick@duncanvillepd.com Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	$338,108.47
ESTIMATED TOTAL W/ TAX	$338,108.47

Discount Summary

Average Savings Per Year	$14,701.33
TOTAL SAVINGS	$73,506.65

Payment Summary

Date	Subtotal	Tax	Total
Nov 2022	$338,108.47	$0.00	$338,108.47
Total	**$338,108.47**	**$0.00**	**$338,108.47**

Quote List Price: **$411,615.12**
Quote Subtotal: **$338,108.47**

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Term	Qty	List Price	Net Price	Subtotal	Tax	Total
AB3 Camera Bundle								
74028	WING CLIP MOUNT, AXON RAPIDLOCK		35	$0.00	$0.00	$0.00	$0.00	$0.00
73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK		2	$0.00	$0.00	$0.00	$0.00	$0.00
73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK		63	$699.00	$699.00	$44,037.00	$0.00	$44,037.00
11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2		70	$0.00	$0.00	$0.00	$0.00	$0.00
11508	MOLLE MOUNT, DOUBLE, AXON RAPIDLOCK		35	$0.00	$0.00	$0.00	$0.00	$0.00
AB3 Multi Bay Dock Bundle								
74210	AXON BODY 3 - 8 BAY DOCK		5	$1,495.00	$1,495.00	$7,475.00	$0.00	$7,475.00
71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK		5	$0.00	$0.00	$0.00	$0.00	$0.00
70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK		5	$43.90	$43.90	$219.50	$0.00	$219.50
Flex 2 Camera Bundle								
11528	FLEX 2 CAMERA, (ONLINE)		2	$470.00	$470.00	$940.00	$0.00	$940.00
11532	FLEX 2 CONTROLLER		2	$262.00	$262.00	$524.00	$0.00	$524.00
11545	COLLAR MOUNT, FLEX 2		3	$0.00	$0.00	$0.00	$0.00	$0.00
74052	WEARABLE CABLE ASSEMBLY, 6 IN, BLACK, FLEX 2		2	$0.00	$0.00	$0.00	$0.00	$0.00
11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2		3	$0.00	$0.00	$0.00	$0.00	$0.00
80489	EXT WARRANTY, FLEX 2 CAMERA	49m	2	$638.96	$638.96	$1,277.92	$0.00	$1,277.92
Flex 2 Multi-Bay Dock Bundle								
70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK		1	$43.90	$43.90	$43.90	$0.00	$43.90
71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK		1	$0.00	$0.00	$0.00	$0.00	$0.00
11537	DOCK, FLEX 2, 6-BAY + CORE		1	$1,563.00	$1,563.00	$1,563.00	$0.00	$1,563.00
80500	EXT WARRANTY, FLEX 2 SIX BAY AND CORE DOCK	49m	1	$1,078.00	$1,078.00	$1,078.00	$0.00	$1,078.00
Basic License Bundle								
73840	EVIDENCE.COM BASIC LICENSE	60m	57	$900.00	$900.00	$51,300.00	$0.00	$51,300.00
73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	60m	57	$0.00	$0.00	$0.00	$0.00	$0.00
Pro License Bundle								
73746	PROFESSIONAL EVIDENCE.COM LICENSE	60m	6	$2,340.00	$2,340.00	$14,040.00	$0.00	$14,040.00
73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	60m	18	$0.00	$0.00	$0.00	$0.00	$0.00
Body Worn Camera Multi-Bay Dock TAP Bundle								
80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	60m	5	$1,260.00	$496.93	$2,484.65	$0.00	$2,484.65
73689	MULTI-BAY BWC DOCK 1ST REFRESH		5	$1,585.00	$625.10	$3,125.50	$0.00	$3,125.50
73688	MULTI-BAY BWC DOCK 2ND REFRESH		5	$1,643.00	$647.97	$3,239.85	$0.00	$3,239.85
Body Worn Camera TAP Bundle								
80464	EXT WARRANTY, CAMERA (TAP)	60m	63	$700.20	$516.09	$32,513.67	$0.00	$32,513.67
73309	AXON CAMERA REFRESH ONE		65	$741.00	$546.16	$35,500.40	$0.00	$35,500.40
80464	EXT WARRANTY, CAMERA (TAP)	60m	2	$700.20	$516.09	$1,032.18	$0.00	$1,032.18

EXHIBIT A

Item	Description	Term	Qty	List Price	Net Price	Subtotal	Tax	Total
73310	AXON CAMERA REFRESH TWO		65	$768.00	$566.06	$36,793.90	$0.00	$36,793.90
AB3 Camera Bundle								
73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK		4	$699.00	$0.00	$0.00	$0.00	$0.00
74028	WING CLIP MOUNT, AXON RAPIDLOCK		5	$0.00	$0.00	$0.00	$0.00	$0.00
11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2		5	$0.00	$0.00	$0.00	$0.00	$0.00
Body Worn Camera TAP Bundle								
73309	AXON CAMERA REFRESH ONE		4	$741.00	$0.00	$0.00	$0.00	$0.00
80464	EXT WARRANTY, CAMERA (TAP)	60m	4	$700.20	$0.00	$0.00	$0.00	$0.00
73310	AXON CAMERA REFRESH TWO		4	$768.00	$0.00	$0.00	$0.00	$0.00
Individual Items								
73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	60m	2000	$24.00	$24.00	$48,000.00	$0.00	$48,000.00
73682	AUTO TAGGING LICENSE	60m	63	$540.00	$540.00	$34,020.00	$0.00	$34,020.00
73449	RESPOND DEVICE LICENSE	60m	63	$300.00	$300.00	$18,900.00	$0.00	$18,900.00
85144	AXON STARTER		1	$2,750.00	$0.00	$0.00	$0.00	$0.00
85014	AXON 1-DAY SERVICE		1	$2,000.00	$0.00	$0.00	$0.00	$0.00
70117	AXON SIGNAL UNIT, CABLE ASSEMBLY		19	$25.00	$0.00	$0.00	$0.00	$0.00
70112	AXON SIGNAL UNIT		19	$279.00	$0.00	$0.00	$0.00	$0.00
Total						**$338,108.47**	**$0.00**	**$338,108.47**

Delivery Schedule

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Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB3 Camera Bundle	11508	MOLLE MOUNT, DOUBLE, AXON RAPIDLOCK	35	11/01/2022
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	70	11/01/2022
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	5	11/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	63	11/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	4	11/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	2	11/01/2022
AB3 Camera Bundle	74028	WING CLIP MOUNT, AXON RAPIDLOCK	35	11/01/2022
AB3 Camera Bundle	74028	WING CLIP MOUNT, AXON RAPIDLOCK	5	11/01/2022
AB3 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	5	11/01/2022
AB3 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	5	11/01/2022
AB3 Multi Bay Dock Bundle	74210	AXON BODY 3 - 8 BAY DOCK	5	11/01/2022
Flex 2 Camera Bundle	11528	FLEX 2 CAMERA, (ONLINE)	2	11/01/2022
Flex 2 Camera Bundle	11532	FLEX 2 CONTROLLER	2	11/01/2022
Flex 2 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	3	11/01/2022
Flex 2 Camera Bundle	11545	COLLAR MOUNT, FLEX 2	3	11/01/2022
Flex 2 Camera Bundle	74052	WEARABLE CABLE ASSEMBLY, 6 IN, BLACK, FLEX 2	2	11/01/2022
Flex 2 Multi-Bay Dock Bundle	11537	DOCK, FLEX 2, 6-BAY + CORE	1	11/01/2022
Flex 2 Multi-Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	11/01/2022
Flex 2 Multi-Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	1	11/01/2022
A la Carte	70112	AXON SIGNAL UNIT	19	11/01/2022
A la Carte	70117	AXON SIGNAL UNIT, CABLE ASSEMBLY	19	11/01/2022
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	MULTI-BAY BWC DOCK 1ST REFRESH	5	05/01/2025
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	65	05/01/2025
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	4	05/01/2025
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	MULTI-BAY BWC DOCK 2ND REFRESH	5	11/01/2027
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	65	11/01/2027
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	4	11/01/2027

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	57	12/01/2022	11/30/2027
Basic License Bundle	73840	EVIDENCE.COM BASIC LICENSE	57	12/01/2022	11/30/2027
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	18	12/01/2022	11/30/2027
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	6	12/01/2022	11/30/2027
A la Carte	73449	RESPOND DEVICE LICENSE	63	12/01/2022	11/30/2027
A la Carte	73682	AUTO TAGGING LICENSE	63	12/01/2022	11/30/2027
A la Carte	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	2000	12/01/2022	11/30/2027

Services

Bundle	Item	Description	QTY
A la Carte	85014	AXON 1-DAY SERVICE	1

Services

Bundle	Item	Description	QTY
A la Carte	85144	AXON STARTER	1

Page 1 of 38

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	5	12/01/2022	11/30/2027
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	63	12/01/2022	11/30/2027
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	4	12/01/2022	11/30/2027
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	2	12/01/2022	11/30/2027
Flex 2 Camera Bundle	80489	EXT WARRANTY, FLEX 2 CAMERA	2	11/01/2023	11/30/2027
Flex 2 Multi-Bay Dock Bundle	80500	EXT WARRANTY, FLEX 2 SIX BAY AND CORE DOCK	1	11/01/2023	11/30/2027

Payment Details

Nov 2022

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	11528	FLEX 2 CAMERA, (ONLINE)	2	$940.00	$0.00	$940.00
Year 1	11532	FLEX 2 CONTROLLER	2	$524.00	$0.00	$524.00
Year 1	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	70	$0.00	$0.00	$0.00
Year 1	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	5	$0.00	$0.00	$0.00
Year 1	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	3	$0.00	$0.00	$0.00
Year 1	11537	DOCK, FLEX 2, 6-BAY + CORE	1	$1,563.00	$0.00	$1,563.00
Year 1	11545	COLLAR MOUNT, FLEX 2	3	$0.00	$0.00	$0.00
Year 1	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	5	$219.50	$0.00	$219.50
Year 1	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	$43.90	$0.00	$43.90
Year 1	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	5	$0.00	$0.00	$0.00
Year 1	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	1	$0.00	$0.00	$0.00
Year 1	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	63	$44,037.00	$0.00	$44,037.00
Year 1	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	4	$0.00	$0.00	$0.00
Year 1	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	2	$0.00	$0.00	$0.00
Year 1	73309	AXON CAMERA REFRESH ONE	65	$35,500.40	$0.00	$35,500.40
Year 1	73309	AXON CAMERA REFRESH ONE	4	$0.00	$0.00	$0.00
Year 1	73310	AXON CAMERA REFRESH TWO	65	$36,793.90	$0.00	$36,793.90
Year 1	73310	AXON CAMERA REFRESH TWO	4	$0.00	$0.00	$0.00
Year 1	73449	RESPOND DEVICE LICENSE	63	$18,900.00	$0.00	$18,900.00
Year 1	73682	AUTO TAGGING LICENSE	63	$34,020.00	$0.00	$34,020.00
Year 1	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	57	$0.00	$0.00	$0.00
Year 1	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	2000	$48,000.00	$0.00	$48,000.00
Year 1	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	18	$0.00	$0.00	$0.00
Year 1	73688	MULTI-BAY BWC DOCK 2ND REFRESH	5	$3,239.85	$0.00	$3,239.85
Year 1	73689	MULTI-BAY BWC DOCK 1ST REFRESH	5	$3,125.50	$0.00	$3,125.50
Year 1	73746	PROFESSIONAL EVIDENCE.COM LICENSE	6	$14,040.00	$0.00	$14,040.00
Year 1	73840	EVIDENCE.COM BASIC LICENSE	57	$51,300.00	$0.00	$51,300.00
Year 1	74028	WING CLIP MOUNT, AXON RAPIDLOCK	35	$0.00	$0.00	$0.00
Year 1	74028	WING CLIP MOUNT, AXON RAPIDLOCK	5	$0.00	$0.00	$0.00
Year 1	74052	WEARABLE CABLE ASSEMBLY, 6 IN, BLACK, FLEX 2	2	$0.00	$0.00	$0.00
Year 1	74210	AXON BODY 3 - 8 BAY DOCK	5	$7,475.00	$0.00	$7,475.00
Year 1	80464	EXT WARRANTY, CAMERA (TAP)	63	$32,513.67	$0.00	$32,513.67
Year 1	80464	EXT WARRANTY, CAMERA (TAP)	4	$0.00	$0.00	$0.00
Year 1	80464	EXT WARRANTY, CAMERA (TAP)	2	$1,032.18	$0.00	$1,032.18
Year 1	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	5	$2,484.65	$0.00	$2,484.65
Year 1	80489	EXT WARRANTY, FLEX 2 CAMERA	2	$1,277.92	$0.00	$1,277.92
Year 1	80500	EXT WARRANTY, FLEX 2 SIX BAY AND CORE DOCK	1	$1,078.00	$0.00	$1,078.00
Invoice Upon Fulfillment	11508	MOLLE MOUNT, DOUBLE, AXON RAPIDLOCK	35	$0.00	$0.00	$0.00
Invoice Upon Fulfillment	70112	AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Invoice Upon Fulfillment	70117	AXON SIGNAL UNIT, CABLE ASSEMBLY	19	$0.00	$0.00	$0.00
Total				**$338,108.47**	**$0.00**	**$338,108.47**

Dec 2022

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Invoice Upon Fulfillment	85014	AXON 1-DAY SERVICE	1	$0.00	$0.00	$0.00
Invoice Upon Fulfillment	85144	AXON STARTER	1	$0.00	$0.00	$0.00
Total				**$0.00**	**$0.00**	**$0.00**

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract BuyBoard Contract 648-21 is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

EXHIBIT A

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-388979-44740.651MA

Issued: 06/28/2022

Quote Expiration: 07/30/2022

Estimated Contract Start Date: 03/01/2023

Account Number: 170572
Payment Terms: N30
Delivery Method: Fedex - Ground

SHIP TO	BILL TO
Duncanville Police Department 203 East Wheatland Road Duncanville, TX 75116 USA	Duncanville Police Dept. - TX 203 East Wheatland Road Duncanville, TX 75116 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Matt Appelbaum Phone: Email: mappelbaum@axon.com Fax:	Matthew Stogner Phone: 9727805098 Email: mstogner@duncanvillepd.com Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	$242,866.93
ESTIMATED TOTAL W/ TAX	$242,866.93

Discount Summary

Average Savings Per Year	$7,747.02
TOTAL SAVINGS	$38,735.11

Payment Summary

Date	Subtotal	Tax	Total
Feb 2023	$48,573.38	$0.00	$48,573.38
Feb 2024	$48,573.39	$0.00	$48,573.39
Feb 2025	$48,573.39	$0.00	$48,573.39
Feb 2026	$48,573.39	$0.00	$48,573.39
Feb 2027	$48,573.38	$0.00	$48,573.38
Total	**$242,866.93**	**$0.00**	**$242,866.93**

Quote List Price: **$281,602.04**
Quote Subtotal: **$242,866.93**

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Term	Qty	List Price	Net Price	Subtotal	Tax	Total
Fleet 3 Basic + TAP								
80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	60m	38	$1,020.00	$870.52	$33,079.76	$0.00	$33,079.76
80400	FLEET, VEHICLE LICENSE	60m	19	$1,200.00	$1,024.14	$19,458.66	$0.00	$19,458.66
72036	FLEET 3 STANDARD 2 CAMERA KIT		19	$2,405.00	$2,052.55	$38,998.45	$0.00	$38,998.45
11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD		19	$1,249.00	$1,065.96	$20,253.24	$0.00	$20,253.24
71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL		19	$249.00	$212.51	$4,037.69	$0.00	$4,037.69
73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)		19	$1,200.00	$1,024.14	$19,458.66	$0.00	$19,458.66
72040	FLEET REFRESH, 2 CAMERA KIT		19	$2,643.00	$2,255.67	$42,857.73	$0.00	$42,857.73
70112	AXON SIGNAL UNIT		19	$279.00	$0.00	$0.00	$0.00	$0.00
80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	61m	19	$546.56	$466.46	$8,862.74	$0.00	$8,862.74
80379	EXT WARRANTY, AXON SIGNAL UNIT	60m	19	$69.60	$0.00	$0.00	$0.00	$0.00
Individual Items								
80401	FLEET 3, ALPR LICENSE, 1 CAMERA	60m	19	$2,940.00	$2,940.00	$55,860.00	$0.00	$55,860.00
Total						**$242,866.93**	**$0.00**	**$242,866.93**

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Fleet 3 Basic + TAP	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	02/01/2022
Fleet 3 Basic + TAP	70112	AXON SIGNAL UNIT	19	02/01/2022
Fleet 3 Basic + TAP	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	19	02/01/2022
Fleet 3 Basic + TAP	72036	FLEET 3 STANDARD 2 CAMERA KIT	19	02/01/2022
Fleet 3 Basic + TAP	72040	FLEET REFRESH, 2 CAMERA KIT	19	02/01/2027

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Basic + TAP	80400	FLEET, VEHICLE LICENSE	19	03/01/2023	02/29/2028
Fleet 3 Basic + TAP	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	38	03/01/2023	02/29/2028
A la Carte	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	19	03/01/2023	02/29/2028

Services

Bundle	Item	Description	QTY
Fleet 3 Basic + TAP	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	19

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Basic + TAP	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	19	02/01/2023	02/29/2028
Fleet 3 Basic + TAP	80379	EXT WARRANTY, AXON SIGNAL UNIT	19	03/01/2023	02/29/2028

Payment Details

Feb 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	$4,050.64	$0.00	$4,050.64
Year 1	70112	AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 1	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	19	$807.53	$0.00	$807.53
Year 1	72036	FLEET 3 STANDARD 2 CAMERA KIT	19	$7,799.69	$0.00	$7,799.69
Year 1	72036	FLEET 3 STANDARD 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 1	72040	FLEET REFRESH, 2 CAMERA KIT	19	$8,571.54	$0.00	$8,571.54
Year 1	72040	FLEET REFRESH, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 1	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	19	$3,891.74	$0.00	$3,891.74
Year 1	80379	EXT WARRANTY, AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 1	80400	FLEET, VEHICLE LICENSE	19	$3,891.74	$0.00	$3,891.74
Year 1	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	19	$11,172.00	$0.00	$11,172.00
Year 1	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	38	$6,615.96	$0.00	$6,615.96
Year 1	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	19	$1,772.54	$0.00	$1,772.54
Year 1	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Total				**$48,573.38**	**$0.00**	**$48,573.38**

Feb 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	$4,050.65	$0.00	$4,050.65
Year 2	70112	AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 2	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	19	$807.54	$0.00	$807.54
Year 2	72036	FLEET 3 STANDARD 2 CAMERA KIT	19	$7,799.69	$0.00	$7,799.69
Year 2	72036	FLEET 3 STANDARD 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 2	72040	FLEET REFRESH, 2 CAMERA KIT	19	$8,571.55	$0.00	$8,571.55
Year 2	72040	FLEET REFRESH, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 2	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	19	$3,891.73	$0.00	$3,891.73
Year 2	80379	EXT WARRANTY, AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 2	80400	FLEET, VEHICLE LICENSE	19	$3,891.73	$0.00	$3,891.73
Year 2	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	19	$11,172.00	$0.00	$11,172.00
Year 2	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	38	$6,615.95	$0.00	$6,615.95
Year 2	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	19	$1,772.55	$0.00	$1,772.55
Year 2	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Total				**$48,573.39**	**$0.00**	**$48,573.39**

Feb 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	$4,050.65	$0.00	$4,050.65
Year 3	70112	AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 3	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	19	$807.54	$0.00	$807.54
Year 3	72036	FLEET 3 STANDARD 2 CAMERA KIT	19	$7,799.69	$0.00	$7,799.69
Year 3	72036	FLEET 3 STANDARD 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 3	72040	FLEET REFRESH, 2 CAMERA KIT	19	$8,571.55	$0.00	$8,571.55

Feb 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	72040	FLEET REFRESH, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 3	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	19	$3,891.73	$0.00	$3,891.73
Year 3	80379	EXT WARRANTY, AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 3	80400	FLEET, VEHICLE LICENSE	19	$3,891.73	$0.00	$3,891.73
Year 3	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	19	$11,172.00	$0.00	$11,172.00
Year 3	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	38	$6,615.95	$0.00	$6,615.95
Year 3	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	19	$1,772.55	$0.00	$1,772.55
Year 3	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Total				**$48,573.39**	**$0.00**	**$48,573.39**

Feb 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	$4,050.65	$0.00	$4,050.65
Year 4	70112	AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 4	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	19	$807.54	$0.00	$807.54
Year 4	72036	FLEET 3 STANDARD 2 CAMERA KIT	19	$7,799.69	$0.00	$7,799.69
Year 4	72036	FLEET 3 STANDARD 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 4	72040	FLEET REFRESH, 2 CAMERA KIT	19	$8,571.55	$0.00	$8,571.55
Year 4	72040	FLEET REFRESH, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 4	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	19	$3,891.73	$0.00	$3,891.73
Year 4	80379	EXT WARRANTY, AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 4	80400	FLEET, VEHICLE LICENSE	19	$3,891.73	$0.00	$3,891.73
Year 4	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	19	$11,172.00	$0.00	$11,172.00
Year 4	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	38	$6,615.95	$0.00	$6,615.95
Year 4	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	19	$1,772.55	$0.00	$1,772.55
Year 4	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Total				**$48,573.39**	**$0.00**	**$48,573.39**

Feb 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	$4,050.65	$0.00	$4,050.65
Year 5	70112	AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 5	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	19	$807.54	$0.00	$807.54
Year 5	72036	FLEET 3 STANDARD 2 CAMERA KIT	19	$7,799.69	$0.00	$7,799.69
Year 5	72036	FLEET 3 STANDARD 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 5	72040	FLEET REFRESH, 2 CAMERA KIT	19	$8,571.54	$0.00	$8,571.54
Year 5	72040	FLEET REFRESH, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Year 5	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	19	$3,891.73	$0.00	$3,891.73
Year 5	80379	EXT WARRANTY, AXON SIGNAL UNIT	19	$0.00	$0.00	$0.00
Year 5	80400	FLEET, VEHICLE LICENSE	19	$3,891.73	$0.00	$3,891.73
Year 5	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	19	$11,172.00	$0.00	$11,172.00
Year 5	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	38	$6,615.95	$0.00	$6,615.95
Year 5	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	19	$1,772.55	$0.00	$1,772.55
Year 5	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	0	$0.00	$0.00	$0.00
Total				**$48,573.38**	**$0.00**	**$48,573.38**

EXHIBIT A

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract BuyBoard Contract 648-21 is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

6/28/2022

FLEET STATEMENT OF WORK BETWEEN AXON ENTERPRISE AND AGENCY

Introduction

This Statement of Work ("SOW") has been made and entered into by and between Axon Enterprise, Inc. ("AXON"), and Duncanville Police Dept. - TX the ("AGENCY") for the purchase of the Axon Fleet in-car video solution ("FLEET") and its supporting information, services and training. (AXON Technical Project Manager/The AXON installer)

Purpose and Intent

AGENCY states, and AXON understands and agrees, that Agency's purpose and intent for entering into this SOW is for the AGENCY to obtain from AXON deliverables, which used solely in conjunction with AGENCY's existing systems and equipment, which AGENCY specifically agrees to purchase or provide pursuant to the terms of this SOW.

This SOW contains the entire agreement between the parties. There are no promises, agreements, conditions, inducements, warranties or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in the SOW.

Acceptance

Upon completion of the services outlined in this SOW, AGENCY will be provided a professional services acceptance form ("Acceptance Form"). AGENCY will sign the Acceptance Form acknowledging that services have been completed in substantial conformance with this SOW and the Agreement. If AGENCY reasonably believes AXON did not complete the professional services in conformance with this SOW, AGENCY must notify AXON in writing of the specific reasons within seven (7) calendar days from delivery of the Acceptance Form. AXON will remedy the issues to conform with this SOW and re-present the Acceptance Form for signature. If AXON does not receive the signed Acceptance Form or written notification of the reasons for rejection within 7 calendar days of the delivery of the Acceptance Form, AGENCY will be deemed to have accepted the services in accordance to this SOW.

Force Majeure

Neither party hereto shall be liable for delays or failure to perform with respect to this SOW due to causes beyond the party's reasonable control and not avoidable by diligence.

Schedule Change

Each party shall notify the other as soon as possible regarding any changes to agreed upon dates and times of Axon Fleet in-car Solution installation to be performed pursuant of this Statement of Work.

Axon Fleet Deliverables

Typically, within (30) days of receiving this fully executed SOW, an AXON Technical Project Manager will deliver to AGENCY's primary point of contact via electronic media, controlled documentation, guides, instructions and videos followed by available dates for the initial project review and customer readiness validation. Unless otherwise agreed upon by AXON, AGENCY may print and reproduce said documents for use by its employees only.

Security Clearance and Access

Upon AGENCY's request, AXON will provide the AGENCY a list of AXON employees, agents, installers or representatives which require access to the AGENCY's facilities in order to perform Work pursuant of this Statement of Work. AXON will ensure that each employee, agent or representative has been informed or and consented to a criminal background investigation by AGENCY for the purposes of being allowed access to AGENCY's facilities. AGENCY is responsible for providing AXON with all required instructions and documentation accompanying the security background check's requirements.

Training

AXON will provide training applicable to Axon Evidence, Cradlepoint NetCloud Manager and Axon Fleet application in a train-the-trainer style method unless otherwise agreed upon between the AGENCY and AXON.

Local Computer

AGNECY is responsible for providing a mobile data computer (MDC) with the same software, hardware, and configuration that AGENCY personnel will use with the AXON system being installed. AGENCY is responsible for making certain that any and all security settings (port openings, firewall settings, antivirus software, virtual private network, routing, etc.) are made prior to the installation, configuration and testing of the aforementioned deliverables.

Network

AGENCY is responsible for making certain that any and all network(s) route traffic to appropriate endpoints and AXON is not liable for network breach, data interception, or loss of data due to misconfigured firewall settings or virus infection, except to the extent that such virus or infection is caused, in whole or in part, by defects in the deliverables.

Cradlepoint Router

When applicable, AGENCY must provide AXON Installers with temporary administrative access to Cradlepoint's NetCloud Manager to the extent necessary to perform Work pursuant of this Statement of Work.

Evidence.com

AGENCY must provide AXON Installers with temporary administrative access to Axon Evidence.com to the extent necessary to perform Work pursuant of this SOW.

Wireless Upload System

If purchased by the AGENCY, on such dates and times mutually agreed upon by the parties, AXON will install and configure into AGENCY's existing network a wireless network infrastructure as identified in the AGENCY's binding quote based on conditions of the sale.

VEHICLE INSTALLATION

Preparedness

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer less weapons and items of evidence. Vehicle(s) will be deemed 'out of service' to the extent necessary to perform Work pursuant of this SOW.

Existing Mobile Video Camera System Removal

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer which will remove from said vehicles all components of the existing mobile video camera system unless otherwise agreed upon by the AGENCY.

Major components will be salvaged by the AXON Installer for auction by the AGENCY. Wires and cables are ~~not~~ considered expendable and will not be salvaged. Salvaged components will be placed in a designated area by the AGENCY within close proximity of the vehicle in an accessible work space.

Prior to removing the existing mobile video camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's systems' operation to identify and operate, documenting any existing component or system failures and in detail, identify which components of the existing mobile video camera system will be removed by the AXON Installer.

In-Car Hardware/Software Delivery and Installation

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer, who will install and configure in each vehicle in accordance with the specifications detailed in the system's installation manual and its relevant addendum(s). Applicable in-car hardware will be installed and configured as defined and validated by the AGENCY during the pre-deployment discovery process.

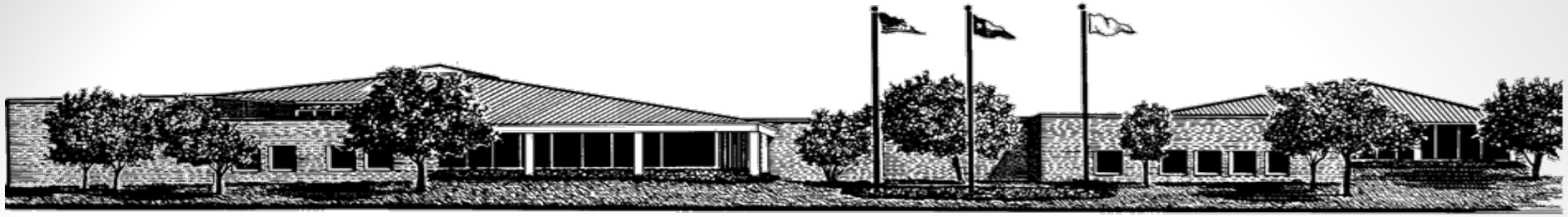
If a specified vehicle is unavailable on the date and time agreed upon by the parties, AGENCY will provide a similar vehicle for the installation process. Delays due to a vehicle, or substitute vehicle, not being available at agreed upon dates and times may results in additional fees to the AGENCY. If the AXON Installer determines that a vehicle is not properly prepared for installation ("Not Fleet Ready"), such as a battery not being properly charged or properly up-fit for in-service, field operations, the issue shall be reported immediately to the AGENCY for resolution and a date and time for the future installation shall be agreed upon by the parties.

Upon completion of installation and configuration, AXON will systematically test all installed and configured in-car hardware and software to ensure that ALL functions of the hardware and software are fully operational and that any deficiencies are corrected unless otherwise agreed upon by the AGENCY, installation, configuration, test and the correct of any deficiencies will be completed in each vehicle accepted for installation.

Prior to installing the Axon Fleet camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's existing systems' operation to identify, document any existing component or vehicle systems' failures. Prior to any vehicle up-fitting the AXON Installer will introduce the system's components, basic functions, integrations and systems overview along with reference to AXON approved, AGENCY manuals, guides, portals and videos. It is both the responsibility of the AGENCY and the AXON Installer to agree on placement of each components, the antenna(s), integration recording trigger sources and customer preferred power, ground and ignition sources prior to permanent or temporary installation of an Axon Fleet camera solution in each vehicle type. Agreed placement will be documented by the AXON Installer.

AXON welcomes up to 5 persons per system operation training session per day, and unless otherwise agreed upon by the AGENCY, the first vehicle will be used for an installation training demonstration. The second vehicle will be used for an assisted installation training demonstration. The installation training session is customary to any AXON Fleet installation service regardless of who performs the continued Axon Fleet system installations.

The customary training session does not 'certify' a non-AXON Installer, customer-employed Installer or customer 3rd party Installer, since the AXON Fleet products does not offer an Installer certification program. Any work performed by non-AXON Installer, customer-employed Installer or customer 3rd party Installer is not warrantied by AXON, and AXON is not liable for any damage to the vehicle and its existing systems and AXON Fleet hardware.



City of Duncanville

LIBRARY QUARTERLY REPORT

JULIO VELASQUEZ, LIBRARY DIRECTOR

AUGUST 16, 2022

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

Departmental Accomplishments

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

City of Duncanville

Staff Updates

- Library Director Julio Velasquez celebrates 5 years with the Duncanville Public Library.

City of Duncanville

Activities and Programs

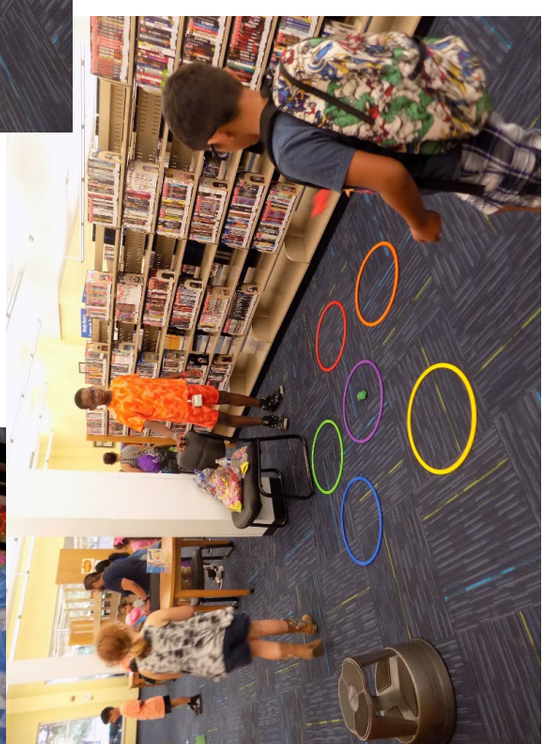
- Summer Reading Club 2022. June 1 through July 29.
- Summer Reading Participation: 196 logs completed. *(Compared to 2021 - 181 logs completed)*
- *A total of 16 teens volunteered for 137 hours to support Summer Reading Club 2022!*
- Completion Prizes: Free book, Free Whataburger Jr. coupon, Texas Rangers Baseball game $5 ticket voucher.
- Grand Prizes: Four Kindle Fire tablets, courtesy of The Friends of the Duncanville Public Library, were given as grand prizes. The four winners were selected in a random drawing of the completed summer reading club logs.

City of Duncanville

Activities and Programs

City of Duncanville

Activities and Programs



Activities and Programs

Activities and Programs

Summer Reading Club 2022.

Age/Grade			Cities	
3 years & under	17		Duncanville	170
Pre-K	12		Dallas	14
Kindergarten	15		Cedar Hill	2
1st grade	19		DeSoto	3
2nd grade	14		Other	7
3rd grade	16			
4th grade	14			
5th grade	20			
6th grade	18			
7th grade	17			
8th grade	11			
Grades 9, 10, 11, 12	23			

Activities and Programs

- Summer Reading Club 2022.

Programs	Number Presented	Total Views/Attendance
SRC Kickoff	1	686
Virtual Performers	4	103
Lego Maniacs	12	319
Keva Planks	8	197
Family Movie Night	7	257
Preschool Take-Home Crafts	8	590
Elementary Take-Home Crafts	8	280
Ready Set Read	8	111
Preschool Story Time	8	118
Nursery Rhyme Time	8	110
Read to Dogs	2	47
Teen Art Studio	2	37
Fieldhouse Camp Tours & Story Times	4	90
Total	**80**	**2,945**

(Compared to 2021 - 34 programs presented with 1,115 total attendance)

Activities and Programs

Diego Melara

Rhema Anderson

Samuel Harman

Ignacio Aguilar

Summer Reading Club Grand Prize Winners Announced

Duncanville Public Library Summer Reading Club participants Diego Melara, Rhema Anderson, Samuel Harman, and Ignacio Aguilar are the grand prize winners of Kindle Fire tablets, courtesy of The Friends of the Duncanville Public Library. Kids and teens who completed the 20-hour reading log were entered in the grand prize drawing. All the winners, Melara, 4, Anderson, 5, Harman, 6, and Aguilar, 15, were randomly selected out of 196 participants who completed reading logs this summer.

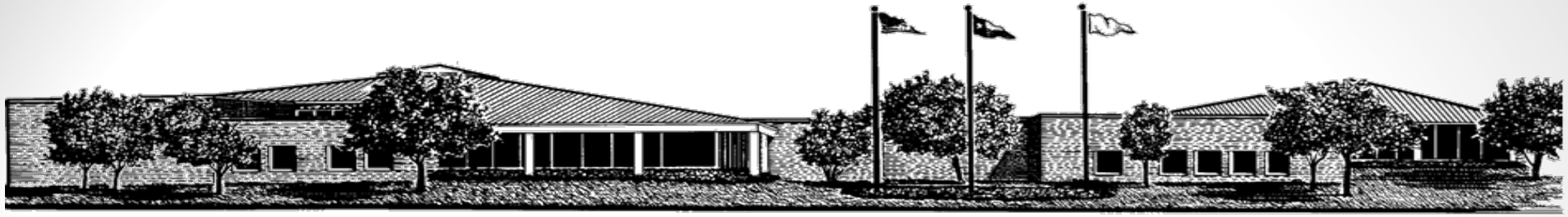
For more information about the library and its programs, visit www.duncanville.com/library or call 972-780-5050.

Funding Report

- ARPA Funding – with the recent approval of ARPA funding for the library, we are excited to explore the various avenues of Digital Literacy available to offer our community.
- ARPA Funding will also be utilized to expand various language classes and programs: ESL, Beginners Spanish Classes, Bi-Lingual Technology Assistance.

City of Duncanville

QUESTIONS?



City of Duncanville

PARKS AND RECREATION QUARTERLY REPORT

CITY COUNCIL MEETING

AUGUST 16, 2022

BART STEVENSON, DIRECTOR OF PARKS AND RECREATION

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

New Employees

- Recreation Center
  - Brady Seago – Recreation Center Coordinator

- Parks
  - Doroteo Salazar – Skilled Maintenance Worker, Horticulture

City of Duncanville

Park Maintenance Measurables

- Parks staff assisted in the preparation and execution of the City's Annual Independence Day Celebration. Over 7,000 participants were in attendance for the celebration at Armstrong Park.
- Keep Duncanville Beautiful
  - The Keep Duncanville Beautiful board hosted three Community Clean-up events with the assistance of community volunteers. The areas targeted were Waterview Park, Ladd Property, and Railroad ROW.

Recreation Center Measurables

- Visits: May 2022 – July 2022
  - 103 memberships were sold throughout this quarter
  - 4,407 visits

- Regular Ongoing Programs
  - Camp Gladiator
  - Tumbling
  - Sidesteppers
  - Pickleball
  - Karate
  - Jazzercize
  - Zumba
  - Volleyball
  - DC Queen Sports
  - S.W.A.T Summer Camp

- New Programs
  - S.W.A.T After School Enrichment

- Events
  - Movies in the Park
  - Memorial Day Ceremony
  - Rock Concert in the Park
  - Independence Day Celebration

- Upcoming Special Events
  - Movies in the Park – September 17
  - Concert in the Park – September 24
  - Catfish Catch – October 1
  - Boo Bash 2022 – October 28

City of Duncanville

Movies in the Park
September 17th

Concert in the Park
September 24th

Catfish Catch
October 1st

Limited equipment available, while supplies last.
RSVP with the qr code or a contact below.
For more information contact the Recreation Center at (972) 780-5070
Or email Officer Carter at: mcarter@duncanvillepd.com

Boo Bash 2022
October 28th

Senior Center Measurables

- Visits: May 2022 – July 2022
  - 47 new and renewed memberships were sold throughout this quarter
  - 1,466 visits
  - The Senior Center continues to operate at 100%
- Meals Served through DAAA/VNA Services
  - Dine-in, drive-through, and delivery service daily
  - Hot lunch only (no more breakfast)
  - 3,803 meals served throughout this quarter
- Events
  - Bingo
  - Coffee with the Mayor
  - Lunch & Learn
  - Bagel Social
  - Cinco de Mayo Celebration
  - Mother's Day Breakfast
  - Father's Day Breakfast
  - Summer Bash Senior Family Day
  - Monthly Birthday Celebration
  - Various performances including choir and live entertainment
  - Various field trips to museums, zoos, and dining out

COVID-19 Senior Center Activities

- Staff continues to coordinate dine-in, drive-through, and delivery meal services for the senior citizens with the assistance of the Visiting Nurses Association (VNA) and Dallas Area Agency on Aging (DAAA)
  - Average in-person attendance is 10 members per day
  - Average approximately 65 breakfast and lunch meals per day through the drive-through meal service
  - Staff delivers about 10 meals a day to seniors who relied on the City's bus to transport them to the center prior to COVID-19
  - Staff continues to provide mental games and activities for the seniors to keep their minds active and entertained such as Bingo, Coffee with the Mayor, Lunch and Learn, Birthday Month Celebration and other activities
  - Working with the Share and Care Site Council, staff makes weekly contact with all the members to make sure everyone is safe and inquire of any needs

Bond Election Projects

- Lakeside Park Pavilion
  - Parking lot construction completed
  - Landscaping and irrigation completed
  - Opened for rentals Easter weekend

- Armstrong Park
  - Awarded Texas Parks & Wildlife Local Non-Urban Grant - $749,805!
  - Plans are 100% complete
  - Construction Fall 2022
  - Grant agreement approved and procurement initiated

- Harrington Park
  - Plans are 100% complete
  - Received verbal approval from TRA to cross easement with bridge
  - Procurement has been initiated. Construction Manager at Risk (CMAR) obtained at the April 15 City Council meeting. Bid packages received and calculated.
  - Construction of Proposed Phase 1 in Fall 2022

City of Duncanville

Questions?

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Receive the Monthly Financial Report as of June 30, 2022.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

STAFF RESPONSIBLE:
Edena J. Atmore
Managing Director, Fiscal Services

BACKGROUND/HISTORY:
The Financial Report is presented to provide actual revenues and expenditures compared to the budget. The report provides financial summary data on key funds, including the General, Utility, Economic Development, and Fieldhouse funds.

POLICY EXPLANATION:
City Council expects to receive monthly reports on the City's financial condition. May is the second month of the third quarter of fiscal year 2021-2022. Revenues and expenditures are expected to approximate a budgeted target of 75% for the period ending June 30, 2022. See the attached Monthly Financial Report as of June for further details on the City's budget and actual revenues and expenditures for all funds.

Fiscal Services has also included the Certified Monthly Property Tax Certification Report and the monthly Sales Tax allocation worksheet for your review on pages 9 through 14 of the Duncanville financial report.

FUNDING SOURCE:

ORG and Object Number
n/a

Available Budget	**Purchase Amount**	**After Encumber**
n/a	n/a	n/a

ACTION ALTERNATIVES:
There is no City Council action required.

ATTACHMENTS:
Monthly Financial Report

CITY OF DUNCANVILLE
MONTHLY FINANCIAL REPORT

Fiscal Year 2021-2022
YEAR-TO-DATE OPERATIONS

AS OF JUNE 30, 2022

OCTOBER 1, 2021 TO JUNE 30, 2022

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

Updated and Prepared by
FISCAL SERVICES DEPARTMENT
8/14/2022

Duncanville
City of Champions

MEMORANDUM

TO: Aretha Ferrell-Benavides
City Manager

Robert Brown, Jr.
Assistant City Manager

FROM: Edena J. Atmore
Managing Director, Fiscal Services

DATE: August 9, 2022

RE: June 2022, Monthly Financial Report for the City of Duncanville, Texas

The Duncanville Monthly Financial Report presents unaudited revenues and expenditures through June 30, 2022, compared to the budgetary numbers for the fiscal year 2021-22. The report provides financial summary data on key funds, including the General, Utility, Economic Development, and Fieldhouse funds. General Fund is the primary operating fund for the City, so details of revenues by category and expenditures by the department are included for your review. In addition, all other funds that are part of daily operations are included in brief to highlight each fund's revenues, expenditures, and fund balances.

June is the last month of the third quarter of fiscal year (FY) 2021-2022. We expect to collect and spend about 75% of the budgeted revenues and expenditures. Below are highlights of the October 2021 through June 2022 governmental financial reports.

General Fund:
General Fund's unaudited ending fund balance for actuals is approximately $21.2 million to date, which provides an expenditure coverage for 331 days of operations as of June 2022. The fiscal year for General Fund began with an audited fund balance of approximately $15.3 million. The completed FY 2021 external audit report affirmed this beginning fund balance.

- Overall, collected General Fund revenues and service reimbursements are currently at 84.7% of the targeted budget of 75%. This variance is well above the targeted percentage of revenues expected to be collected in FY 2022.
  - Current property tax payments are at 99.5% of the budget. Dallas County has collected the majority of property tax revenues, and the collection rate has increased as expected for FY 2022. A certified copy of the Property Tax Collection Report is attached for your review on page 9 of this report.
  - Overall, sales tax revenues for this period are within 3% of the collected amount for this same time last year. The data reflects seven months of collected revenue (October sales tax is received in December for FY 2022). A breakdown of the sales tax allocations within city funds is attached for your review on page 11 of this report.
  - Franchise fee revenues are received quarterly in arrears. Payments due to the City for the third quarter (April thru June) of the FY will be remitted to cities in the fourth quarter. Franchise revenues consist of gas, electric, telephone, and cable television

right-of-way fees collected from providers with city agreements to operate in the City of Duncanville.
    - Building permit and licenses revenue are at 76.8% of the annual budgeted amount, which is 23% less than collections from the prior fiscal year. This is an indication of a slowdown in housing permits and new development.
    - Our Charges for Services revenue collection percentage to budget is 3.5% less compared to this period last year. This source is mainly comprised of recreational and event fees. We are investigating if any events could have affected this revenue source for June 2022.
    - In addition, attached is a detailed review of General Fund revenues by category.

- General Fund's total operating and project expenditures are 62.6% of the budget.
    - To date, most operating expenditure categories are less than the expenditure target of 75% for the current fiscal year. The expenditures are aligned with the prior year's actual-to-budget percentage.
    - Transfers to Other Funds have been aligned to match purchase requirements by other funds, such as fleet replacements or capital projects. Transfers to other funds include over $2.7 million of excess Fund Balance for one-time projects per adopted budget.
    - In addition, attached is a detailed overview of the General Fund expenditures by department and division.

Utility Funds:

The **Utility Operating Fund's** audited beginning fund balance is $14.5 million, with an actual to-date fund balance of $13.7, providing an expenditure coverage for 383 days as of June 2022. However, this fund is expected to utilize over $2.2 million of fund balance in FY 2022. Our expenditures exceeded our revenues for June by $792,656.

- Total utility revenues are at 67.1% of the budget. In addition, the current water and sewer utility revenues reflect an increase in the amount collected compared to this same period last year.
    - Total expenditures are at 63.7% of the budget. This amount includes payments to Dallas Water Utilities (water services) and Trinity River Authority (wastewater services).
    - Expenditures also include a transfer out to the General Fund for the cost of administrative activities performed by General Fund staff such as accounting, city management, information technology, human resources, etc.
    - Transfers also include monthly installments that total $5 million annually to the Utility CIP fund for utility capital improvement projects.
    - The **Utility CIP Fund** is budgeted to expend over $3.3 million over revenues in this current fiscal year. The CIP program for utility infrastructure is being restructured to affordable levels for this current year. A revised budget ordinance will be presented to Council. In addition, the Utility reviewed the results of a water rate study performed by rate consultants and analysts that incorporated the required improvements for a reliable water and sewer infrastructure within the City.

Other Funds:

- The Economic Development Fund's audited beginning fund balance is $5.01 million, with an actual to-date fund balance of approximately $4.3 million.
- **Fieldhouse** operating revenues are 75.4% of the budgeted amount compared to 84.1% last year. Operating expenditures represent 71.9% of the period's budgeted target of 75% for this current fiscal year.
- A financial update on all Special Revenue, Debt Service, Capital/Replacement, and minor Enterprise funds of the City is included for your review starting on page 24 of this report.
- The American Rescue and Recovery Act funds of $4.8 million are included in Fund 758 in the Special Revenue Funds report. Plans for spending over $3 million of the funding in compliance

with Federal guidelines have been approved by City Council. To date, the City has expended $1,272,956 of the American Rescue funds. The second phase of the grant funds is due to be released in August or September of 2022.

Respectfully Submitted,

Fiscal Services Staff

GENERAL FUND-001 AS OF JUNE 30, 2022

REVENUES and EXPENDITURES	BUDGET	2022 YTD ACTUALS	AVAILABLE BUDGET AMOUNT	% OF BUDGET USED YTD	2021 FY TD ACTUALS	% OF BUDGET PYTD
Revenue						
50 - PROPERTY TAXES	$18,614,836	$18,513,338	$101,498	99.5%	$19,087,636	106.1%
51 - SALES & OTHR TAXES	$8,413,523	$5,482,057	$2,931,466	65.2%	$5,041,903	68.3%
52 - PERMITS & LICENSES	$1,395,050	$1,071,880	$323,170	76.8%	$1,231,291	99.8%
53 - FINES & FEES	$476,730	$219,953	$256,777	46.1%	$297,485	53.1%
54 - INTERGOVERNMENTAL	$165,000	$90,059	$74,941	54.6%	$70,887	40.4%
55 - INTEREST	$150,000	$50,271	$99,729	33.5%	$108,757	37.5%
56 - FRANCHISE FEE REV	$1,710,000	$955,792	$754,208	55.9%	$918,211	53.6%
57 - CHARGES FOR SERVICES	$283,000	$188,746	$94,254	66.7%	$199,354	70.2%
58 - TRANS FROM OTHR FUND	$2,715,194	$2,036,394	$678,800	75.0%	$1,973,549	75.0%
59 - OTHER SOURCES	$386,600	$438,669	($52,069)	113.5%	$406,210	116.2%
Revenue Total	**$34,309,933**	**$29,047,159**	**$5,262,774**	**84.7%**	**$29,335,284**	**89.9%**
Expense						
60 - SALARY AND BENEFITS	($21,955,350)	($15,437,238)	($6,516,170)	70.3%	($14,506,741)	67.8%
72 - SUPPLIES & MATERIALS	($1,854,709)	($686,095)	($449,230)	37.0%	($694,368)	44.4%
73 - CONTRACT & PROF SVCS	($7,343,837)	($3,726,872)	($1,859,746)	50.7%	($3,469,206)	49.2%
74 - MAINT & REPAIR SVCS	($737,302)	($444,293)	($200,388)	60.3%	($537,818)	69.7%
75 - UTILITIES	($920,803)	($464,997)	($455,807)	50.5%	($545,050)	51.5%
76 - CAPITAL OUTLAY	($182,935)	($115,254)	($30,422)	63.0%	($109,082)	72.3%
77 - DEBT SERVICES	($60,057)	($60,129)	$72	100.1%	($180,171)	75.0%
78 - TRANS TO OTHR FUNDS	($3,460,456)	($1,985,121)	($1,475,335)	57.4%	($1,565,765)	84.7%
79 - OTHR EXP/FINANCE USE	($368,666)	($161,610)	($202,666)	43.8%	($53,669)	19.7%
Expense Total	**($36,884,115)**	**($23,081,608)**	**($11,189,692)**	**62.6%**	**($21,661,870)**	**63.1%**
Revenues Over/(Under) Exp.	**($2,574,182)**	**$5,965,551**	**($5,926,918)**	**-231.7%**	**$7,673,414**	
BEGINNING FUND BALANCE	**$15,268,747**	**$15,268,747**				
ENDING FUND BALANCE	**$12,694,565**	**$21,234,298**				

TRANSFERS TO OTHER FUNDS INCLUDES $2,703,103 FOR ONE-TIME PROJECTS FROM FUND BALANCE
SEE USE OF FUND BAL SUMMARY-FUND 41

FUND BALANCE RESERVE REQUIREMENT POLICY		
% of Fund Balance to Exp. Ratio	34.4%	92.0%
# of Days Coverage	124	331
Reserve Requirement $$ (60 days)	**$6,147,353**	**$3,846,935**
Reserve Requirement %	**17%**	**17%**
Excess Reserves	**$6,547,212**	**$17,387,363**

CITY OF DUNCANVILLE

GENERAL FUND REVENUE DETAILS AS OF JUNE 30, 2022

REVENUES	2022 FYTD ACTUALS	BUDGET	AVAILABLE BUDGET AMOUNT	% OF ANNUAL BUDGET YTD
50 - PROPERTY TAXES				
501101 - CURRENT TAXES	$18,335,091	$18,324,836	($10,255)	100.1%
501102 - DELINQUENT TAXES	$68,388	$150,000	$81,612	45.6%
501103 - PENALTIES AND INTEREST	$109,858	$140,000	$30,142	78.5%
50 - PROPERTY TAXES Total	**$18,513,338**	**$18,614,836**	**$101,498**	**99.5%**
51 - SALES & OTHR TAXES				
501201 - STATE SALES TAX CITY PORTION	$3,601,991	$5,558,349	$1,956,358	64.8%
501202 - SALES TAX PROPERTY TAX RELIEF	$1,800,995	$2,779,174	$978,179	64.8%
501204 - ALCOHOLIC BEVERAGE TAX	$79,071	$76,000	($3,071)	104.0%
51 - SALES & OTHR TAXES Total	**$5,482,057**	**$8,413,523**	**$2,931,466**	**65.2%**
52 - PERMITS & LICENSES				
502101 - BUILDING PERMITS	$255,077	$275,000	$19,923	92.8%
502102 - ELECTRICAL PERMITS	$24,523	$17,000	($7,523)	144.3%
502103 - SOLICITOR LICENSES	$1,350	$1,500	$150	90.0%
502105 - EMERGENCY MEDICAL SERVICE	$596,069	$850,000	$253,931	70.1%
502106 - SIGN PERMITS	$18,523	$15,000	($3,523)	123.5%
502108 - HEALTH FOOD INSPECTION FEES	$32,013	$70,000	$37,987	45.7%
502109 - PLUMBING AND AC PERMITS	$46,117	$55,000	$8,883	83.8%
502111 - ZONING & SPEC USE PERMIT	$7,150	$8,500	$1,350	84.1%
502114 - RENTAL PROPERTY REGISTRATION	$49,995	$50,000	$5	100.0%
502120 - ALARM PERMITS	$36,562	$50,000	$13,438	73.1%
502122 - POOL OR SPA INSPECTION FEE	$4,500	$3,000	($1,500)	150.0%
509607 - ANIMAL PERMITS	($0)	$50	$50	0.0%
52 - PERMITS & LICENSES Total	**$1,071,880**	**$1,395,050**	**$323,170**	**76.8%**
53 - FINES & FEES				
502107 - WRECKER AND STORAGE FEES	($0)	$3,000	$3,000	0.0%
502112 - EMS SVCS COST SETTLEMENT	($0)	($0)	($0)	
502113 - SMALL CELL/ NETWORK NODE FEES	($0)	$500	$500	0.0%
503101 - MUNICIPAL COURT FINES	$165,744	$350,000	$184,256	47.4%
503102 - COURT RELATED FEES	$40,816	$110,000	$69,184	37.1%
503103 - SCHOOL CROSSING FEES	$1,938	$3,000	$1,062	64.6%
503201 - LIBRARY FINES	$4,323	($0)	($4,323)	
503301 - FALSE ALARM FINES	$7,097	$10,000	$2,903	71.0%
509609 - RETURN CHECK FEES	$35	$230	$195	15.2%
53 - FINES & FEES Total	**$219,953**	**$476,730**	**$256,777**	**46.1%**
54 - INTERGOVERNMENTAL				
504102 - DISD SCHOOL CROSSING GUARDS	$33,165	$35,000	$1,835	94.8%
504103 - DALLAS COUNTY CROSSING GUARD	$24,642	$40,000	$15,358	61.6%
504109 - REIMB FOR REG EMERG MANAGER	$32,251	$90,000	$57,749	35.8%
508203 - INTERGOV REIMBURSEMENT-CDBG	($0)	($0)	($0)	
54 - INTERGOVERNMENTAL Total	**$90,059**	**$165,000**	**$74,941**	**54.6%**
55 - INTEREST				
505101 - INTEREST ON GOVT POOL INVEST	$2,631	$10,000	$7,369	26.3%
505103 - CERT OF DEPOSIT INTEREST	$18,448	$80,000	$61,552	23.1%

CITY OF DUNCANVILLE

GENERAL FUND REVENUE DETAILS AS OF JUNE 30, 2022

REVENUES	2022 FYTD ACTUALS	BUDGET	AVAILABLE BUDGET AMOUNT	% OF ANNUAL BUDGET YTD
505106 - MONEY MARKET INTEREST	$29,191	$60,000	$30,809	48.7%
55 - INTEREST Total	**$50,271**	**$150,000**	**$99,729**	**33.5%**
56 - FRANCHISE FEE REV				
501301 - FRANCHISE FEE ELECTRIC	$526,318	$1,150,000	$623,682	45.8%
501302 - FRANCHISE FEE GAS	$295,433	$300,000	$4,567	98.5%
501303 - FRANCHISE FEE TELEPHONE	$45,570	$110,000	$64,430	41.4%
501304 - FRANCHISE FEE CABLE TV	$88,471	$150,000	$61,529	59.0%
501306 - FRANCHISE VIDEO SERV	($0)	($0)	($0)	
56 - FRANCHISE FEE REV Total	**$955,792**	**$1,710,000**	**$754,208**	**55.9%**
57 - CHARGES FOR SERVICES				
507102 - RECREATION FEES	$139,129	$250,000	$110,871	55.7%
507104 - SENIOR CENTER ANNUAL USER FEE	$2,253	$5,000	$2,748	45.1%
507107 - RECREATION CENTER CLASSES	$15,419	$8,000	($7,419)	192.7%
507108 - SPECIAL EVENTS	$19,388	$8,000	($11,388)	242.3%
507109 - SENIOR CLASS/TRIPS	$2,018	$4,000	$1,982	50.5%
509603 - LIBRARY SERVICE FEES	$10,540	$8,000	($2,540)	131.8%
57 - CHARGES FOR SERVICES Total	**$188,746**	**$283,000**	**$94,254**	**66.7%**
58 - TRANS FROM OTHR FUND				
598002 - PILOT FEE TZ-CITY WWW UTILITY	$407,898	$543,862	$135,964	75.0%
599002 - TRANS FROM UTILITY FUND-002	$1,359,657	$1,812,874	$453,217	75.0%
599010 - TRANS FROM HOTEL FUND-010	$41,319	$55,091	$13,772	75.0%
599012 - TRANS FROM EDC FUND-012	$83,295	$111,070	$27,775	75.0%
599019 - TRANS FROM SANITATION FND-019	$144,225	$192,297	$48,072	75.0%
599031 - TRANS FROM TRAFFIC IMP FND-031	($0)	($0)	($0)	
599041 - TRANS FROM 1-TIME PROJ FND-041	($0)	($0)	($0)	
58 - TRANS FROM OTHR FUND Total	**$2,036,394**	**$2,715,194**	**$678,800**	**75.0%**
59 - OTHER SOURCES				
509105 - SALE OF MATERIALS	$2,838	$1,000	($1,838)	283.8%
509201 - INSURANCE RECOVERY	($0)	($0)	($0)	
509501 - COLLECTION OF BAD DEBTS	($0)	$2,000	$2,000	0.0%
509502 - MISCELLANEOUS WRITEOFFS	($0)	$100	$100	0.0%
509601 - MISCELLANEOUS REVENUE	$164,699	$100,000	($64,699)	164.7%
509602 - CASH OVER AND SHORT	($2,439)	($0)	$2,439	
509604 - POLICE ACCIDENT REPORTS	$2,404	$3,500	$1,096	68.7%
509606 - AUCTION PROCEEDS	($0)	$5,000	$5,000	0.0%
509612 - CITY SERVICES REIMBURSEMENT	$36,881	$58,000	$21,119	63.6%
509613 - WORKERS COMP REIMBURSEMENT	$58,663	$20,000	($38,663)	293.3%
509614 - RENTAL OF TOWER	$166,388	$194,000	$27,612	85.8%
509617 - LEASE INCOME	($0)	($0)	($0)	
509618 - GAS WELL OIL REVENUE	$9,235	$3,000	($6,235)	307.8%
59 - OTHER SOURCES Total	**$438,669**	**$386,600**	**($52,069)**	**113.5%**
Total Revenues	**$29,047,159**	**$34,309,933**	**$5,262,774**	**84.7%**

PROPERTY TAX COLLECTIONS

MONTHLY FINANCIAL REPORT

Prepared by
FINANCIAL SERVICES DEPARTMENT

CITY OF DUNCANVILLE
Property Tax Collections Report
June 01 - 30, 2022

	Report Name	Base Tax Levy	Penalty & Interest	Collection Fees	Total
Collections:					
Payments Received	AC003P	$107,742.47	$20,125.05	$8,173.26	$136,040.78
Adjustments to Collections:					
Refunds/Levy Corrections	AC003A	($3,509.32)	($42.00)	$0.00	($3,551.32)
Return Check Items	AC003A	($1,206.40)	($160.86)	($26.47)	($1,393.73)
Transfers/Reversals	AC003A	($1,762.18)	($229.09)	$0.00	($1,991.27)
Total Adjustments to Collections	**AC003A**	**($6,477.90)**	**($431.95)**	**($26.47)**	**($6,936.32)**
Maintenance & Operations	AC002A	$94,493.21	$18,273.43	$8,146.79	$120,913.43
Interest & Sinking	AC002A	$6,771.36	$1,419.67	$0.00	$8,191.03
Net Collections	**AC002A**	**$101,264.57**	**$19,693.10**	**$8,146.79**	**$129,104.46**
Transferred Refund from Escrow	AC002A	$0.00			$0.00
Rendition Penalty	AC006A	($10.83)			($10.83)
Collections Fee		$0.00			$0.00
Total Miscellaneous Items		**($10.83)**			**($10.83)**
M&O Net Payment to Entity		$94,482.38	$18,273.43		$112,755.81
I&S Net Payment to Entity		$6,771.36	$1,419.67		$8,191.03
Total Net Payment to Entity		**$101,253.74**	**$19,693.10**		**$120,946.84**
Net Adjustment to Levy	AR006A	($1,868.96)			
Current Year Collection Percentage Based on Monthly Collections:				**98.10%**	

Total Net Payment to Entity = (Payments Received - Total Adj to Coll - Total Misc. Items)

M&O Net Payment to Entity = (Maintenance & Operations - Total Miscellaneous Items)

Detail reports will not be attached if no activity occurred for the month.

In accordance with the requirements of the Texas Property Tax Code, Chapter 31, Section 31.10 Paragraph (a), the attached tax collections report is respectfully submitted.

I, John R. Ames, CTA, Dallas County Tax Assessor/Collector, do hereby certify the attached collection totals, to the best of my knowledge.

Laura Mati
My Commission Expires
10/22/2025
Notary ID
129600804

John R. Ames, CTA
Dallas County Tax Assessor/Collector

Laura Mati
Notary Public, State of Texas

Sworn and subscribed before me, this 7 day of July, 2022

Duncanville
City of Champions

SALES TAX ALLOCATION WORKSHEETS

MONTHLY FINANCIAL REPORT

Prepared by
FINANCIAL SERVICES DEPARTMENT

SALES TAX ALLOCATION HISTORICAL SUMMARIES

City of Duncanville
Authority Code: 2057084
2 CENT AUTHORIZATION

TOTAL SALES TAXES COLLECTED AND RECEIVED

.02 CENT ALLOCATION		FY	FY	FY	FY	FY	FY	FY
COLLECTION MONTH	RECEIVED MONTH	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16
OCT	DEC	**785,673.18**	**830,234.09**	899,967.44	808,134.72	795,078.73	757,765.62	721,982.98
NOV	JAN	**970,431.17**	**802,203.37**	799,874.76	761,307.93	767,921.23	734,158.60	645,741.90
DEC	FEB	**1,207,624.54**	**1,045,330.25**	1,093,884.42	982,541.46	1,022,043.71	954,232.76	837,014.12
JAN	MAR	**915,721.95**	**798,307.67**	692,647.12	751,474.37	758,469.91	729,618.81	664,706.30
FEB	APR	**867,075.56**	**816,989.85**	677,611.75	763,496.18	749,939.85	728,094.64	697,129.34
MAR	MAY	**1,371,074.68**	**1,215,345.22**	888,123.96	1,069,253.79	1,098,423.67	1,051,996.14	1,082,340.79
APRIL	JUN	**1,053,655.75**	**1,073,951.31**	773,096.95	846,390.05	859,016.38	758,411.66	641,173.44
MAY	JUL	-	**895,092.16**	809,543.87	879,867.74	914,446.54	913,708.88	715,881.24
JUNE	AUG		**1,130,684.16**	1,021,135.56	1,018,284.27	1,017,289.66	810,341.53	919,568.02
JULY	SEP		**1,013,137.28**	**774,925.04**	861,472.41	906,973.60	776,192.36	735,738.50
AUG	OCT		**917,440.10**	806,953.30	885,497.37	871,174.23	786,931.83	756,551.61
SEPT	NOV		**1,169,399.73**	1,036,229.49	1,023,608.43	1,027,247.60	945,418.23	890,953.62
TOTAL		**7,171,256.83**	**11,708,115.19**	**10,273,993.66**	**10,651,328.72**	**10,788,025.11**	**9,946,871.06**	**9,308,781.86**

GENERAL FUND CITY and PROPERTY TAX RELIEF SALES TAX ALLOCATION

75% OF .02 CENT ALLOCATION

COLLECTION MONTH	RECEIVED MONTH	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16
OCT	DEC	589,254.89	622,675.57	674,975.58	606,101.04	596,309.05	568,324.22	541,487.24
NOV	JAN	727,823.38	601,652.53	599,906.07	570,980.95	575,940.92	550,618.95	484,306.43
DEC	FEB	905,718.41	783,997.69	820,413.32	736,906.10	766,532.78	715,674.57	627,760.59
JAN	MAR	686,791.46	598,730.75	519,485.34	563,605.78	568,852.43	547,214.11	498,529.73
FEB	APR	650,306.67	612,742.39	508,208.81	572,622.14	562,454.89	546,070.98	522,847.01
MAR	MAY	1,028,306.01	911,508.92	666,092.97	801,940.34	823,817.75	788,997.11	811,755.59
APRIL	JUN	790,241.81	805,463.48	579,822.71	634,792.54	644,262.29	568,808.75	480,880.08
MAY	JUL	-	671,319.12	607,157.90	659,900.81	685,834.91	685,281.66	536,910.93
JUNE	AUG	-	848,013.12	765,851.67	763,713.20	762,967.25	607,756.15	689,676.02
JULY	SEP	-	759,852.96	581,193.78	646,104.31	680,230.20	582,144.27	551,803.88
AUG	OCT	-	688,080.08	605,214.98	664,123.03	653,380.67	590,198.87	567,413.71
SEPT	NOV	-	877,049.80	777,172.12	767,706.32	770,435.70	709,063.67	668,215.22
TOTAL		**5,378,442.62**	**8,781,086.39**	**7,705,495.25**	**7,988,496.54**	**8,091,018.83**	**7,460,153.30**	**6,981,586.40**

ECONOMIC DEVELOPMENT CORPORATION

50% OF .01 CENT ALLOCATION-ECONOMIC DEVELOPMENT

COLLECTION MONTH	RECEIVED MONTH	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16
OCT	DEC	196,418.30	207,558.52	224,991.86	202,033.68	198,769.68	189,441.41	180,495.75
NOV	JAN	242,607.79	200,550.84	199,968.69	190,326.98	191,980.31	183,539.65	161,435.48
DEC	FEB	301,906.14	261,332.56	273,471.11	245,635.37	255,510.93	238,558.19	209,253.53
JAN	MAR	228,930.49	199,576.92	173,161.78	187,868.59	189,617.48	182,404.70	166,176.58
FEB	APR	216,768.89	204,247.46	169,402.94	190,874.05	187,484.96	182,023.66	174,282.34
MAR	MAY	342,768.67	303,836.31	222,030.99	267,313.45	274,605.92	262,999.04	270,585.20
APRIL	JUN	263,413.94	268,487.83	193,274.24	211,597.51	214,754.10	189,602.92	160,293.36
MAY	JUL	-	223,773.04	202,385.97	219,966.94	228,611.64	228,427.22	178,970.31
JUNE	AUG	-	282,671.04	255,283.89	254,571.07	254,322.42	202,585.38	229,892.01
JULY	SEP	-	253,284.32	193,731.26	215,368.10	226,743.40	194,048.09	183,934.63
AUG	OCT	-	229,360.03	201,738.33	221,374.34	217,793.56	196,732.96	189,137.90
SEPT	NOV	-	292,349.93	259,057.37	255,902.11	256,811.90	236,354.56	222,738.41
TOTAL		**1,792,814.21**	**2,927,028.80**	**2,568,498.42**	**2,662,832.18**	**2,697,006.28**	**2,486,717.77**	**2,327,195.47**
	Check Fig. vs. TOTAL	7,171,256.83	11,708,115.19	10,273,993.66	10,651,328.72	10,788,025.11	9,946,871.06	9,308,781.86

CITY OF DUNCANVILLE

GENERAL FUND EXPENDITURES BY DEPT/DIV- JUNE 30, 2022

OPERATING EXPENDITURES	2022 FYTD ACTUALS	BUDGET	AVAILABLE BUDGET AMOUNT	% OF ANNUAL BUDGET YTD
0101 - GENERAL GOV. SERVICES DEPT.				
01011000 - MAYOR AND COUNCIL	($101,284)	($142,524)	($28,511)	71.1%
01011100 - CITY ADMINISTRATION	($522,794)	($661,394)	($137,371)	79.0%
01011200 - CITY SECRETARY	($217,380)	($313,234)	($93,856)	69.4%
01011300 - HUMAN RESOURCES	($272,800)	($401,190)	($80,453)	68.0%
01011400 - INFO TECHNOLOGY	($632,328)	($955,500)	($223,690)	66.2%
01011500 - PUBLIC INFORMATION OFFICE	($136,269)	($166,055)	($27,375)	82.1%
01011600 - PUBLIC LIBRARY	($670,385)	($949,790)	($256,385)	70.6%
01011700 - CITY MARSHAL	($65,625)	($96,088)	($29,840)	68.3%
0101 - GENERAL GOV. SERVICES DEPT. Total	**($2,618,865)**	**($3,685,776)**	**($877,480)**	**71.1%**
0102 - FISCAL SERVICES DEPT.				
01022000 - ACCOUNTING & REPORTING	($426,569)	($617,891)	($123,387)	69.0%
01022300 - MUNICIPAL COURT	($311,449)	($478,658)	($99,602)	65.1%
01022500 - PROCUREMENT OFFICE	($122,454)	($143,878)	$29,556	85.1%
0102 - FISCAL SERVICES DEPT. Total	**($860,471)**	**($1,240,427)**	**($193,433)**	**69.4%**
0103 - NEIGHBORHOOD & PLANNING DEPT.				
01036100 - BUILDING INSPECTION	($342,837)	($536,261)	($176,080)	63.9%
01036401 - PLANNING SERVICES-CURRENT	($114,484)	($200,578)	($85,965)	57.1%
01036500 - NEIGHBORHOOD SERVICES	($275,155)	($424,896)	($136,383)	64.8%
0103 - NEIGHBORHOOD & PLANNING DEPT. Total	**($732,476)**	**($1,161,735)**	**($398,428)**	**63.1%**
0104 - PARK AND RECREATION DEPT.				
01044000 - PARK & REC ADMINISTRATION	($200,396)	($265,878)	($64,569)	75.4%
01044100 - REC PROGRAM ADMIN	($254,785)	($399,011)	($142,674)	63.9%
01044101 - RECREATIONAL PROGRAMS	($4,939)	($5,682)	($743)	86.9%
01044102 - REC PROGRAM CAMPS-closed	($0)	($0)	($0)	
01044200 - SPECIAL EVENTS ADMIN	($98,150)	($222,463)	($103,843)	44.1%
01044300 - ATHLETIC PROGRAMMING	($216,984)	($393,142)	($141,419)	55.2%
01044500 - HORTICULTURE	($105,754)	($179,926)	($71,172)	58.8%
01044600 - PARK GROUNDS MAINTENANCE	($581,680)	($1,448,375)	($430,746)	40.2%
01044900 - SENIOR CENTER	($127,217)	($200,760)	($71,812)	63.4%
01044901 - SENIOR CENTER CLASSES	($1,056)	($4,600)	($3,544)	23.0%
01044911 - SENIOR CENTER TRIPS	($0)	($600)	($600)	0.0%
0104 - PARK AND RECREATION DEPT. Total	**($1,590,960)**	**($3,120,436)**	**($1,031,121)**	**51.0%**
0105 - POLICE SERVICES DEPT.				
01055000 - POLICE ADMINISTRATION	($1,575,516)	($1,970,056)	$93,632	80.0%
01055100 - PATROL	($3,483,667)	($5,027,401)	($1,509,924)	69.3%
01055200 - CRIMINAL INVESTIGATION	($1,116,095)	($1,541,763)	($415,994)	72.4%
01055300 - ANIMAL CONTROL	($361,589)	($490,157)	($42,268)	73.8%
01055400 - SCHOOL GUARDS	($65,747)	($85,233)	($19,485)	77.1%
01055500 - CRIME PREVENTION	($148,661)	($156,189)	($5,674)	95.2%
01055700 - RECORDS	($213,171)	($348,265)	($130,551)	61.2%
01055900 - POLICE SPECIAL SERVICES	($279,421)	($562,294)	($281,647)	49.7%
0105 - POLICE SERVICES DEPT. Total	**($7,243,868)**	**($10,181,357)**	**($2,311,911)**	**71.1%**

CITY OF DUNCANVILLE

GENERAL FUND EXPENDITURES BY DEPT/DIV- JUNE 30, 2022

OPERATING EXPENDITURES	2022 FYTD ACTUALS	BUDGET	AVAILABLE BUDGET AMOUNT	% OF ANNUAL BUDGET YTD
0106 - PUBLIC WORKS DEPT.				
01066000 - PUBLIC WORKS ENGINEERING/ADMIN	($255,087)	($391,722)	($132,101)	65.1%
01066200 - STREET MAINTENANCE	($1,156,416)	($3,596,110)	($2,286,608)	32.2%
01066300 - TRAFFIC OPERATIONS	($488,145)	($980,759)	($142,615)	49.8%
01066700 - EQUIPMENT SERVICES	($662,818)	($1,127,605)	($211,899)	58.8%
01066800 - BUILDING MAINTENANCE	($539,666)	($897,750)	($245,072)	60.1%
0106 - PUBLIC WORKS DEPT. Total	**($3,102,132)**	**($6,993,946)**	**($3,018,294)**	**44.4%**
0107 - FIRE SERVICES DEPT.				
01077000 - FIRE ADMINISTRATION	($497,617)	($660,907)	($131,519)	75.3%
01077100 - FIRE PREVENTION	($190,863)	($338,593)	($145,513)	56.4%
01077200 - FIRE SUPPRESSION	($3,071,491)	($4,425,649)	($1,302,723)	69.4%
01077300 - ADVANCED LIFE SUPPORT	($1,300,732)	($1,817,819)	($458,055)	71.6%
01077500 - EMERGENCY MANAGEMENT ADMIN	($94,542)	($133,390)	($38,205)	70.9%
0107 - FIRE SERVICES DEPT. Total	**($5,155,245)**	**($7,376,358)**	**($2,076,015)**	**69.9%**
0108 - NON-DEPARTMENTAL				
01088000 - GENERAL NON DEPARTMENTAL	($1,777,590)	($3,124,080)	($1,283,008)	56.9%
0108 - NON-DEPARTMENTAL Total	**($1,777,590)**	**($3,124,080)**	**($1,283,008)**	**56.9%**
Total Operating Expenditures	**($23,081,608)**	**($36,884,115)**	**($11,189,692)**	**62.6%**

CITY OF DUNCANVILLE

USE OF GENERAL FUND BALANCE EXPENDITURES AS OF JUNE 30, 2022

EXPENDITURES	2022 FYTD ACTUALS	BUDGET	% OF ANNUAL BUDGET YTD
41010001 - GEN GOVT ONE TIME PROJ	($10,129)	($100,000)	10.1%
41040001 - PARKS ONE TIME PROJECTS	($0)	($56,000)	0.0%
41050001 - POLICE ONE TIME PROJ	($18,498)	($2,188,003)	0.8%
41060001 - PUBLIC WORKS ONE TIME PROJECTS	($8,800)	($359,100)	2.5%
Total Operating Expenditures	**($37,427)**	**($2,703,103)**	**1.4%**

PROJECTS:

POLICE P-25 COMPLIANT RADIOS
PUBLIC WORKS ERP SYSTEM
PUBLIC WORKS US 67 GATEWAY SIGNAGE
SECURITY UPGRADES (CAMERAS)

WATER/SEWER UTILITY FUNDS

MONTHLY FINANCIAL REPORT

Prepared by
FINANCIAL SERVICES DEPARTMENT

CITY OF DUNCANVILLE

UTILITY OPERATING FUND- 002 AS OF JUNE 30, 2022

REVENUES and EXPENSES	BUDGET	2022 FY TD ACTUALS	BUDGET AMT REMAINING	% OF BUDGET USED YTD	2021 FY TD ACTUALS	% OF BUDGET PYTD
Revenue						
53 - FINES & FEES	$5,000	$1,995	$3,005	39.9%	$3,745	74.90%
54 - INTERGOVERNMENTAL	$600	($0)	$600	0.0%	$188	31.41%
55 - INTEREST	$32,000	$15,672	$16,328	49.0%	$27,881	23.23%
57 - CHARGES FOR SERVICES	$17,953,946	$11,792,377	$6,161,569	65.7%	$11,274,769	62.42%
59 - OTHER SOURCES	$34,550	$293,526	($258,976)	849.6%	$20,965	60.77%
Revenue Total	**$18,026,096**	**$12,103,570**	**$5,922,526**	**67.1%**	**$11,327,549**	**62.16%**
Expense						
60 - SALARY AND BENEFITS	($2,300,829)	($1,435,092)	($865,737)	62.4%	($1,452,751)	68.29%
72 - SUPPLIES & MATERIALS	($475,800)	($175,999)	($299,801)	37.0%	($227,432)	45.59%
73 - CONTRACT & PROF SVCS	($9,430,662)	($6,628,399)	($2,802,263)	70.3%	($6,746,647)	77.60%
74 - MAINT & REPAIR SVCS	($338,385)	($212,769)	($125,616)	62.9%	($172,482)	46.16%
75 - UTILITIES	($121,416)	($44,227)	($77,189)	36.4%	($63,086)	45.17%
76 - CAPITAL OUTLAY	($21,368)	($0)	($21,368)	0.0%	$0	0.00%
77 - DEBT SERVICES	($0)	($0)	($0)		$0	0.00%
78 - TRANS TO OTHR FUNDS	($7,527,483)	($4,395,607)	($3,131,876)	58.4%	($5,556,906)	75.00%
79 - OTHR EXP/FINANCE USE	($19,085)	($4,133)	($14,952)	21.7%	($6,548)	59.28%
Expense Total	**($20,235,028)**	**($12,896,226)**	**($7,338,803)**	**63.7%**	**($14,225,852)**	**73.81%**
Revenues Over/(Under) Exp.	**($2,208,932)**	**($792,656)**	**($1,416,276)**		**($2,898,303)**	
BEGINNING FUND BALANCE	**$14,495,358**	**$14,495,358**				
ENDING FUND BALANCE	**$12,286,426**	**$13,702,702**				

FUND BALANCE RESERVE REQUIREMENT POLICY		
% of Fund Balance To Exp. Ratio	60.7%	106.3%
# of Days Coverage	219	383

CITY OF DUNCANVILLE

UTILITY CIP FUND-017 AS OF JUNE 30, 2022

REVENUES and EXPENSES	BUDGET	2022 FYTD ACTUALS	BUDGET AMT REMAINING	% OF BUDGET USED YTD	2021 FY TD ACTUALS	% OF BUDGET PYTD
Revenue						
55 - INTEREST	$500	($0)	$500	0.0%	$127	5.3%
58 - TRANS FROM OTHR FUND	$5,000,000	$2,500,000	$2,500,000	50.0%	$3,750,000	75.0%
Revenue Total	**$5,000,500**	**$2,500,000**	**$2,500,500**	**50.0%**	**$3,750,127**	**75.0%**
Expense						
73 - CONTRACT & PROF SVCS	($227,583)	($114,738)	($112,845)	50.4%	($131,722)	25.8%
76 - CAPITAL OUTLAY	($8,106,815)	($2,238,762)	($5,868,053)	27.6%	($1,218,167)	13.2%
Expense Total	**($8,334,398)**	**($2,353,500)**	**($5,980,899)**	**28.2%**	**($1,349,889)**	**13.9%**
Revenues Over/(Under) Exp.	**($3,333,898)**	**$146,500**	**($3,480,399)**		**$2,400,237**	

BEGINNING FUND BALANCE	**$846,203**	**$846,203**
ENDING FUND BALANCE	**($2,487,695)**	**$992,703**

OTHER MAJOR FUNDS

MONTHLY FINANCIAL REPORT

Prepared by
FINANCIAL SERVICES DEPARTMENT

CITY OF DUNCANVILLE

ECONOMIC DEVELOPMENT FUND-012 AS OF JUNE 30, 2022

REVENUES and EXPENDITURES	BUDGET	2022 FYTD ACTUALS	AVAILABLE BUDGET AMOUNT	% OF BUDGET USED YTD	2021 FY TD ACTUALS	% OF BUDGET PYTD
Revenue						
51 - SALES & OTHR TAXES	$2,779,174	$1,800,995	$978,179	64.8%	1,659,935	68.08%
55 - INTEREST	$2,000	($0)	$2,000	0.0%	463	2.32%
59 - OTHER SOURCES	($0)	($0)	($0)		0	0.00%
Revenue Total	**$2,781,174**	**$1,800,995**	**$980,179**	**64.8%**	**1,660,398**	**67.54%**
Expense						
60 - SALARY AND BENEFITS	($395,007)	($249,506)	($145,501)	63.2%	(112,384)	52.83%
72 - SUPPLIES & MATERIALS	($63,748)	($43,397)	($17,651)	68.1%	(19,277)	46.73%
73 - CONTRACT & PROF SVCS	($215,474)	($26,405)	($172,694)	12.3%	(27,637)	34.08%
74 - MAINT & REPAIR SVCS	($67,600)	($14,818)	($6,826)	21.9%	(33,014)	48.84%
75 - UTILITIES	($21,100)	($9,535)	($11,565)	45.2%	(6,264)	29.69%
76 - CAPITAL OUTLAY	($77,000)	($20,524)	($31,476)	26.7%	0	0.00%
77 - DEBT SERVICES	($0)	($0)	($0)		487,546	-99.84%
78 - TRANS TO OTHR FUNDS	($653,336)	($601,505)	($51,831)	92.1%	(577,339)	91.49%
79 - OTHR EXP/FINANCE USE	($337,617)	($1,536,451)	$1,198,834	455.1%	(205,437)	42.84%
Expense Total	**($1,830,881)**	**($2,502,140)**	**$761,290**	**136.7%**	**(1,468,897)**	**72.62%**
Revenues Over/(Under) Exp.	**$950,293**	**($701,145)**	**$1,741,468**	**-73.8%**	**($191,501)**	

BEGINNING FUND BALANCE	**$5,013,633**	**$5,013,633**
ENDING FUND BALANCE	**$5,963,926**	**$4,312,488**

Note:

INCLUDES A GRANT TO THE FIELDHOUSE FUND-456 FOR THE OUTSTANDING DEBT SERVICES FOR THE SERIES 2016A BONDS IN THE AMOUNT OF $2,025,000. MATURES FEBRUARY 15, 2025.

CITY OF DUNCANVILLE

FIELDHOUSE FUND-456 AT JUNE 30, 2022

REVENUES and EXPENDITURES	BUDGET	2022 FYTD ACTUALS	BUDGET AMT REMAINING	% OF BUDGET USED YTD	2021 FYTD ACTUALS	% OF BUDGET PYTD
Revenue						
57 - CHARGES FOR SERVICES	$1,206,500	$819,990	$386,510	68.0%	$788,121	80.6%
58 - TRANS FROM OTHR FUND	$538,475	$515,375	$23,100	95.7%	$507,425	94.4%
59 - OTHER SOURCES	$140,000	$85,361	$54,639	61.0%	$75,900	66.4%
Revenue Total	**$1,884,975**	**$1,420,727**	**$464,248**	**75.4%**	**$1,371,446**	**84.1%**
Expense						
60 - SALARY AND BENEFITS	($600,436)	($358,221)	($242,215)	59.7%	($320,942)	64.0%
72 - SUPPLIES & MATERIALS	($210,276)	($161,465)	($48,811)	76.8%	($101,824)	64.0%
73 - CONTRACT & PROF SVCS	($344,483)	($203,558)	($140,925)	59.1%	($181,252)	55.9%
74 - MAINT & REPAIR SVCS	($69,634)	($63,793)	($5,841)	91.6%	($15,000)	58.1%
75 - UTILITIES	($107,000)	($47,382)	($59,618)	44.3%	($61,168)	51.1%
76 - CAPITAL OUTLAY	($6,000)	($0)	($6,000)	0.0%	$0	0.0%
77 - DEBT SERVICES	($538,975)	($515,825)	($23,150)	95.7%	($507,875)	94.3%
78 - TRANS TO OTHR FUNDS	($3,900)	($2,925)	($975)	75.0%	($3,072)	75.0%
79 - OTHR EXP/FINANCE USE	($2,500)	($1,040)	($1,460)	41.6%	($166)	11.1%
Expense Total	**($1,883,204)**	**($1,354,209)**	**($528,995)**	**71.9%**	**($1,191,299)**	**71.1%**
Revenues Over/(Under) Exp.	**$1,771**	**$66,518**	**($64,746)**	**3755.6%**	**$180,147**	
BEGINNING FUND BALANCE	**($1,408,819)**	**($1,408,819)**				
ENDING FUND BALANCE	**($1,407,048)**	**($1,342,301)**				

CITY OF DUNCANVILLE

FIELDHOUSE FUND-456 AT JUNE 30, 2022

REVENUES and EXPENDITURES	BUDGET	2022 FYTD ACTUALS	BUDGET AMT REMAINING	% OF BUDGET USED YTD	2021 FYTD ACTUALS	% OF BUDGET PYTD
Revenue						
456 - FIELDHOUSE NON-ORG	$1,884,975	$1,420,728	$464,247	75.4%	$1,371,446	84.1%
Revenue Total	**$1,884,975**	**$1,420,728**	**$464,247**	**75.4%**	**$1,371,446**	**84.1%**
Expense						
456 - FIELDHOUSE NON-ORG	($538,975)	($515,825)	($23,150)	95.7%	($507,875)	94.3%
45601000 - FH ADMIN/OPS	($1,074,274)	($651,539)	($422,735)	60.6%	($568,875)	61.7%
45602000 - FH CAFÉ/ FOOD COURT	($191,705)	($153,245)	($38,460)	79.9%	($91,471)	-64.5%
45602500 - FH GENERAL STORE	($3,750)	($0)	($3,750)	0.0%	($435)	11.6%
45651100 - FIELDHOUSE CAMPS	($74,500)	($33,600)	($40,900)	45.1%	($20,043)	34.3%
45651300 - FIELDHOUSE OTHER ACT.-cl	($0)	($0)	($0)		($2,600)	0.0%
Expense Total	**($1,883,204)**	**($1,354,209)**	**($528,995)**	**71.9%**	**($1,191,299)**	**71.1%**
Revenues Over/(Under) Exp.	**$1,771**	**$66,519**	**($64,748)**	**3755.7%**	**$180,147**	

BEGINNING FUND BALANCE	**($1,408,819)**	**($1,408,819)**
ENDING FUND BALANCE	**($1,407,048)**	**($1,342,300)**

Duncanville
City of Champions

ALL OTHER FUNDS

MONTHLY FINANCIAL REPORT

Prepared by
FISCAL SERVICES DEPARTMENT

SPECIAL REVENUE FUNDS AS OF JUNE 30, 2022

BEGINNING FUND BALANCE	FUND/ ACCT TYPE	FY 2022 ACTUALS	BUDGET	Available Budget	FY to Date Actual % of Budget	ENDING FUND BALANCE
$762,925	008 - COMPREHENSIVE SELF INSURANCE					
	Revenue	$350,712	$468,629	$117,917	83.15%	
	Expense	($540,830)	($551,200)	($10,370)	100.77%	
	008 - COMPREHENSIVE SELF INSURANCE Total	**($190,118)**	**($82,571)**			**$572,807**
$2,731,474	010 - HOTEL TAX FUND					
	Revenue	$624,751	$734,550	$109,799	93.50%	
	Expense	($147,460)	($739,821)	($592,361)	21.20%	
	010 - HOTEL TAX FUND Total	**$477,291**	**($5,271)**			**$3,208,765**
$306,890	013 - GRANT FUND					
	Revenue	$44,424	$72,000	$27,576	61.98%	
	Expense	($175,442)	($424,160)	($67,280)	45.68%	
	013 - GRANT FUND Total	**($131,018)**	**($352,160)**			**$175,872**
$353,279	033 - TAX INCREMENT FINANCING FUND					
	Revenue	$58,717	$75,575	$16,858	77.69%	
	Expense	($0)	($2,750)	($2,750)	0.00%	
	033 - TAX INCREMENT FINANCING FUND Total	**$58,717**	**$72,825**			**$411,996**
$88,875	050 - POLICE FORFEITURE/SEIZURE FUND					
	Revenue	$2,958	$1,300	($1,658)	475.00%	
	Expense	($54,924)	($60,774)	($5,850)	90.37%	
	050 - POLICE FORFEITURE/SEIZURE FUND Total	**($51,966)**	**($59,474)**			**$36,909**
$134,567	051 - STATE ASSET FORFEITURE FUND					
	Revenue	$62,759	$5,500	($57,259)	1141.07%	
	Expense	($32,807)	($79,248)	($37,806)	48.74%	
	051 - STATE ASSET FORFEITURE FUND Total	**$29,952**	**($73,748)**			**$164,519**

SPECIAL REVENUE FUNDS AS OF JUNE 30, 2022

BEGINNING FUND BALANCE	FUND/ ACCT TYPE	FY 2022 ACTUALS	BUDGET	Available Budget	FY to Date Actual % of Budget	ENDING FUND BALANCE
$138,119	052 - FEDERAL ASSET FORFEITURE FUND					
	Revenue	$4,775	$30,000	$25,225	15.92%	
	Expense	($80,758)	($94,136)	($13,378)	90.22%	
	052 - FEDERAL ASSET FORFEITURE FUND Total	**($75,983)**	**($64,136)**	$11,847	124.98%	**$62,136**
$0	205 - FIRE DONATIONS FUND					
	Revenue	($0)	($0)	($0)		
	Expense	($0)	($0)	($0)		
	205 - FIRE DONATIONS FUND Total	**($0)**	**($0)**	**($0)**		**$0**
$0	215 - PEG FUND					
	Revenue	$88,750	($0)	($88,750)		
	Expense	($0)	($0)	($0)		
	215 - PEG FUND Total	**$88,750**	**($0)**	**($88,750)**		**$88,750**
$47,418	225 - COURT SECURITY FUND					
	Revenue	$5,940	$12,000	$6,060	49.50%	
	Expense	($0)	($30,366)	($30,366)	0.00%	
	225 - COURT SECURITY FUND Total	**$5,940**	**($18,366)**			**$53,358**
$16,943	230 - JUVENILE CASE MANAGER FUND					
	Revenue	$6,550	$19,500	$12,950	33.59%	
	Expense	($18,233)	($26,109)	($7,875)	81.07%	
	230 - JUVENILE CASE MANAGER FUND Total	**($11,683)**	**($6,609)**			**$5,260**
$35,002	235 - COURT TECHNOLOGY					
	Revenue	$5,180	$12,000	$6,820	43.17%	
	Expense	($0)	($970)	($970)	0.00%	
	235 - COURT TECHNOLOGY Total	**$5,180**	**$11,030**			**$40,182**

SPECIAL REVENUE FUNDS AS OF JUNE 30, 2022

BEGINNING FUND BALANCE	FUND/ ACCT TYPE	FY 2022 ACTUALS	BUDGET	Available Budget	FY to Date Actual % of Budget	ENDING FUND BALANCE
($139,079)	**757 - EMERGENCY/ DISASTER RELIEF**					
	Revenue	$54,285	($0)	($54,285)		
	Expense	($121,603)	($0)	$121,603		
	757 - EMERGENCY/ DISASTER RELIEF Total	**($67,318)**	**($0)**			**($206,397)**
$4,801,199	**758 - AMERICAN RESCUE PLAN**					
	Revenue	$4,496	($0)	($4,496)		
	Expense	($1,272,956)	($2,415,000)	($704,656)	73.10%	
	758 - AMERICAN RESCUE PLAN Total	**($1,268,460)**	**($2,415,000)**			**$3,532,739**

DEBT SERVICE AND CAPITAL PROJECT/REPLACEMENT FUNDS AS OF JUNE 30, 2022

BEGINNING FUND BALANCE	FUND/ ACCT TYPE	FY 2022 ACTUALS	BUDGET	AVAILABLE BUDGET	FY to Date Actual % of Budget	ENDING FUND BALANCE
$1,385,475	**005 - DEBT SERVICE FUND**					
	Revenue	$1,258,289	$1,410,657	$152,368	89.20%	
	Expense	($1,128,316)	($1,482,357)	($354,041)	76.12%	
	005 - DEBT SERVICE FUND Total	**$129,974**	**($71,700)**			**$1,515,449**
$2,110,807	**016 - FLEET/EQUIP REPR/REPLACE FUND**					
	Revenue	$670,201	$893,709	$223,508	83.30%	
	Expense	($222,406)	($2,161,838)	($1,015,365)	25.25%	
	016 - FLEET/EQUIP REPR/REPLACE FUND Total	**$447,795**	**($1,268,129)**			**$2,558,602**
$195,745	**020 - STREET/ALLEY CIP FUND**					
	Revenue	$393,522	$1,471,000	$1,077,479	26.75%	
	Expense	($143,281)	($1,001,737)	($697,823)	14.60%	
	020 - STREET/ALLEY CIP FUND Total	**$250,241**	**$469,263**			**$445,986**
$21,043	**024 - PARK CAPITAL IMPROV FUND**					
	Revenue	($0)	($0)	($0)		
	Expense	($0)	($0)	($0)		**$21,043**
	024 - PARK CAPITAL IMPROV FUND Total	**($0)**	**($0)**	**($0)**		
$218,837						
	025 - ALLEY IMPROVEMENT FUND					
	Revenue	($0)	$150,000	$150,000	0.00%	
	Expense	($17,621)	($230,591)	($206,158)	7.64%	**$201,217**
	025 - ALLEY IMPROVEMENT FUND Total	**($17,621)**	**($80,591)**			
$19,771,548						
	026 - CAPITAL IMPROVEMENT PROJ FUND					
	Revenue	$29,281	$100,000	$70,719	29.28%	
	Expense	($1,211,400)	($10,439,101)	($7,062,037)	12.27%	**$18,560,148**
	026 - CAPITAL IMPROVEMENT PROJ FUND Total	**($1,182,119)**	**($10,339,101)**			

DEBT SERVICE AND CAPITAL PROJECT/REPLACEMENT FUNDS AS OF JUNE 30, 2022

BEGINNING FUND BALANCE	FUND/ ACCT TYPE	FY 2022 ACTUALS	BUDGET	AVAILABLE BUDGET	FY to Date Actual % of Budget	ENDING FUND BALANCE
$243,522						
	031 - TRAFFIC IMPROVEMENT & SAFETY					
	Revenue	($0)	($0)	($0)		
	Expense	($243,522)	($0)	$243,522		**$1**
	031 - TRAFFIC IMPROVEMENT & SAFETY Total	**($243,522)**	**($0)**			
$105,798						
	032 - INFO TECH REPAIR/REPLACE FUND					
	Revenue	$114,012	$152,033	$38,021	83.32%	
	Expense	($188,572)	($129,800)	$70,602	147.89%	**($82,774)**
	032 - INFO TECH REPAIR/REPLACE FUND Total	**($74,560)**	**$22,233**			

OTHER ENTERPRISE FUNDS AS OF JUNE 30, 2022

BEGINNING FUND BALANCE	FUND/ ACCT TYPE	FY 2022 ACTUALS	BUDGET	AVAILABLE BUDGET	FY to Date Actual % of Budget	ENDING FUND BALANCE
$1,125,664	**015 - DRAINAGE FUND**					
	Revenue	$629,144	$841,000	$211,856	80.70%	
	Expense	($234,919)	($1,933,214)	($1,466,389)	14.77%	
	015 - DRAINAGE FUND Total	**$394,224**	**($1,092,214)**			**$1,519,888**
$838,612	**019 - SANITATION FUND**					
	Revenue	$2,860,661	$4,168,500	$1,307,839	77.47%	
	Expense	($2,881,218)	($4,487,839)	($426,003)	71.26%	
	019 - SANITATION FUND Total	**($20,557)**	**($319,339)**			**$818,055**

Duncanville
City of Champions

END OF REPORT

PLEASE CONTACT FINANCIAL SERVICES DIRECTOR WITH ANY QUESTIONS CONCERNING THIS REPORT.
edena.atmore@duncanville.com or 972-780-5005.

Prepared by
FINANCIAL SERVICES DEPARTMENT

STAFF REPORT

MEETING: City Council - 16 Aug 2022

TITLE:
Receive the Fiscal Year 2022 Third Quarter Investment Report as of June 30, 2022.

Vision Statement:

"Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance."

Pillar:

- **Emphasize: Government Accountability, Customer Service, Efficiency and Process Improvement**
  - **Develop a high performing organization that encourages innovation, transparency, and collaboration while delivering exceptional customer service.**

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

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

POLICY EXPLANATION:
The investment balance on March 31, 2022, was $79,934,620, with an ending balance in June 2022 of $76,237,081. The portfolio decreased by $3,697,539 as CDs matured and expenditures increased for City goods and services.

The LOGIC government investment pool's yield grew by 93 basis points (from .25% to 1.18%) during the period. As a reminder, 100 basis points equates to 1%. The interest rates are rising and creating opportunities to invest at higher rates. The LOGIC pool rates, as demonstrated on page 5 of the attached investment report, are higher than our earnings credit rate applied to the City's Wells Fargo account and the CD interest rates earned with a yield average of 0.20%.

The City's average rate of return increased to 0.75% during this period. All CDs and Money Market investments are fully secured at a minimum of 100% of principal by pledged collateral. Letters of Credit

held by the Federal Home Loan Bank and FDIC insurance are currently at $250,000 per institution. Overall, Duncanville's investment interest earnings totaled $47,682 for the quarter ended June 30, 2022.

In June of 2022, the City started implementing strategies to structure and diversify the portfolio as interest rates began to rise.

FUNDING SOURCE:

ORG and Object Number
n/a

Available Budget	**Purchase Amount**	**After Encumber**
n/a	n/a	n/a

ACTION ALTERNATIVES:
There is no City Council action required.

ATTACHMENTS:
Q3 Investment Report Jun22

Duncanville
City of Champions

City of Duncanville, Texas

QUARTERLY INVESTMENT REPORT

For the Quarter Ended

June 30, 2022

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

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

Agustin (Gus) Garcia, Director of Economic Development

Edena Atmore, Finance Director

Georcha West, Senior Accountant

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

Strategy Summary

Quarter End Results by Investment Category:

Asset Type	March 31, 2022 Book Value	March 31, 2022 Market Value	June 30, 2022 Book Value	June 30, 2022 Market Value	Ave. Yield
DDA	$ 47,206,036	$ 47,206,036	$ 41,968,751	$ 41,968,751	0.60%
MMA/LGIPs	26,719,887	26,719,887	31,766,112	31,766,112	0.99%
CDs	6,008,696	6,008,696	2,502,218	2,502,218	0.20%
Totals	**$ 79,934,620**	**$ 79,934,620**	**$ 76,237,081**	**$ 76,237,081**	0.75%

Current Quarter Weighted Average Yield (1)	
Total Portfolio	0.75%
Rolling Three Month Treasury	1.13%
Rolling Six Month Treasury	1.15%
TexPool	1.00%

Fiscal Year-to-Date Weighted Average Yield (2)	
Total Portfolio	0.55%
Rolling Three Month Treasury	0.50%
Rolling Six Month Treasury	0.53%
Average Monthly TexPool	0.25%

Interest Earnings (Approximate)	
Quarterly Interest Income	$ 47,682
Year-to-date Interest Income	$ 111,640

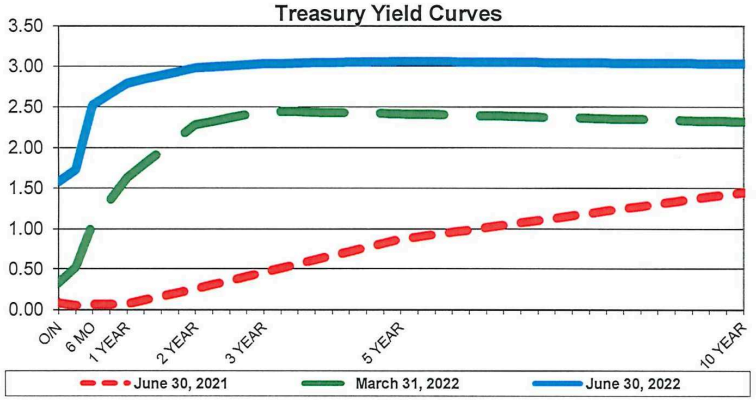
(1) **Current Quarter Weighted Average Yield** - calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees. The yield for the reporting month is used for bank and money market balances.

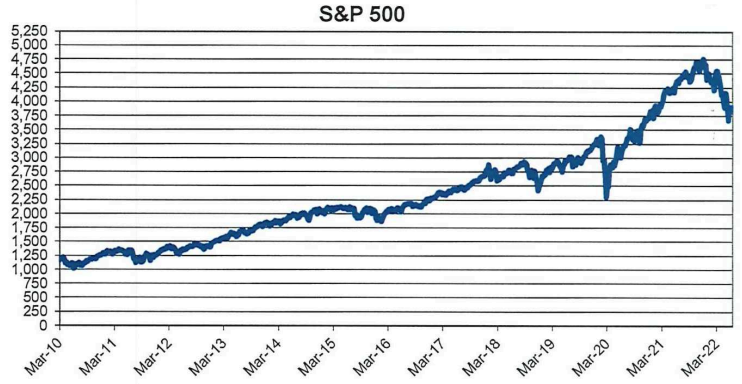
(2) **Fiscal Year-to-Date Weighted Average Yield -** calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

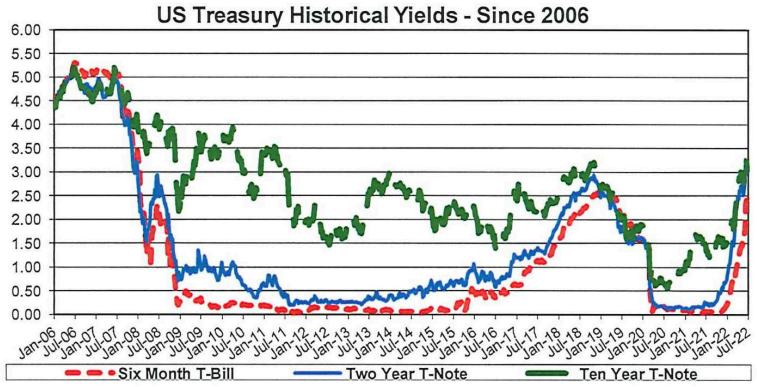
Economic Overview

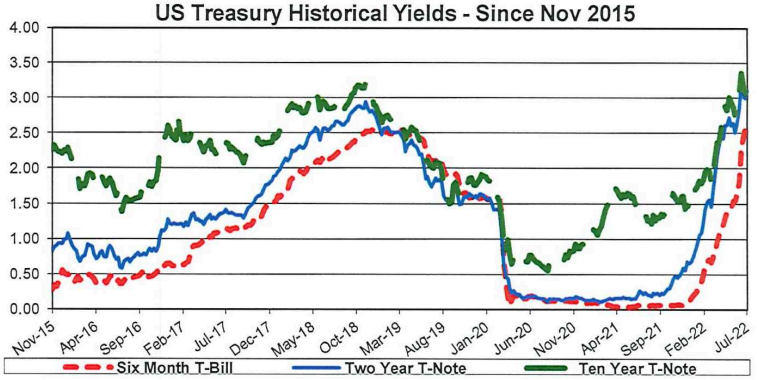
6/30/2022

The Federal Open Market Committee (FOMC) raised the Fed Funds target range 0.75% to 1.50% - 1.75% June 15th (Effective Fed Funds are trading +/-1.60%). The FOMC begin actively reducing their balance sheet June 1. An additional 0.75% increase is anticipated July 27. First Quarter GDP (final) was -1.6%. June Non-Farm Payroll added 372k net new jobs while the Three Month Average NFP declined to 375k. Crude oil settled in at +/-$105 per barrel. The Stock Markets continued sliding lower, but may be stabilizing. More domestic and international economic indicators softened, including housing data. A recession in the next 12 to 18 months is being openly discussed. Inflation remained well over the FOMC 2% target (Core PCE +/-4.7% and CPI exceeding 8%).









Investment Holdings

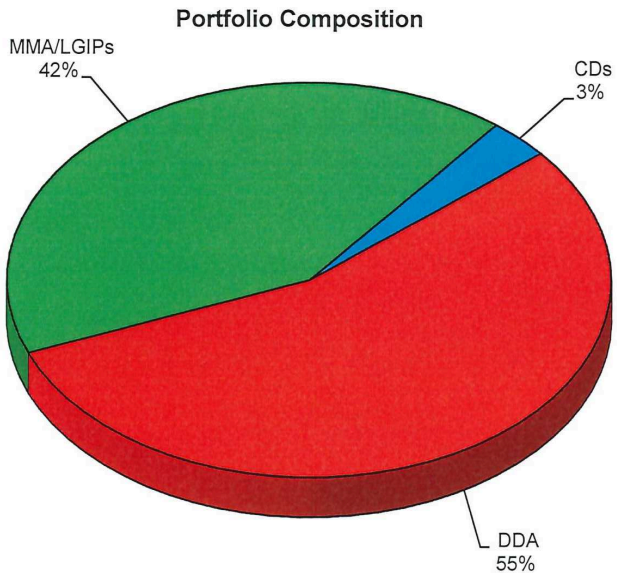
June 30, 2022

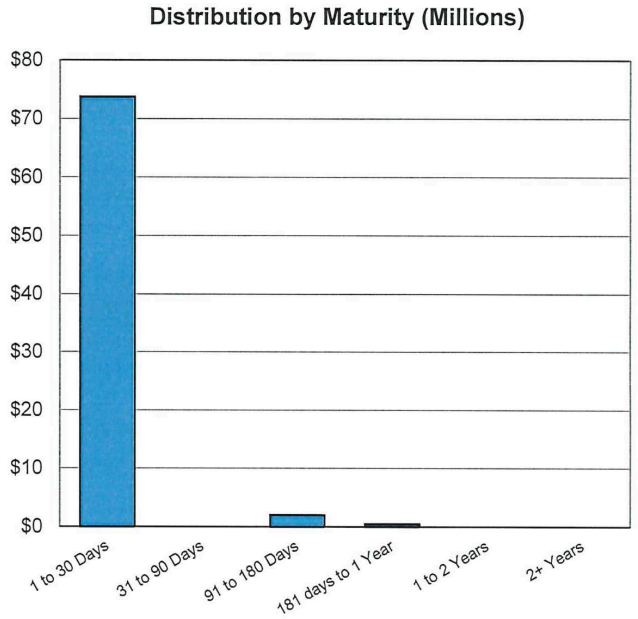
Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
Wells Fargo Bank DDA (3)		0.60%	07/01/22	06/30/22	$ 41,968,751	$ 41,968,751	1.00	$ 41,968,751	1	0.60%
NexBank MMA		1.18%	07/01/22	06/30/22	9,966	9,966	1.00	9,966	1	1.18%
NexBank IntraFi MMA		1.18%	07/01/22	06/30/22	23,517,732	23,517,732	1.00	23,517,732	1	1.18%
Prosperity Bank MMA		0.25%	07/01/22	06/30/22	6,511,714	6,511,714	1.00	6,511,714	1	0.25%
TexPool	AAAm	1.00%	07/01/22	06/30/22	5,045	5,045	1.00	5,045	1	1.00%
LOGIC LGIP	AAAm	1.18%	07/01/22	06/30/22	1,721,654	1,721,654	1.00	1,721,654	1	1.18%
East West Bank CD		0.17%	11/04/22	11/04/21	2,002,218	2,002,218	100.00	2,002,218	127	0.17%
Texas Brand Bank CD		0.30%	04/07/23	04/07/22	500,000	500,000	100.00	500,000	281	0.30%
					$ 76,237,081	**$ 76,237,081**		**$ 76,237,081**	**6**	**0.75%**
									(1)	**(2)**

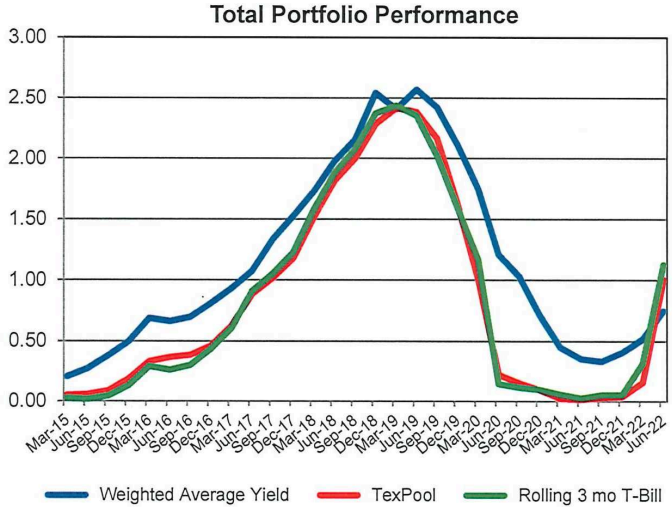
(1) Weighted average life - For purposes of calculating weighted average life, bank accounts and money market funds are assumed to have an one day maturity.

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

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


Portfolio Composition
MMA/LGIPs
42%
CDs
3%
DDA
55%


Distribution by Maturity (Millions)
$80
$70
$60
$50
$40
$30
$20
$10
$0
1 to 30 Days
31 to 90 Days
91 to 180 Days
181 days to 1 Year
1 to 2 Years
2+ Years


Total Portfolio Performance
3.00
2.50
2.00
1.50
1.00
0.50
0.00
Mar-15
Jun-15
Sep-15
Dec-15
Mar-16
Jun-16
Sep-16
Dec-16
Mar-17
Jun-17
Sep-17
Dec-17
Mar-18
Jun-18
Sep-18
Dec-18
Mar-19
Jun-19
Sep-19
Dec-19
Mar-20
Jun-20
Sep-20
Dec-20
Mar-21
Jun-21
Sep-21
Dec-21
Mar-22
Jun-22
Weighted Average Yield
TexPool
Rolling 3 mo T-Bill

Book & Market Value Comparison

Issuer/Description	Yield	Maturity Date	Book Value 03/31/22	Increases	Decreases	Book Value 06/30/22	Market Value 03/31/22	Change in Market Value	Market Value 06/30/22
Wells Fargo Bank DDA	0.60%	07/01/22	$ 47,206,036	$ –	$ (5,237,286)	$ 41,968,751	$ 47,206,036	$ (5,237,286)	$ 41,968,751
NexBank MMA	1.18%	07/01/22	10,654,851	–	(10,644,885)	9,966	10,654,851	(10,644,885)	9,966
NexBank IntraFi MMA	1.18%	07/01/22	7,833,062	15,684,670	–	23,517,732	7,833,062	15,684,670	23,517,732
Prosperity Bank MMA	0.25%	07/01/22	6,508,727	2,987	–	6,511,714	6,508,727	2,987	6,511,714
TexPool	1.00%	07/01/22	5,037	8	–	5,045	5,037	8	5,045
LOGIC LGIP	1.18%	07/01/22	1,718,210	3,445	–	1,721,654	1,718,210	3,445	1,721,654
Prosperity Bank CD	0.20%	04/12/22	4,007,327	–	(4,007,327)	–	4,007,327	(4,007,327)	–
East West Bank CD	0.17%	11/04/22	2,001,370	848	–	2,002,218	2,001,370	848	2,002,218
Texas Brand Bank CD	0.30%	04/07/23	–	500,000	–	500,000	–	500,000	500,000
TOTAL/AVERAGE	**0.75%**		**$ 79,934,620**	**$ 16,191,959**	**$ (19,889,497)**	**$ 76,237,081**	**$ 79,934,620**	**$ (3,697,539)**	**$ 76,237,081**

Allocation
June 30, 2022

Book & Market Value

	Total	General	ARPA	Utility	Economic Development	Capital Replacement	Capital Projects Construction
Wells Fargo Bank DDA	$ 41,968,751	$41,968,751	$ –	$ –	$ –	$ –	$ –
NexBank MMA	9,966	5,985	–	3,485	–	496	–
NexBank IntraFi MMA	23,517,732	15,667,903	–	–	–	–	7,849,829
Prosperity Bank MMA	6,511,714	1,504,544	4,505,656	501,515	–	–	–
TexPool LGIP	5,045	5,045	–	–	–	–	–
LOGIC LGIP	1,721,654	1,721,654	–	–	–	–	–
11/04/22–East West Bank CD	2,002,218	2,002,218	–	–	–	–	–
04/07/23–Texas Brand Bank CD	500,000	–	–	–	500,000	–	–
Total	**$ 76,237,081**	**$62,876,100**	**$ 4,505,656**	**$ 505,000**	**$ 500,000**	**$ 496**	**$ 7,849,829**

Allocation
March 31, 2022

Book & Market Value

	Total	General	ARPA	Utility	Capital Replacement	Capital Projects Construction
Wells Fargo Bank DDA	$ 47,206,036	$47,206,036	$ –	$ –	$ –	$ –
NexBank MMA	10,654,851	6,398,296	–	3,726,168	530,387	–
NexBank IntraFi MMA	7,833,062	–	–	–	–	7,833,062
Prosperity Bank MMA	6,508,727	1,503,853	4,503,589	501,284	–	–
TexPool LGIP	5,037	5,037	–	–	–	–
LOGIC LGIP	1,718,210	1,718,210	–	–	–	–
04/12/22–Prosperity Bank CD	4,007,327	–	–	–	–	4,007,327
11/04/22–East West Bank CD	2,001,370	2,001,370	–	–	–	–
Total	**$ 79,934,620**	**$58,832,803**	**$ 4,503,589**	**$ 4,227,453**	**$ 530,387**	**$ 11,840,389**