# Duncanville City Council Meeting Agenda

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

**Tuesday, September 20, 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, September 20, 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, September 20, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – September 20th.
- First and Last Name; and address

Page

**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 finalize the Council Rules and Procedures.

B. Councilmember Koontz requested item.

Discussion on the Ladd Property.

**EXECUTIVE SESSION**
None.

**REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. OR IMMEDIATELY FOLLOWING THE 6:00 PM WORK SESSION/BRIEFING)**

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

## 1. REPORTS

A. Mayor's Report.

B. Councilmembers' Reports

C. City Manager's Report.

## 2. PROCLAMATIONS AND PRESENTATIONS

A. Proclamation recognizing September 15 to October 15, 2022 as National Hispanic American Heritage Month. 6 - 9
Proclamation - National Hispanic Heritage Month

B. Proclamation Recognizing October 4, 2022 as National Night Out. 10 - 12
National Night Out 2022

C. Proclamation Recognizing October as National Crime Prevention Month. 13 - 15
National Crime Prevention Month 2022

## 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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**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 September 6, 2022 City Council Regular Meeting.<br>2022-09-06 - City Council - Minutes - UNAPPROVED | 16 - 20 |
| B. | Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, FY23 Bullet-Resistant Shield Grant Program, to provide funding for the Police Department to purchase twenty-five (25) bullet-resistant shields for Police Officers, with a total grant value of $250,125.00.<br>Bullet-Resistant Shield Grant Program | 21 - 24 |
| C. | Consider a Resolution authorizing an application acceptance for and receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, FY23 ALERRT Travel Assistance Grant, to provide funding for the Police Department, to send Police Officers to Advanced Law Enforcement Rapid Response Training (ALERRT), with a total grant value of $1,000.00.<br>ALERRT Travel Assistance Grant | 25 - 28 |
| D. | Consider a Resolution approving the terms and conditions of Contract Amendment #3 to the Standard Form of Agreement RFQ 20-0011 with Brown Reynolds Watford Architects, Inc. for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from $4.5 million to $7,591,908.00, in the amount not to exceed $197,000.00.<br>Design Services for Fire Station No. 1 | 29 - 36 |
| E. | Consider a Resolution approving the Landscape Maintenance Agreement with the Texas Department of Transportation (TxDOT) for landscape improvements along U.S. IH 20 beginning at North Cedar Ridge Drive and ending east of North Cedar Ridge Drive.<br>Landscape Maintenance Agreement | 37 - 46 |
| F. | Council to consider authorizing the City Manager to sign and execute the settlement agreement and mutual general release with Anh Ngoc Tran in regards to the City of Duncanville Municipal Court case No. 200318004, and further authorizing as part of the settlement a payment Baston Law, PC in the amount of $39,717.34.<br>Settlement Agreement | 47 - 53 |
| G. | Consider approval of a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed $15,215.68 to the Duncanville Chamber of Commerce for maintenance | 54 - 77 |

repairs, landscaping upgrades, computer upgrades, and signage while serving as the Duncanville Official Visitors Center.

Duncanville Official Visitors Center

H. Consider a Resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 rate review mechanism (RRM) filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. 78 - 95

Atmos Energy

I. Consider a Resolution authorizing a consent to assignment of Contract IFB-19-001 Traffic Signal Maintenance from Siemens Industry Inc. To Yunex LLC. 96 - 102

Traffic Signal Maintenance

J. Consider a Resolution approving Republic Services of Texas, LTD.'s request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 4.4% for residential collection and commercial services. 103 - 109

Municipal Materials Management Agreement

K. Consider a Resolution authorizing a Cooperative Purchasing Agreement with Equalis Group. 110 - 115

Equalis Group

## 5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Conduct a Public Hearing (2022-06) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive. 116 - 185

SUP - 103 South Capri Drive

B. Conduct a Public Hearing (2022-07) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants, representing Lydia W. Carlson, owner, to include a Specific Use Permit "SUP" for Short-Term Rental on River Oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive. 186 - 257

SUP - 350 Linklea Drive

C. Conduct a Public Hearing for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term Rental on Irwin Keasler Dev 258 - 299

Red Bird 5, PT Lot 0006, Duncanville, Dallas County, Texas, more commonly known as 822 Sherrill Boulevard.

SUP - 822 Sherrill Boulevard

D. Conduct a Public Hearing for consideration and action regarding the request of Deborah Cantwell, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, Duncanville, Dallas County, Texas. 300 - 327

SUP - 1607 Sparta Drive

E. Consider an Ordinance amending the Code of Ordinances by amending Chapter 2 'Administration', by repealing Article I. 'In General' Sections 2-1, 2-2, 2-3 and 2-4 and reserve for future use; by adding new Article v 'Boards and Commissions' to provide for list of different boards, appointments, qualifications, establishment, membership and other duties. 328 - 342

Boards and Commissions

F. Consider an Ordinance creating Classified Positions under Civil Service in the Police and Fire Departments; providing for a Pay Scale under Civil Service; repealing all Ordinances in conflict herewith; and, providing a severability clause; providing a repealing clause. 343 - 348

Pay Scale - Civil Service

## 6. STAFF AND BOARD REPORTS

A. Receive the Monthly Financial Report as of July 31, 2022. 349 - 380

Financial 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, September 16, 2022 at 7:00 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 - 20 Sep 2022**

**TITLE:**
Proclamation recognizing September 15 to October 15, 2022 as National Hispanic American Heritage Month.

**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:**
Every year from September 15 to October 15, Americans celebrate National Hispanic Heritage Month by appreciating the community's history, heritage, and contributions of the ancestors of American citizens who came from Mexico, Spain, the Caribbean, and South and Central America.

Hispanic Heritage Month originally started with one week of commemoration when it was first introduced by Congressman George E. Brown in June 1968. With the civil rights movement, the need to recognize the contributions of the Latin community gained traction in the 1960s. Awareness of the multicultural groups living in the United States was also gradually growing.

Two heavily Latinx and Hispanic populated areas, the San Gabriel Valley and East Los Angeles, were represented by Brown. His aim was to recognize the integral roles of these communities in American history. Observation of Hispanic Heritage Week started in 1968 under President Lyndon B. Johnson and was later extended to a 30-day celebration by President Ronald Reagan, starting on September 15 and ending on October 15. It was enacted into law via approval of Public Law 100-402 on August 17, 1988.

September 15 is set as the starting date for the month as it is important for many reasons. It is the independence anniversary for Latin American countries El Salvador, Guatemala, Costa Rica, Nicaragua, and Honduras. From here onwards, the independence days of Mexico and Chile fall on

September 16 and September 18, respectively. Dia de la Raza or Columbus Day also falls within this month, on October 12.

Hispanic Americans have been integral to the prosperity of the U.S. Their contributions to the nation are immeasurable, and they embody the best of American values. The Hispanic-American community has left an indelible mark on the U.S. culture and economy.

**POLICY EXPLANATION:**
The City of Duncanville recognizes various organizations, groups, and individuals for their outstanding contributions to the community by Proclamation.

**FUNDING SOURCE:**

**ORG and Object Number**
N/A

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

**ACTION ALTERNATIVES:**
N/A

**ATTACHMENTS:**
Proclamation - Hispanic Heritage Month

OFFICE OF THE MAYOR

Duncanville
City of Champions

# Proclamation

**WHEREAS,** Each year, from September 15 to October 15, Americans celebrate National Hispanic Heritage Month by appreciating the history, heritage, and contributions of the ancestor community that came from Mexico, Spain, the Caribbean, and South and Central America; and

**WHEREAS,** Hispanic Heritage Month originally began with a week of commemoration when it was first introduced by Congressman George E. Brown in June 1968. With the civil rights movement, the need to recognize the contributions of the Latino community gained acceptance in the 1960s; and

**WHEREAS,** Later extended to a 30-day celebration by President Ronald Reagan, beginning on September 15 and ending on October 15, it became law in August 1988; and

**WHEREAS,** Hispanics have been an integral part of America's prosperity. His contributions to the nation are immense, and they demonstrate the best of American values; and

**WHEREAS,** Even greater are the contributions to the prosperity and sustainability of the City of Duncanville by our Hispanics who make up forty percent of our population; and

**WHEREAS,** We see your venture for your many businesses in our city. And we see your investment in our city for your service on many of our boards and commissions; and

**WHEREAS,** Our Hispanics are one of the valuable parts of our city's diverse population, and I am proud and privileged to honor them especially.

**NOW, THEREFORE,** I, Barry L. Gordon, Mayor of the City of Duncanville, Texas do hereby proclaim September 20, 2022 as

## HISPANIC HERITAGE RECOGNITION DAY

in the City of Duncanville and urge all citizens to join me in celebrating the spirit and accomplishments of Hispanic Americans everywhere.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Duncanville, Texas to be affixed this 20th day of September 2022.

*Mayor, The City of Duncanville*

OFFICE OF THE MAYOR

Duncanville
City of Champions

# Proclamación

**Mientras Que:** Cada año, del 15 de septiembre al 15 de octubre, los estadounidenses el pais celebra el Mes Nacional de la Herencia Hispana apreciando la historia, la herencia y las contribuciones de la comunidad de los antepasados que vinieron de México, España, el Caribe y América del Sur y América Central; y

**Mientras Que:** El Mes de la Herencia Hispana comenzó originalmente con una semana de conmemoración cuando fue presentado por primera vez por el congresista George E. Brown en junio de 1968. Con el movimiento de derechos civiles, la necesidad de reconocer las contribuciones de la comunidad latina ganó aceptación en la década de 1960; y

**Mientras Que:** Más tarde se extendió a una celebración de 30 días por el presidente Ronald Reagan, comenzando el 15 de septiembre y terminando el 15 de octubre, se convirtió en ley en agosto de 1988; y

**Mientras Que:** Los hispanos han sido parte integral a la prosperidad de los Estados Unidos. Sus contribuciones a la nación son inmenso, y demuestran lo mejor de los valores estadounidenses; y

**Mientras Que:** Aún mayores son las contribuciones a la prosperidad y sostenibilidad de la Ciudad de Duncanville por parte de nuestros hispanos cuales component cuarenta por ciento de nuestra población; y

**Mientras Que:** Vemos su emprendimiento por sus muchos negocios en nuestra ciudad. Y vemos su inversión en nuestra ciudad por su servicio en muchas de nuestras juntas y comisiones; y

**Por lo Tonto:** Nuestros hispanos son una de las partes valiosas de la diversa población de nuestra ciudad, y estoy orgulloso y privilegiado de honorarlos especialmente.

**En fe de Ello:** He suscrito la presente y emtido esta proclamación este dia 20 de septiembre.

**BARRY L. GORDON**
**Alcalde**
**Ciudad de Duncanville**

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Proclamation Recognizing October 4, 2022 as National Night Out.

**Vision Statement:**

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

**STAFF RESPONSIBLE:**
**Chief Mark LiVigni**

**BACKGROUND/HISTORY:**
National Night Out was introduced by the National Association of Town Watch in 1984 as a national program, which would be coordinated by local crime prevention agencies and organizations that would involve entire communities at one time. Over 38.1 million people in 16,540 communities from all 50 states, U.S. territories, Canadian cities and military bases worldwide have participated in National Night Out; and

On October 4th from 6pm to 8pm, the Duncanville Police Department will host a city-wide National Night Out event at the Duncanville Recreation Center located at 207 James Collins Blvd. At this event, we will provide information on safety and security for citizens of Duncanville. The Duncanville Police Department will also have static displays outside the Duncanville Recreation Center.

National Night Out is designed to heighten crime and drug prevention awareness, generate support for, and participation in, local anti-crime programs. The traditional 'lights on' and front porch vigils remain a part of National Night Out. Activities have expanded considerably over the years to include block parties, cookouts, parades, visits from local police and sheriff departments, festivals, neighborhood walks, safety fairs, contests, rallies and meetings. National Night Out is a popular and effective vehicle for heightening awareness, enhancing police-community relations and volunteer morale.

**POLICY EXPLANATION:**
National Night Out in the City of Duncanville urges all citizens to join the Duncanville Police Department in being a part of the nation's largest annual crime/drug prevention event. The benefits to the community will extend well beyond one night.

**FUNDING SOURCE:**

**ORG and Object Number**
N/A

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

**ACTION ALTERNATIVES:**
N/A

**ATTACHMENTS:**
Attachment 1 - Proclamation - National Night Out

OFFICE OF THE MAYOR

Duncanville
City of Champions

# Proclamation

**WHEREAS,** *National Night Out* was introduced by the National Association of Town Watch in 1984 as a national program, which would be coordinated by local crime prevention agencies and organizations that would involve entire communities at one time; and

**WHEREAS,** over 38.1 million people in 16,540 communities from all 50 states, US territories, Canadian cities and military bases worldwide have participated in *National Night Out*; and

**WHEREAS,** *National Night Out* is designed to heighten crime and drug prevention awareness, generate support for, and participation in, local anti-crime programs; and

**WHEREAS,** The traditional 'lights on' and front porch vigils remain a part of *National Night Out.* Activities have expanded considerably over the years to include block parties, cookouts, parades, visits from local police and sheriff departments, festivals, neighborhood walks, safety fairs, contests, rallies and meetings; and

**WHEREAS,** *National Night Out* is a popular and effective vehicle for heightening awareness, enhancing police-community relations and volunteer morale;

**NOW, THEREFORE,** I, Barry L. Gordon, Mayor of the City of Duncanville, Texas do hereby proclaim October 4, 2022 as

## NATIONAL NIGHT OUT

in the City of Duncanville and urge all citizens to join the Duncanville Police Department in being a part of the nation's largest annual crime/drug prevention event. The benefits to the community will extend well beyond one night.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Duncanville, Texas to be affixed this 20th day of September, 2022.

Mayor, The City of Duncanville

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Proclamation Recognizing October as National Crime Prevention Month.

**Vision Statement:**

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

**STAFF RESPONSIBLE:**
**Chief Mark LiVigni**

**BACKGROUND/HISTORY:**
The vitality of the City of Duncanville depends on how safe we keep our homes, neighborhoods, schools, workplaces, and communities. Crime and fear of crime destroy our trust in others and in civic institutions threatening the community's health, prosperity, and quality of life. Citizens of all ages must be aware of what they can do to prevent themselves and their families, neighbors, and co-workers from being harmed by crime. They must also be made aware of the dangers of crime and protect themselves from becoming victims.

Personal injury, financial loss, and community deterioration resulting from crime are intolerable and require investment from the whole community. We must teach citizens how to "target harden" to make themselves, homes, and businesses harder targets to criminal activity.

Crime prevention initiatives must include self-protection and security. They must also go beyond those two things to promote collaborative efforts making neighborhoods safer for all ages while developing positive opportunities for young people. Adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and adults must make sure to engage teens in programs to drive crime from their communities.

Effective crime prevention programs succeed because of partnerships with law enforcement, other government agencies, civic groups, schools, faith communities, businesses, and individuals. They help nurture communal responsibility and instill pride in the community.

**POLICY EXPLANATION:**
Crime Prevention Month in the City of Duncanville will continue to urge all citizens, government agencies, public and private institutions, and businesses to invest in the power of prevention and work together to make Duncanville a safer, stronger, more caring community.

**FUNDING SOURCE:**

**ORG and Object Number**
N/A

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

**ACTION ALTERNATIVES:**
N/A

**ATTACHMENTS:**
Attachment 1 - Proclamation - National Crime Prevention Month

**OFFICE OF THE MAYOR**

Duncanville
City of Champions

# Proclamation

**WHEREAS,** the vitality of the City of Duncanville depends on how safe we keep our homes, neighborhoods, schools, workplaces and communities; and

**WHEREAS,** crime and fear of crime destroy our trust in others and in civic institutions threatening the community's health, prosperity and quality of life; and

**WHEREAS,** citizens of all ages must be made aware of what they can do to prevent themselves and their families, neighbors and co-workers from being harmed by crime; and

**WHEREAS,** citizens of all ages must be made aware of the dangers of crime, and how they can protect themselves from becoming victims; and

**WHEREAS,** the personal injury, financial loss and community deterioration resulting from crime are intolerable and require investment from the whole community; we must teach citizens how to "target harden", to make themselves, homes and businesses harder targets to criminal activity; and

**WHEREAS,** crime prevention initiatives must include self-protection and security. They must also go beyond those two things to promote collaborative efforts to make neighborhoods safer for all ages and to develop positive opportunities for young people; and

**WHEREAS,** adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and adults must make sure to engage teens in programs to drive crime from their communities; and

**WHEREAS,** effective crime prevention programs succeed because of partnerships with law enforcement, other government agencies, civic groups, schools, faith communities, businesses and individuals as they help to nurture communal responsibility and instill pride in the community;

**NOW, THEREFORE,** I, Barry L. Gordon, Mayor of the City of Duncanville, Texas do hereby proclaim October 2022 as

## CRIME PREVENTION MONTH

in the City of Duncanville and urge all citizens, government agencies, public and private institutions, and businesses to invest in the power of prevention and work together to make Duncanville a safer, stronger, more caring community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Duncanville, Texas to be affixed this 20th day of September, 2022.

*Mayor, The City of Duncanville*

# Duncanville City Council Meeting Minutes
# Regular Meeting
# Tuesday, September 6, 2022

**CALL TO ORDER**

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 6, 2022, at 6:30 p.m. in the Council Briefing Room at City Hall 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
Councilmember Greg Contreras

**COUNCIL ABSENT:** Councilmember At-Large Patrick Harvey

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## 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 that Item 2A would be discussed at the upcoming Regular City Council meeting on September 20, 2022.

### I.2. BRIEFINGS / PRESENTATIONS

Mayor Gordon recessed the Briefing Session at 6:43 p.m. for City Council to convene into Executive Session.

**I.2.A.** ***Discuss and finalize the Council Rules and Procedures.***
Item moved to the Regular City Council meeting held on September 20, 2022.

## II. EXECUTIVE SESSION

The Executive Session was called into session at 6:45 p.m., and City Attorney Hager read the item into record.

**II.1** ***City Council shall convene into closed executive session pursuant to Section 551.072 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.***
The Council closed the Executive Session at 7:32 p.m.

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

unapproved

The City Council convened into Regular Session in the Council Chambers at 7:40 p.m., with Mayor Gordon presiding.

Reverend Ginger Hertenstein, First Presbyterian Church of Duncanville, delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

**III.1. REPORTS**

**III.1.A.** ***Mayor's Report.***
Mayor Gordon offered his condolences to Mayor Green on the passing of his wife.

**III.1.B.** ***Councilmembers' Reports***
Councilmember McBurnett offered his condolences to Mayor Green, Councilmember Veracruz, and former Councilmember Dotson and congratulated Don Johnson on his 85th birthday.

**III.1.C.** ***City Manager's Report.***
No report.

**III.2. PROCLAMATIONS AND PRESENTATIONS**

**III.2.A.** ***Recognition of Keep Duncanville Beautiful Fall 2022 Curb Appeal Residential Properties.***
Danny Johnson, Parks Superintendent, presented the item.

**III.2.B.** ***Proclamation in recognition of 9/11 Day of Service and Remembrance in Duncanville 2022.***
Councilmember Koontz read the proclamation.

**III.2.C.** ***Proclamation in recognition of Constitution Week, September 17-23, 2022.***
Mayor Gordon read the proclamation.

**III.3. CITIZENS' INPUT**

***"Pursuant to Section 551.007 of the Texas Gov't Code, any member of the public has the opportunity to address the City Council concerning any matter of public business or any posted agenda item; however, the Act prohibits the City Council from deliberating any issues not on the public agenda and such non-agenda issues may be referred to City staff for research and any future action; all persons addressing are subject to council adopted rules and limitations permitted by law" 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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- Submit a comment by 4:00 p.m. on Tuesday, September 6, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – September 6.
- First and Last Name; and address

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

Joe Cole, 434 E Mona Ave. – submitted a comment on the agendas.

Betty Taylor, 422 Oleander St. – submitted a comment on the former CVS building.

Ken Bain, 938 Cambridge Drive - spoke on the Danieldale Road repairs.

**III.4. CONSENT AGENDA**

Unapproved

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

**III.4.A.** ***Consider the Minutes for the:***

- ***August 2, 2022, City Council Regular Meeting***
- ***August 8, 2022, City Council Special Meeting***
- ***August 9, 2022, City Council Budget Meeting***
- ***August 9, 2022, City Council Special Meeting***
- ***August 15, 2022, City Council Special Meeting***
- ***August 16, 2022, City Council Regular Meeting***
- ***August 25, 2022, City Council Special Meeting***
- ***August 30, 2022, City Council Special Meeting***

**III.4.B.** ***Consider a Resolution approving a mosquito ground control agreement between Dallas County, Texas, on behalf of the Dallas County Health and Human Services Department, and the City of Duncanville.***

**III.4.C.** ***Consider a Resolution approving the terms and conditions of the Household Hazardous Waste Interlocal Agreement between Dallas County and the City of Duncanville, Texas, to provide household hazardous waste services, including a disposal event and disposal services at the Dallas County fixed site household hazardous waste collection location from October 1, 2022, through September 30, 2023, for a cost not to exceed $58,264.00.***

**III.4.D.** ***Consider a Resolution approving the North Central Texas Housing Corporation assigning Single-Family Mortgage Revenue Bond authority.***

**III.4.E.** ***Consider a Resolution approving a Cooperative Purchasing Agreement with Webuildfun, Inc. through BuyBoard Contract #592-19 for the purchase and installation of outdoor fitness equipment in the expenditure amount of $249,388.19.***
Item moved to Individual Consideration.

**III.4.F.** ***Consider a Resolution approving the Interlocal Agreement between the City of Duncanville and Dallas County to provide Food Establishment Inspections, with a minimum of two (one every six months).***

**III.4.G.** ***Consider a Resolution authorizing approval of a Paving and Paint Incentive Grant by the Duncanville Community and Economic Development Corporation (DCEDC) to Advance Alliance Inc., doing business as, Advance Health Care acting by and through Kizee Group LLC and its duly authorized representative, in the amount of $92,000 for paving and $9,750 for paint, not to exceed $101,750, for a building located at 111 W. Danieldale Road, Duncanville, Texas, 75137.***

**III.4.H.** ***Consider a Resolution authorizing approval of a Paving Incentive Grant by the Duncanville Community and Economic Development Corporation (DCEDC) to Rupesh Singla of Singla Dental, PLLC in the amount of $44,300 for a building located at 541 W. Wheatland Road, Duncanville, Texas, 75116.***

**III.4.I.** ***Consider a Resolution authorizing the donation of an out of service fire truck to South Van Zandt County Volunteer Fire Department.***

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember At-Large Patrick Harvey absent. Items passed.

## III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

**III.4.E.** ***Consider a Resolution approving a Cooperative Purchasing Agreement with Webuildfun, Inc. through BuyBoard Contract #592-19 for the purchase and installation of outdoor fitness equipment in the expenditure amount of $249,388.19.***
Councilmember Koontz requested the item be moved to Individual Consent.

Parks and Rec Director Stevenson presented the item.



unapproved

Councilmember Koontz voiced his concerns of the equipment not being used over time.

Councilmember McBurnett stated he would like know if the monies can be used elsewhere and would encourage citizens to use the Recreation Center.
to provide basic wellness

Councilmember Greg Contreras made a motion to approve the item as stated, Mayor Pro Tem Joe Veracruz seconded the motion. The vote was cast 4 for, 2 against (Councilmember Don McBurnett and Councilmember Jeremy Koontz), with Councilmember At-Large Patrick Harvey absent. Item passed.

**III.5.A.** ***Consider an Ordinance amending the Code of Ordinances by adding new Chapter 12E "Special Events".***
Parks and Rec Director Stevenson presented the item.

Background:

- Staff initiative to review existing ordinances and the process associated with their execution.
- The Special Event Ordinance was previously in the Comprehensive Zoning Ordinance (CZO) chapter of the Code of Ordinances.
- Special Events are not tied to land use designations; therefore, it was recommended to be moved out of the CZO.

Highlights:

- The new Special Events Ordinance is essentially the same as the previous ordinance and outlines the process and regulations for entities other than the City to host events.
- Minor Changes
    - Establishes the Special Events Permit (SEP) Coordinator as the staff person responsible for guiding the process with the applicants.
    - Reduces the threshold for permit requirements from 250 to 75 persons.
    - Lengthens the time necessary to process the permit from 14 to 30 working days.

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 At-Large Patrick Harvey absent. Item passed.

**III.5.B.** ***Consider a Resolution approving a Special Event Alcohol Permit to Holy Spirit Catholic Parish, 1111 W. Danieldale Rd., as provided in Exhibit A; providing for the possession, distribution and consumption of beer and wine at such special event in accordance with Section 12.205 of the Code of Ordinances; providing for regulations and conditions for such use; providing for a waiver of applicable distance requirements under Section 12-201 of the Code of Ordinances.***
Parks and Rec Director Stevenson presented the item.

Festival Information:

- Holy Spirit Catholic Parish, located at 1111 W. Danieldale Rd., has applied for a Special Event Alcohol Permit on September 24, 2022, for their Annual Fall Festival.
- Holy Spirit Catholic Parish has been part of the Duncanville community since 1972 and has held its annual Fall Festival for over 30 years. The festival includes food, games, music, a children's parade, and a health fair. The Fall Festival will begin at 9:00 AM and end at 7:00 PM, with 1,200 anticipated participants. The event will be open to the public.
- Holy Spirit Catholic Parish requests authorization for the sale and consumption of alcohol during the event. The Texas Alcoholic Beverage Commission (TABC) does not require a controlled location of the alcohol to sell beer and wine. Staff and volunteers must follow all state and local laws and regulations. Holy Spirit Catholic Parish has secured services to sell beer and wine if approved.

unapproved

Sec. 12-205 – Sale of Alcohol at Special Events:

- Sale of alcohol at special events: an individual may obtain from the city council, upon application, a special event alcohol permit, allowing for the sale of beer or alcoholic beverages for a special event. Such permit may only be considered upon receipt of a completed application and a copy of a current permit from TABC authorizing the permittee to sell, dispense or otherwise serve alcohol at the location. The application and TABC permit must be submitted for consideration in no later than the Thursday two weeks prior to the regularly scheduled city council meeting preceding the event. If the event is to be held within 300 feet of any church, public or private school or public hospital then prior to issuance of a permit the individual must obtain a variance from the city council, in accordance with section 12- 201 (d). The permit shall be valid for the length of the event, not to exceed 14 consecutive days.

Nearby Schools:

- Brown's Early Academy – 1.0 mile
- Smith Elementary Academy – 1.0 mile
- Daniel Intermediate School – 1.1 miles
- Village Tech Schools – 1.3 miles

Nearby Churches

- Trinity United Methodist Church – 0.6 miles
- The Church of Jesus Christ of Latter-day – 0.9 miles
- Grace Place Church of Christ – 1.5 miles
- First Free Will Baptist Church – 1.5 miles

Councilmember Greg Contreras made a motion to approve the item as stated, Mayor Pro Tem Joe Veracruz seconded the motion. The vote was cast 5 for, 1 against (Councilmember Jeremy Koontz), with Councilmember At-Large Patrick Harvey absent. Item passed.

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

**III.6. STAFF AND BOARD REPORTS**

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

**III.6.B.** ***Receive the Neighborhood Services Quarterly Report.***
Director of Planning and Neighborhood Services Tennant presented the item.

**IV. ADJOURNMENT**

The meeting was adjourned at 8:59 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

unapproved

Duncanville
City of Champions

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, FY23 Bullet-Resistant Shield Grant Program, to provide funding for the Police Department to purchase twenty-five (25) bullet-resistant shields for Police Officers, with a total grant value of $250,125.00.

**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**
**Rebekah Hendrick, Lieutenant**

**BACKGROUND/HISTORY:**
The FY23 Bullet-Resistant Shield Grant Program is administered by the Office of the Governor, Criminal Justice Division (CJD), to equip law enforcement officers with bullet-resistant shields. The shields are for use in active shooter and other high-risk situations that arise during the course of our work. The grant is a reimbursement grant with no match required. The Duncanville Police Department has a mutual aid agreement with the Duncanville Independent School District Police Department. Additionally, this grant funding prioritizes funding to school district police officers but does allow funding for other police officers who would be expected to respond to active shooter school incidents. Our experiences from this year prove that active shooters can and will attack any target, not just a school. The agency was fortunate that no officers or civilians were injured on June 13th at the Fieldhouse; however, an accessible bullet-resistant shield would have greatly increased our officer's safety. CJD's overall goal is to increase the safety of Texas law enforcement officers and prevent further loss of life in active shooter situations.

**POLICY EXPLANATION:**
The Police Department is authorized sixty-three (63) sworn officer positions. The funds from this grant would allow the Department to be reimbursed for purchasing twenty-five (25) bullet-resistant shields

needed to equip officers with increased safety and prevent the further loss of life in active shooter situations. As law enforcement officers, we train for active shooter situations, and it is reassuring to know that when it is needed, we have the equipment to use during those same situations. Due to the reimbursement nature of this grant, if the City is approved for an amount of funding pursuant to this grant, approval of this item will require a budget amendment for funding, which will ultimately be reimbursed.

**FUNDING SOURCE:**

**ORG and Object Number**
13015000-700884

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| $0.00 | $250,125.00 | $0.00 |

**ACTION ALTERNATIVES:**

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

**ATTACHMENTS:**
Attachment 1 - Resolution No. - 2022-089 - FY23 - Bullet-Resistant Shield Grant Program

**RESOLUTION NO. 2022-089**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING AN APPLICATION ACCEPTANCE FOR AND RECEIPT OF A GRANT FROM THE TEXAS OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FY23 BULLET-RESISTANT SHIELD GRANT PROGRAM, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO PURCHASE TWENTY-FIVE (25) BULLET-RESISTANT SHIELDS FOR POLICE OFFICERS, WITH A TOTAL GRANT VALUE OF $250,125.00; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE AUTHORIZATION TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT, AND ACCEPTANCE OF THIS GRANT WILL ENTAIL A BUDGET AMENDMENT.**

**WHEREAS,** the City Council for the City of Duncanville finds it in the best interest of the citizens of the City of Duncanville that the Bullet-Resistant Shield Grant Program be operated for the Fiscal Year 2023; and

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

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

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

**SECTION 1.** That the City Council for the City of Duncanville authorizes the City Manager or her designee to submit an application and accept the Grant to the Office of the Governor, Texas Criminal Justice Division (CJD), to provide Bullet-Resistant Shields to its officers through the grant for the Fiscal Year 2023 in the amount of $250,125.00.

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

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

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

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

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution authorizing an application acceptance for and receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, FY23 ALERRT Travel Assistance Grant, to provide funding for the Police Department, to send Police Officers to Advanced Law Enforcement Rapid Response Training (ALERRT), with a total grant value of $1,000.00.

**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**
**Rebekah Hendrick, Lieutenant**

**BACKGROUND/HISTORY:**
The FY23 ALERRT Travel Assistance Grant is administered by the Office of the Governor, Criminal Justice Division (CJD) to offset agency-incurred travel costs for sending peace officers to Advanced Law Enforcement Rapid Response Training (ALERRT). ALERRT is designed to prepare the first responder to isolate, distract, and neutralize an active shooter. The Duncanville Police Department has a mutual aid agreement with the Duncanville Independent School District Police Department. Our experiences from this year prove that active shooters can and will attack any target, not just a school. The agency was fortunate that no officers or civilians were injured on June 13th at the Fieldhouse. ALERRT training includes debriefs of real situations to assist in furthering our knowledge of what does and doesn't work. It is the priority of the Duncanville Police Department to ensure that our agency always employs the most current tactics to ensure the safety of our citizens. CJD's overall goal is to increase the safety of Texas law enforcement officers and prevent further loss of life in active shooter situations.

**POLICY EXPLANATION:**
The Department is authorized 63 sworn officer positions. The funds from this grant would allow the Department to send officers to ALERRT train-the-trainer courses and get reimbursed for the travel

expenses (including mileage, registration fees, incidentals, and other related travel costs) in addition to any overtime costs incurred by the agency to backfill peace officer shifts for officers who are traveling to attend ALERRT training. Additionally, this training is a requirement of the FY23 Bullet-Resistant Shield Grant Program.

**FUNDING SOURCE:**

**ORG and Object Number**
13015000-700442

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| $0.00 | $1,000.00 | $0.00 |

**ACTION ALTERNATIVES:**

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

**ATTACHMENTS:**
Attachment 1 - Resolution No. - 2022-094 - FY23 ALERRT Travel Assistance Grant

**RESOLUTION NO. 2022-094**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING AN APPLICATION ACCEPTANCE FOR AND RECEIPT OF A GRANT FROM THE TEXAS OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FY23 ALERRT TRAVEL ASSISTANCE GRANT, TO PROVIDE FUNDING FOR THE POLICE DEPARTMENT, TO SEND POLICE OFFICERS TO ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERRT), WITH A TOTAL GRANT VALUE OF $1,000.00; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE AUTHORIZATION TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT, AND ACCEPTANCE OF THIS GRANT WILL ENTAIL A BUDGET AMENDMENT.**

**WHEREAS,** the City Council for the City of Duncanville finds it in the best interest of the citizens of the City of Duncanville that the ALERRT Travel Assistance Grant be operated for the Fiscal Year 2023; and

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

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

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

**SECTION 1.** That the City Council for the City of Duncanville authorizes the City Manager or his designee to submit an application and accept the Grant to the Office of the Governor, Texas Criminal Justice Division (CJD), to send officers to ALERRT training through the grant for the Fiscal Year 2023 in the amount of $1,000.00.

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

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

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

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

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution approving the terms and conditions of Contract Amendment #3 to the Standard Form of Agreement RFQ 20-0011 with Brown Reynolds Watford Architects, Inc. for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from $4.5 million to $7,591,908.00, in the amount not to exceed $197,000.00.

**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**

**BACKGROUND/HISTORY:**
In November 2018, the citizens of Duncanville approved a bond package for constructing a new fire station to replace the existing Fire Station No. 1, located at 323 West Camp Wisdom Road. The $6 million bond included funds for land acquisition, design, and construction of the facility.

On December 3, 2019, the City awarded CORE Construction the contract to serve as the Construction Manager at Risk (CMAR) for Fire Station No. 1, which included pre-construction phase services.

Brown Reynolds Watford Architects, Inc. (BRW) was selected as the most qualified of twelve architecture firms based on their very experienced design team, design approach, and extensive work designing other fire stations and fire/emergency operations facilities.

On May 19, 2020, the City Council approved a design agreement with BRW for the architectural and engineering design of the new Fire Station No. 1. The original contract amount was $513,400.00.

Contract Amendment #1 was approved for land surveying on September 3, 2020, in the amount of $4,380.00. It was later canceled and combined with Contract Amendment #2 on January 14, 2021, in the total amount of $12,280.00. The scope of Contract Amendment #2 included geotechnical borings and topographic and title surveys.

Contract Amendment #3 proposes to increase the contract amount due to Article 11 of the original agreement. Article 11 states that should the final approved Guaranteed Maximum Price (GMP) for construction of the new Fire Station No. 1 exceed the estimated GMP amount of $4.5 million, the architect's fee shall be increased by 8.75% of the difference between the original GMP of $4.5 million and the actual GMP. Article 11 ensured BRW was compensated for the expanded scope of the design and resultant additional design services should the final GMP increase from the original GMP estimate. The GMP, provided by CORE Construction and approved by Duncanville City Council on June 7, 2022, was $7,591,908. Based on Article 11, this would have resulted in $270,541.95 in additional BRW design fees. However, according to CORE Construction, approximately 11% of the cost increase in the GMP is due to the rapid construction cost escalation experienced in the last year. Therefore, BRW proposed to discount their additional services to $197,000.00.

**POLICY EXPLANATION:**
By approving this Resolution, City Council authorizes the terms and conditions of Contract Amendment #3 to the Standard Form of Agreement RFQ 20-0011 with Brown Reynolds Watford Architects, Inc. for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from $4.5 million to $7,591,908.00.

**FUNDING SOURCE:**

**ORG and Object Number**
PWBD00005-026

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| $6,229,564.06 | $197,000.00 | $6,032,564.06 |

**ACTION ALTERNATIVES:**
1. Authorize funding in the amount of $197,000.00 and approve the terms and conditions of Contract Amendment #3 to the Standard Form of Agreement RFQ 20-0011 for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from $4.5 million to $7,591,908.00.
2. Other actions as directed by Council.

**ATTACHMENTS:**
Attachment 1 - Duncanville Fire 1 Additional Services
Resolution No. - 2022-093 - BRW Contract Amendment #3 with Exhibit

Attachment 1

BROWN REYNOLDS WATFORD ARCHITECTS BRW

3535 TRAVIS STREET
SUITE 250
DALLAS, TEXAS 75204
214-528-8704
WWW.BRWARCH.COM

June 2, 2022

Jacqueline Culton
Director of Public Works
City of Duncanville
203 E. Wheatland Road.
Duncanville, TX 75116

**ADDITIONAL SERVICES PROPOSAL FOR DUNCANVILLE FIRE STATION NO. 1**

Brown Reynolds Watford Architects submits this professional services proposal to reconcile expanded scope of the Fire Station No. 1 project, as provided for in the professional services contract. The additional project scope, and revised compensation are described below.

**ADDITIONAL PROJECT SCOPE**

As stipulated in Article 11 of our professional services contract, the original architectural services fee was based upon design of a facility that fits within the original construction budget of $4.5 million, and the Architect's basic service fees shall be adjusted by 8.75% times the increase in budget at the time of Guaranteed Maximum Price (GMP) approval. We understand that the budget/GMP has been adjusted from $4,500,000 to $7,591,908.

However, a portion of this cost increase is due not to a larger size facility than the original budget allowed but rather to rapid construction cost escalation experienced in the last year. While the cost to provide our services has also escalated during this time our increased costs are not at the same rate as construction cost escalation. Therefore to ensure that the City does not pay a premium on our services due to construction cost escalation we would like to offer a discount on our additional services for the amount of GMP increase attributable to construction cost escalation, as calculated in the Compensation article below.

**COMPENSATION**

We propose to discount the additional services fees provided for in the contract by cost associated with construction cost escalation according to the following calculations:

According to the Construction Manager, CORE Construction, approximately 11% increase in cost is due to the rapid construction cost escalation, which is inclusive of the construction escalation contingency that is within the GMP. BRW proposes to discount our additional services by this amount:

| Proposed GMP Amount | - 11% Cost Escalation | = Adjusted Budget Amount |
|---|---|---|
| $7,591,908 | - $835,110 | = $6,756,798 |

Based on the adjusted budget above, the calculation for additional service fees is as follows:

($6,756,798 - $4,500,000) x 0.0875 = $197,469.82 (Rounded down to $197,000)

The additional services will be distributed and invoiced proportional to the original fee schedule for the phases of basic services.

No additional reimbursable expenses are anticipated.

| **Total Additional Basic Services Fee** | **$197,000.00** |
|---|---|

We hope this proposal meets your expectations. Please contact us with any questions. We look forward to continuing our work with the City of Duncanville.

**BROWN REYNOLDS WATFORD ARCHITECTS, INC.**

STEPHEN HILT, AIA
ASSOCIATE PRINCIPAL

**RESOLUTION NO. 2022-093**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CONTRACT AMENDMENT #3 TO THE STANDARD FORM OF AGREEMENT RFQ 20-0011 WITH BROWN REYNOLDS WATFORD ARCHITECTS, INC. FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR FIRE STATION NO. 1 DUE TO AN INCREASE IN THE GUARANTEED MAXIMUM PRICE FROM $4.5 MILLION TO $7,591,908.00, ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A," IN THE AMOUNT NOT TO EXCEED $197,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AND/OR PURCHASE ORDERS AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the residents of the City of Duncanville approved a bond package on November 6, 2018, for land acquisition, design, and construction of a new fire station to replace the existing Fire Station No. 1 located at 323 West Camp Wisdom Road; and

**WHEREAS,** the City of Duncanville selected a Construction Manager at Risk (CMAR) firm, CORE Construction, on December 3, 2019, for preconstruction phase services and construction phase services to aid with the selection of a design team, management of the design process, preparation of the construction contract, selection of the construction contractor, and management of the construction of the new Fire Station No. 1 project; and

**WHEREAS,** the City of Duncanville, based on a two-phase selection process conducted with the RFQ respondents, selected Brown Reynolds Watford Architects, Inc. as the most qualified and responsible respondent to provide architectural and engineering design services for the new Fire Station No.1; and

**WHEREAS,** the City Council of the City of Duncanville approved a design agreement in the amount of $513,400.00 with Brown Reynolds Watford Architects, Inc. on May 19, 2020, for the architectural and engineering design of the new Fire Station No.1; and

**WHEREAS,** the City of Duncanville desires to enter into Contract Amendment #3 to the Standard Form of Agreement RFQ #20-0011 with Brown Reynolds Watford Architects, Inc. for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from $4.5 million to $7,591,908.00, in the amount not to exceed $197,000.00.

**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, approves, and accepts the terms and conditions of Contract Amendment #3 to the Standard Form of Agreement RFQ #20-0011 with Brown Reynolds Watford Architects, Inc. for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from $4.5 million to $7,591,908.00, attached hereto and incorporated herein as Exhibit "A," in the amount not to exceed $197,000.00.

**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 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

Exhibit A

# AIA® Document G802™ – 2017

## *Amendment to the Professional Services Agreement*

| | | |
|---|---|---|
| **PROJECT:** *(name and address)*<br>City of Duncanville Fire Station No. 1<br>Duncanville, TX<br>BRW Project No.: 220055.00 | **AGREEMENT INFORMATION:**<br>Date: May 15, 2020 | **AMENDMENT INFORMATION:**<br>Amendment Number: 03<br><br>Date: August 15, 2022 |
| **OWNER:** *(name and address)*<br>City of Duncanville<br>203 E. Wheatland Road<br>Duncanville, TX 75116 | **ARCHITECT:** *(name and address)*<br>Brown Reynolds Watford Architects, Inc.<br>3535 Travis Street, Suite 250<br>Dallas, TX 75204 | |

The Owner and Architect amend the Agreement as follows:

Additional basic services fee as stipulated in Article 11 of the Professional Services Agreement, less a discount on these additional services as offered by The Architect.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

| | |
|---|---|
| ORIGINAL COMPENSATION | |
| Basic Services | $393,750.00 |
| Additional Services | $119,650.00 |
| ORIGINAL COMPENSATION TOTAL FEE | $513,400.00 |
| Contract Amendment No. 1 (Cancelled) | $ 4,380.00 |
| Contract Amendment No. 2 | $ 12,230.00 |
| Contract Amendment No. 3 | $197,000.00 |
| NEW CONTRACT TOTAL | $722,630.00 |

Schedule Adjustment:

N/A

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**User Notes:** (3B9ADA53)

**SIGNATURES:**

| | |
|---|---|
| Brown Reynolds Watford Architects, Inc. | City of Duncanville |
| **ARCHITECT** *(Firm name)* | **OWNER** *(Firm name)* |
| **SIGNATURE** | **SIGNATURE** |
| Mark E. Watford, FAIA, Principal | Aretha R. Ferrell-Benavides, City Manager |
| **PRINTED NAME AND TITLE** | **PRINTED NAME AND TITLE** |
| 09/09/2022 | |
| **DATE** | **DATE** |

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**User Notes:**
(3B9ADA53)

Duncanville
City of Champions

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution approving the Landscape Maintenance Agreement with the Texas Department of Transportation (TxDOT) for landscape improvements along U.S. IH 20 beginning at North Cedar Ridge Drive and ending east of North Cedar Ridge Drive.

**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:**
**Bart Stevenson, Director of Parks and Recreation**

**BACKGROUND/HISTORY:**
On Earth Day 2021, Keep Texas Beautiful announced that Keep Duncanville Beautiful was the winner of the 2021 Governor's Community Achievement Award for their population category. The winner in this category is awarded $210,000 for landscaping from the Texas Department of Transportation in their right-of-ways. The goal is to construct a landscape project that fulfills the winning City's expectations & meets TxDOT's design, safety, maintenance, and funding requirements.

On June 7, 2022, City Council was presented with two focus areas that had already been vetted by TxDOT and met their requirements. City Council approved the landscape enhancements and improvements along U.S. IH 20 beginning at North Cedar Ridge Drive and ending east of North Cedar Ridge Drive. (Attachment 1)

The State will provide such landscape improvements, provided that the City agrees to be responsible for all required maintenance of the landscape improvements. Funding for the landscape maintenance has been included in the base budget of FY2023.

**POLICY EXPLANATION:**
City Council approval is required to enter into this agreement with TxDOT. The approved Landscape Maintenance Agreement is required before TxDOT releases the FY2021 Government Community Achievement Award funding for construction.

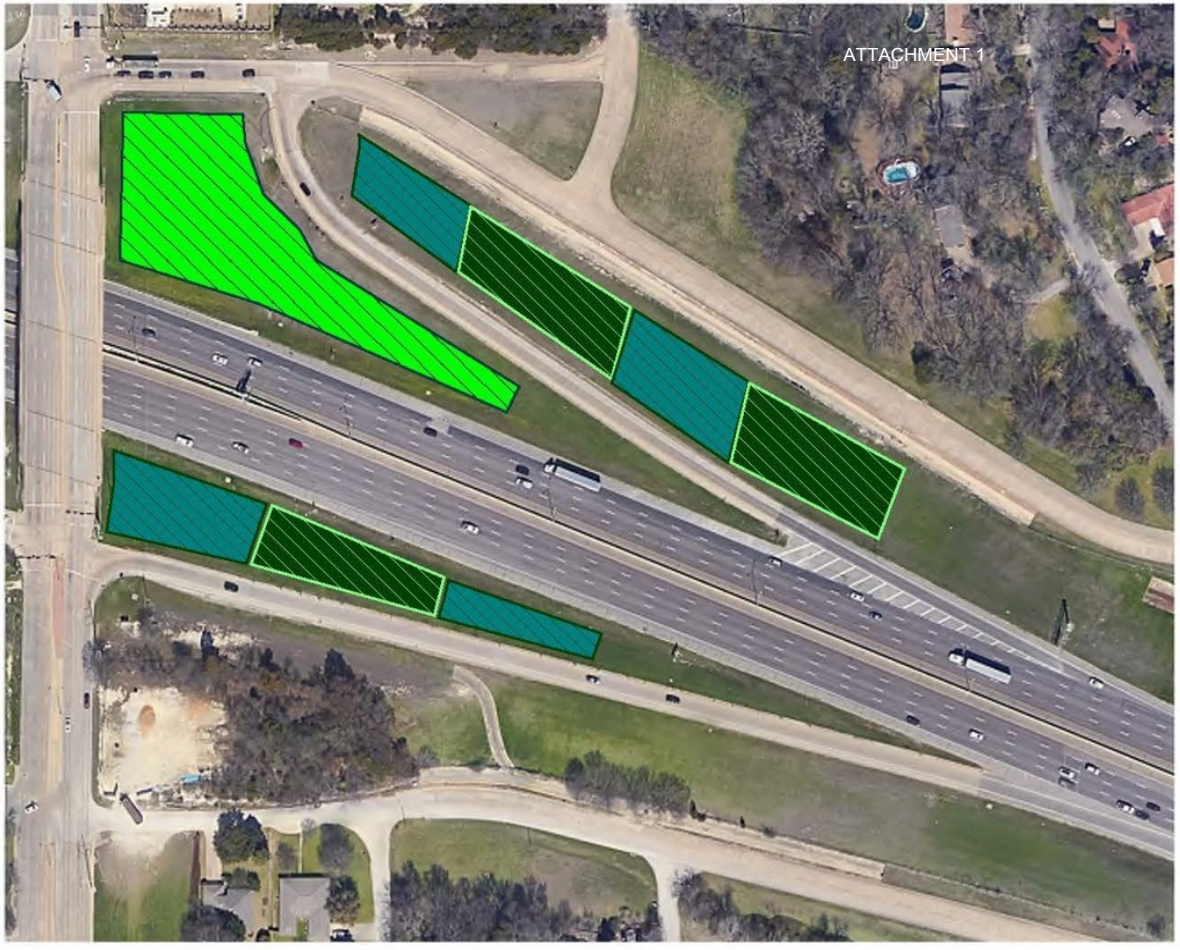
**FUNDING SOURCE:**

**ORG and Object Number**
N/A - $210,000 of TxDOT funds

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

**ACTION ALTERNATIVES:**
N/A

**ATTACHMENTS:**
Cedar Ridge and US IH 20 Landscape
Resolution No. - 2022-084 - Landscape Maintenance Agreement for the Government Community Achievement Award (GCAA) Project - Pdf



ORNAMENTAL TREES, DECIDUOUS TREES, SHRUBS, MOW CURB, NATIVE TEXAS CRUSHED STONE, IRRIGATION

LARGE SHRUBS, MOW CURB, NATIVE TEXAS CRUSHED STONE, IRRIGATION

SMALL AND MEDIUM SHRUBS, MOW CURB, NATIVE TEXAS CRUSHED STONE, IRRIGATION

**CEDAR RIDGE AND IH 20 LOCATION**

CENTER ISLAND FOCAL POINT OF LANDSCAPE TO INCLUDE MAJORITY OF DIVERSITY IN LANDSCAPE ELEMENTS.

EMBANKMENT LOCATIONS TO BE REDUCED IN LANDSCAPE ELEMENTS. NO TREES ARE ALLOWED ON SLOPES GREATER THAN 3:1 OR NEAR ABUTMENTS. AREAS TO INCLUDE VARIETY SIZE SHRUBS.

**2021 GOVERNMENT COMMUNITY ACHIEVEMENT AWARD**
**TOTAL AWARD AMOUNT $210,000.00**
**LANDSCAPE CONCEPT**

ATTACHMENT 1



MEXICAN PLUMTREE



PINK MUHLY GRASS



MEXICAN FEATHERGRASS



YUCCA ROSTRATA



HARVARD AGAVE



POSSUMHAW HOLLY



CRAPE MYRTLE



RED YUCCA



TEXAS SAGE



BLUE SAGE



BLUE GRAMA GRASS



CONCRETE MOW CURB



STEEL EDGING (COLOR OPTIONS)



LARGE TEXAS RIVER ROCK (2"-6")

**THE PALETTE INCLUDES PLANTINGS (TREES AND SHRUBS) WHICH ARE NATIVE OR ADAPTED TO THE NORTH TEXAS ENVIRONMENT. ONCE ESTABLISHED; REQUIRE MINIMAL MAINTENANCE. YEARLY PRUNING CYCLES RECOMMENDED FOR TREES AND SHRUBS. ADDITIONAL AESTHETIC FEATURES COULD INCLUDE RIVER ROCK, CONCRETE MOW CURBS TO CONTAIN PLANT BEDS, AND STEEL EDGING TO PROVIDE VISUAL AND PHYSICAL SEPERATION FOR PLANTING TYPES**

**2021 GOVERNMENT COMMUNITY ACHIEVEMENT AWARD**
**TOTAL AWARD AMOUNT $210,000.00**
**PLANT PALETTE**

**RESOLUTION NO. 2022-084**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE LANDSCAPE MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE ENHANCEMENTS AND IMPROVEMENTS ALONG U.S. IH 20 BEGINNING AT NORTH CEDAR RIDGE DRIVE AND ENDING EAST OF NORTH CEDAR RIDGE DRIVE; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Keep Duncanville Beautiful was awarded the winner of the 2021 Governor's Community Achievement Award for their population category in the amount of $210,000.00 towards landscape enhancements and improvements along U.S. IH 20 beginning at North Cedar Ridge Drive and ending east of North Cedar Ridge Drive; and

**WHEREAS,** the City is dedicated to the long-term maintenance of the landscape enhancements and improvements.

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

**SECTION 1.** That the City Council hereby approves the Landscape Maintenance Agreement with the Texas Department of Transportation (TxDOT) for the long-term maintenance of landscape improvements constructed as part of the 2021 Governor's Community Achievement Award along U.S. IH 20 beginning at North Cedar Ridge Drive and ending east of North Cedar Ridge Drive, attached hereto and incorporated herein as Exhibit "A".

**SECTION 2.** That the City Council of the City of Duncanville, Texas, hereby authorizes the City Manager or his designee to execute the necessary documents.

**SECTION 3.** That 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 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

EXHIBIT "A"

# LANDSCAPE MAINTENANCE AGREEMENT



**THE STATE OF TEXAS**

**THE COUNTY OF TRAVIS**

This AGREEMENT made this _____ day of _____, 20___ , by and between the Texas Department of Transportation, hereinafter referred to as the "State," and the City of **Duncanville** , **Dallas** County, Texas, acting by and through its duly authorized officers, hereinafter called the "City".

**WITNESSETH**

**WHEREAS,** Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

**WHEREAS**, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

**WHEREAS**, the State and the City have entered into a Municipal Maintenance Agreement dated **July 11th, 1994** , **the provisions of which are incorporated herein by reference**, and wherein the City has agreed to retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the department; and

**WHEREAS,** the State has existing and proposed landscape improvements, such as, but not limited to, the installation of tree, shrub, and turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on Attachment “A”; and

**WHEREAS**, the State will provide such landscape improvements, provided that the City agrees to be responsible for all required maintenance of the landscape improvements.

## AGREEMENT

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

**Contract Period**

This Agreement becomes effective upon the date of final execution by the State, and shall remain in effect until terminated or modified as hereinafter provided.

**Coverage**

This agreement prescribes the responsibilities of the State and the City relating to the maintenance of the **landscape enhancements and improvements** project which is located on **IH 20** controlled access state highway, as defined in the Municipal Maintenance Agreement. The maintenance is further described in Attachment A, the location map for this project, and limited to the portions along **IH 20 beginning at North Cedar Ridge Drive and ending at East of North Cedar Ridge Drive.**

**Amendment**

The parties agree that this agreement may be amended. Such amendments, to be effective, must be in writing and signed by both parties.

**State's Responsibilities**

The State shall install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents.

**City's Responsibilities**

The City may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. Any installations shall be performed in accordance with Texas Department of Transportation specifications and standards, and must be approved by the State in writing prior to any work being performed.

The City shall maintain all landscape elements within the limits of the right of way including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. The City will be responsible for all utility costs associated with maintaining landscape elements. All landscape elements must be maintained in a functional and aesthetically pleasing condition.

**TERMINATION**

It is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

Should the City terminate this agreement, as prescribed here above, the City shall, at the option of the State, reimburse any reasonable costs incurred by the State.

**IN WITNESS WHEREOF**, the parties have hereunto affixed their signatures, the City of Duncanville on the _____ day of _____, year _____, and the Texas Department of Transportation, on the _____ day of _____, year 2022.

**ATTEST:**

_____

CITY OF Duncanville

By _____
(Title of Signing Official)

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and the established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____
District Engineer

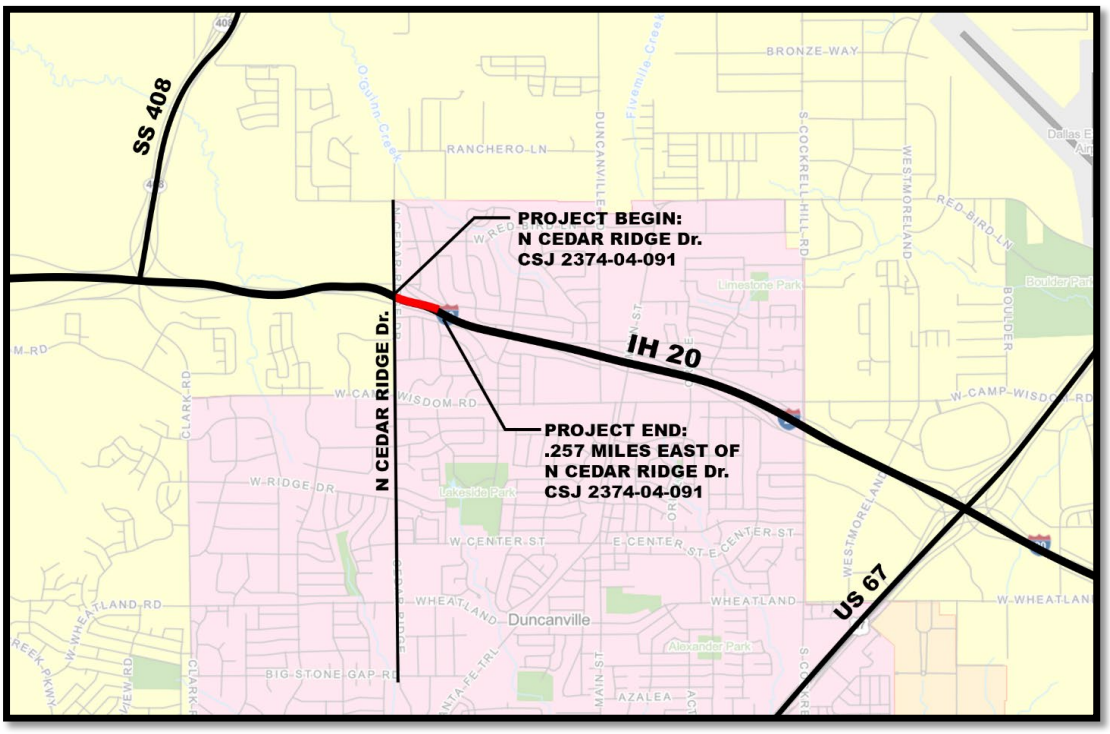
Dallas
District

Attachments

EXHIBIT "A"

**Attachment A –** PROJECT LOCATION MAP

CSJ – 2374-04-091




**CITY OF DUNCANVILLE, TEXAS**

**FUNDING SOURCE:** GOVERNMENT COMMUNITY ACHIEVEMENT AWARD FY2021.

**PROJECT DESCRIPTION:** LANDSCAPE ENHANCEMENTS AND IMPROVEMENTS TO INCLUDE TREES, SHRUBS, GROUNDCOVERS AND IRRIGATION.

## PROJECT LIMITS:

ON IH 20

BEGINNING AT North Cedar Ridge Drive

ENDING AT East of North Cedar Ridge Drive

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Council to consider authorizing the City Manager to sign and execute the settlement agreement and mutual general release with Anh Ngoc Tran in regards to the City of Duncanville Municipal Court case No. 200318004, and further authorizing as part of the settlement a payment Baston Law, PC in the amount of $39,717.34.

**Vision Statement:**

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

**STAFF RESPONSIBLE:**
**Aretha R. Ferrell-Benavides, City Manager**

**BACKGROUND/HISTORY:**
The settlement agreement relates to gambling funds and other paraphernalia seized from 102. W. Camp Wisdom Road., Duncanville, TX on August 13, 2021. The City and the Claimant reached a settlement agreement in which $39,717.34 will be returned to the claimant, while the remaining $59,576.01, along with all other seized gambling devices, parts, materials, manuals, or items intricately related to the alleged gambling will be forfeited to the City.

**POLICY EXPLANATION:**
Due to disputes and controversies, both parties desired to compromise and settle all claims and causes related to the matter.

**FUNDING SOURCE:**

**ORG and Object Number**
051 204107

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| $0 | $0 | $0 |

**ACTION ALTERNATIVES:**
1. Do not approve the settlement agreement.

**ATTACHMENTS:**
Settlement Agreement and Mutual General Release

## SETTLEMENT AGREEMENT AND MUTUAL GENERAL RELEASE

This Settlement Agreement and General Release ("Agreement") is entered into by and between **Anh Ngoc Tran** ("Claimant") by and through her attorneys of record and the **City of Duncanville** ("City") by and through the State's Prosecutor, Hunter W. Mattocks. Claimant and the City are referred to herein collectively as the "PARTIES;"

Whereas Claimant entered appearance to claim ownership of certain alleged gambling proceeds; and

Whereas bona fide disputes and controversies exist as to the source of said funds; and

Whereas, because of these disputes and controversies, a show cause hearing under §18.18 of the Code of Criminal Procedure was initiated; and

Whereas the Parties desire to compromise and settle all claims and causes of action of any kind whatsoever that they might have against each other related to the funds and seized devices; and

Whereas, the Parties intend that the full terms and conditions of their compromise and settlement be set forth in this Agreement;

Now, therefore, in consideration of the promises, agreements, and representations contained herein, including the recitals set forth above, the Parties, after consulting with their respective counsel, agree voluntarily to the following:

1. **Compromise and Settlement.** Bona fide disputes and controversies exist between the City and Claimant, and by reason of such disputes and controversies, the parties to this Settlement Agreement desire to compromise and settle all claims and causes of action of every kind whatsoever.

2. **Settlement Consideration.** In exchange for the considerations set out in this document, the parties agree as follows:

Claimant hereby, knowingly after reading the terms of the agreement and after consultation with counsel, relinquishes any and all claim, title, right, and interest to the funds seized along with all other seized gambling devices, parts, materials, manuals, or items intricately related to the alleged gambling which are the subject of "In Re: Forfeiture and/or Destruction of Gambling Proceeds and Paraphernalia Seized from 102 W. Camp Wisdom Rd. Duncanville, TX on 8/13/2021 in the Municipal Court, City of Duncanville, Dallas County, Texas".

Claimant will receive, via check payable to Baston Law PC., thirty-nine thousand seven hundred and seventeen dollars and thirty-four cents ($39,717.34) or forty percent (40%) of the funds seized on 8/13/2021.

Accordingly, per the statutory requirements of §18.18 of the Texas Code of Criminal Procedure, the remainder of the fifty-nine thousand five hundred and seventy-six dollars and one cent ($59,576.01) or sixty-percent (60%) of the funds seized along with all other seized gambling devices, parts, materials, manuals, or items intricately related to the alleged gambling shall be forfeited to the City.

3. **Claimant's Release and Waiver and Covenant Not to Sue.** By signing this Agreement, Claimant agrees to the following:

a. **Release and Waiver of Rights.** Claimant irrevocably and unconditionally releases City of Duncanville and its directors, officers, elected officials, agents, employees and representatives, jointly and individually, and all persons acting by, through or with any of them (collectively referred to as the "Releasees"), from any and all claims, complaints, liabilities, damages, causes of action, suits, rights, costs, and expenses (including attorneys' fees) of any nature or kind whatsoever, known or unknown, including but not limited to any claim relating to the facts of "In Re: Forfeiture and/or Destruction of Gambling Proceeds and Paraphernalia Seized from 102 W. Camp Wisdom Rd. Duncanville, TX on 8/13/2021 in the Municipal Court, City of Duncanville, Dallas County, Texas", which Claimant now has, or which she had at any time prior to the execution of this Agreement, against each, all, or any of the Releasees. The claims waived and discharged include, but are not limited to, those arising under the following:

- Title VII of the Civil Rights Act of 1964
- Executive Order 11246
- Civil Rights Act of 1991
- 42 U.S.C. § 1981 (the 1866 Civil Rights Act)
- Whistleblower claims
- Claims under the U. S. and Texas Constitutions, and
- Tort claims, including invasion of privacy, defamation, fraud, and infliction of emotional distress.

Claimant does not waive rights or claims that arise after the date he signs this Agreement or any rights or claims, including attorneys' fees, that may not be legally waived.

b. **Covenant Not to Sue.** Claimant agrees that she has not brought, and she will not bring, any legal action against the Releasees for any claim that occurred prior to his signing this Agreement; however, this provision does not prohibit Claimant from filing a lawsuit for the sole purpose of enforcing his rights under this Agreement, or from enforcing rights that may arise after her signing this Agreement.

c. **Waived and Discharged Claims**. Claimant agrees that if a claim that he has waived or discharged under this section 3 of the Agreement is prosecuted in her name or on her behalf before any court or administrative agency, she waives and agrees not to take any award of money or other damages from such suit and will immediately request in writing that the claim on her behalf be withdrawn. Claimant also agrees that she waives on behalf of herself and his attorneys all claims for attorneys' fees and expenses

and court costs for any claims waived and discharged under this section 3 of the Agreement.

4. **City's Release of Claims**. The City irrevocably and unconditionally releases Claimant from any and all civil claims, complaints, liabilities, damages, causes of action, suits, rights, costs, and expenses (including attorneys' fees) of any nature or kind whatsoever, known or unknown, including but not limited to any claim relating to "In Re: Forfeiture and/or Destruction of Gambling Proceeds and Paraphernalia Seized from 102 W. Camp Wisdom Rd. Duncanville, TX on 8/13/2021 in the Municipal Court, City of Duncanville, Dallas County, Texas", which City now has, or which he had at any time prior to the execution of this Agreement, against each, all, or any of the Releasees. The City does not waive rights or claims that arise after the date of execution of the Agreement, or those which cannot be waived due to public policy such as those relating to criminal acts.

5. **Mutual Nondisparagement.** To the extent permitted by law, Claimant agrees that he will not publicly disparage the City, its Police Department, or any of the other Released Parties. Claimant further agrees that she will not publicly say or do anything that damages or impairs in any way the business organization, goodwill, or reputation of the City, its Police Department, or any of the other Released Parties. Claimant's obligations under this paragraph cover all types of communications, including to the media and or on social media such as City-branded social media sites, Facebook, Linked In, Glassdoor, Yelp, etc. Claimant also agrees that she will instruct her family to abide by the provisions of this paragraph. Nothing in this paragraph shall preclude Claimant (or his family) from making truthful statements when giving testimony, when responding to a subpoena, or when being interviewed or questioned by a governmental authority or regulatory agency. To the extent permitted by law, City agrees that those directly involved with "In Re: Forfeiture and/or Destruction of Gambling Proceeds and Paraphernalia Seized from 102 W. Camp Wisdom Rd. Duncanville, TX on 8/13/2021 in the Municipal Court, City of Duncanville, Dallas County, Texas", will not publicly disparage Claimant, including to the media or on social media such as Facebook, Linked In, Glassdoor, Yelp, etc. Nothing in this paragraph shall preclude any of these City officials from making truthful statements when giving testimony, when responding to a subpoena, or when being interviewed or questioned by a governmental authority or regulatory agency.

7. **Confidentiality of Agreement.** The City agrees to keep this Agreement confidential to the extent permissible by law. As long as the City and Claimant keep this Agreement confidential, Claimant promises to keep this Agreement confidential and warrants and agrees that she has not and that she will not disclose its existence or terms in any form or fashion without the prior written consent of the City Prosecutor. City further agrees that Claimant may inform her family, her attorneys, and tax advisor of the existence and terms of this Agreement as required for legal, tax, and/or financial planning or advice if Claimant instructs them that the Agreement must be kept confidential.

9. **No Existing Complaints or Lawsuits.** Claimant attests that she has not filed a complaint, charge, claim or lawsuit against City or any of the other Releasees with any governmental agency or any court. This Agreement is not and shall not be interpreted as an

admission by City or any of the other Releasees that it or they acted improperly in any way with respect to Claimant.

13. **Claimant Understanding of Agreement.** Claimant attests that she has carefully read, consulted with her attorneys, and fully understands all the provisions of this Agreement, and that she is signing it voluntarily.

14. **Severability.** The provisions of this Agreement are severable, that is, they may be considered separately. If any paragraph is found by a court to be unenforceable, the other paragraphs shall remain fully valid and enforceable.

15. **Choice of Law**. This Agreement and the rights and obligations hereunder will be governed by and construed and interpreted in all respects in accordance with the laws of the State of Texas and exclusive jurisdiction and venue shall exclusively be in Dallas County, Texas.

16. **Waiver of Breach.** The waiver by either Party of a breach of any provision of this Agreement by Claimant will not operate or be construed as a waiver of any subsequent breach by Claimant.

17. **Breach.** The parties agree that the provisions contained in this Agreement are fair and reasonable. If an action at law or in equity by either party is necessary to enforce the terms of this Agreement, the party who is successful will be entitled to recover from the other party its reasonable costs and attorneys' fees in addition to any other relief to which the party may be entitled.

18. **Entire Agreement.** This Agreement sets forth the entire Agreement between Claimant and City and takes the place of all prior agreements or understandings between Claimant and City.

19. **No Reliance.** All parties acknowledge in executing this Agreement that they are not relying and have not relied on any promise or statement (except those contained in this Agreement) made by any of the Releasees or by the Releasees' person, entity, or attorney about the subject matter or effect of this Agreement or otherwise.

20. **Binding Agreement.** This Agreement is binding on the parties and on their heirs, administrators, representatives, executors, successors, and assigns.

Date: 8-17-22

Valerie Baston

**Valerie Baston, Attorney for Anh Ngoc Tran**

STATE OF TEXAS §
§
COUNTY OF DALLAS §

Before me, a Notary Public, on this day personally appeared Valerie Baston, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17 day of August 2022.

NOTARY PUBLIC STATE OF TEXAS
Loretta Pender Baston
My Commission Expires
02/20/2023
ID No. 131900193

Loretta Pender Baston

Notary Public Signature
[PERSONALIZED SEAL]

**City of Duncanville**

Date:_____

By: _____
Aretha R. Ferrell-Benavides,
City Manager

**Case No. 200318004**

| | | |
|---|---|---|
| **IN RE:** | § | **IN THE MUNICIPAL COURT** |
| **FORFEITURE AND/OR** | § | |
| **DESTRUCTION OF GAMBLING** | § | |
| **PROCEEDS AND PARAPHERNALIA** | § | **CITY OF DUNCANVILE** |
| **SEIZED FROM** | § | |
| **102 W. CAMP WISDOM RD** | § | |
| **DUNCANVILLE, TX ON 8/13/2021** | § | **DALLAS COUNTY, TEXAS** |

**AFFIDAVIT OF AUTHORITY TO SETTLE FORFEITURE CASE**

THE STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared VALERIE BASTON, attorney of Record for Respondent, ANH NGOC TRAN, who after being duly sworn by me, deposes and says as follows:

I am more than 18 years of age, of sound mind and fully capable of making this Affidavit.

I am a licensed attorney in the State of Texas and have been retained to represent Respondent, ANH NGOC TRAN, in the above entitled and numbered cause. I do hereby state that said Respondent has given me authority to agree to settlements offered on this case.

I also state that ANH NGOC TRAN has authorized that any property and/or funds released may be released to me as set out in the settlement agreement.

I understand that in making this sworn affidavit, I am assuming full responsibility for disbursement of any and all property and/or funds that may be released to me by the City of Duncanville, Texas and/or Duncanville Police Department.

In addition, I agree to assume any liability, currently known or unknown, due to the release of said property and/or funds by the City of Duncanville, Texas and/or Duncanville Police Department, their employees or assigns based on my representation of said authority to settle and receive property and/or funds.

Valerie D Baston

VALERIE D. BASTON
Attorney for Respondent, ANH NGOC TRAN

SWORN TO AND SUBSCRIBED before me on the 17 day of August, 2022.

Loretta Pender Baston

Notary Public, State of Texas

NOTARY PUBLIC STATE OF TEXAS
Loretta Pender Baston
My Commission Expires
02/20/2023
ID No. 131900193

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider approval of a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed $15,215.68 to the Duncanville Chamber of Commerce for maintenance repairs, landscaping upgrades, computer upgrades, and signage while serving as the Duncanville Official Visitors Center.

**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.**
- **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:**
**Agustin 'Gus' Garcia, Managing Director of Development Services**

**BACKGROUND/HISTORY:**
The City's Hotel Motel Tax revenues are generated from a seven percent tax paid by guests who rent a hotel room within Duncanville. This local tax is authorized by the State of Texas therefore, the expenditures of these funds are restricted and must be used according to state law.
There is a two-part test for every expenditure of local hotel occupancy tax.

Criteria #1: First, every expenditure must DIRECTLY enhance and promote tourism AND the convention and hotel industry. Under the Tax Code, every event, program, or facility funded with hotel occupancy tax revenues must likely do two things: 1) directly promote tourism; and 2) directly promote the convention and hotel industry. "Tourism" is defined under Texas law as guiding or managing individuals who are traveling to a different, city, county, state, or country. A "direct" promotion of the convention and hotel industry has been consistently interpreted by the Texas Attorney General as a program, event, or facility likely to cause increased hotel or convention activity. This activity may result from hotel or convention guests that are already in town and choose to attend the hotel tax funded facility or arts or historical event, or it may result from individuals who come from another city or county to stay in an area lodging property at least in part to attend the hotel tax funded event or facility. If the

funded event or facility is not reasonably likely to directly enhance tourism and the hotel and convention industry, local hotel occupancy tax revenues cannot legally fund it.

Entities applying for hotel occupancy tax revenue funding should indicate how they will market the event to attract tourists and hotel guests.
If an entity does not adequately market its events to tourists and hotel guests, it is difficult to produce an event or facility that will effectively promote tourism and hotel activity.

Criteria #2: Every expenditure of the hotel occupancy tax must clearly fit into one of nine statutorily provided categories for expenditure of local hotel occupancy tax revenues.

The nine categories for expenditure of the hotel occupancy tax are as follows:
1-) Funding the establishment, improvement, or maintenance of a convention center visitor information center.
2-) Paying administrative costs for facilitating registration.
3-) advertising, solicitations, and promotions that attract tourists delegates to city its vicinity.
4-) Expenditures promote arts.
Under § 351.103(c), with population under 125,000 may expend up 15% hotel occupancy tax revenue collected art-related programs also tourism local activity. Specifically, it allows funding encouragement, promotion, application arts including instrumental vocal music, dance, drama, folk art, creative writing, architecture, design allied fields, painting, sculpture, photography, graphic craft arts, motion pictures, radio, television, tape sound recording, other presentation, performance, execution exhibition these major art forms.

However, if is not enough that a facility or event promotes the arts; Texas law requires that the arts related expenditure also directly promote tourism and the hotel and convention industry. that the arts related expenditure also directly promote tourism and the hotel and convention industry.

Section 351.101(a) of the Tax Code specifically states that "the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry." The Texas Attorney General reaffirmed this standard when it held in Opinion GA-0124: "Under section 351.101 of the Tax Code, a municipality may expend its municipal hotel occupancy tax revenue only to promote tourism and the convention and hotel industry, and only for the specific uses listed in the statute." In order to comply with the hotel occupancy tax statute, THLA and TFA agree that to be eligible for municipal arts funding with HOT revenues, recipients must satisfy the following requirements: The recipient presents, performs, promotes, encourages or otherwise makes possible, artistic events, cultural performances, programs, exhibitions or lectures involving the major art forms listed in the statute, or "other arts related to the presentation, performance, execution and exhibition of these major art forms." The hotel occupancy tax funded programs and events are advertised and open to the general public. The recipient directly enhances and promotes tourism and the convention and hotel industry.

Criteria Examples:
•Recipient books hotel rooms for visiting artists and offers hotel related information to attendees of the organization's hotel occupancy tax funded events.
•The recipient promotes or markets its events outside of the local area through standard media promotion or advertising, websites, mailing lists, local, regional and national listings in publications and calendars and use of social media and where appropriate includes a link to information about area hotels.

•The recipient, either through audience or attendee questionnaires, polling, or hotel block booking codes, demonstrates that hotel guests, tourists, convention attendees or other out-of-town visitors have attended its hotel tax funded events.
•Funding historical restoration or preservation programs.
5-) Funding historical restoration or preservation programs.
6-) Funding certain expenses, including promotional expenses, directly related to a sporting event within counties with a population of fewer than 1 million.
7-) Funding the enhancement or upgrading of existing sports facilities or sports fields for certain municipalities.
8-) Funding transportation systems for tourists.
9-) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.

**POLICY EXPLANATION:**
The City Council has approval over the expenditure of Hotel Occupancy Tax (HOT) Funds. Based on City Council's prior direction, all Hotel Motel Tax Grants are paid on a reimbursement basis for approved expenditures.

The applicant's funding history is listed below.
FY19-20 :$33,445 HOT Funding Approval
FY20-21: $17,760 HOT Funding Approval
FY21-22: $18,000 HOT Funding Approval
FY22-23: $19,200 HOT Funding Approval

The requested funds will be used towards maintenance repairs, landscaping upgrades, computer upgrades, and signage while serving as the Duncanville Official Visitors Center.

**FUNDING SOURCE:**

**ORG and Object Number**
10011000/700450

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| $212,113.21 | $15,215.68 | $196,897.53 |

**ACTION ALTERNATIVES:**
1. Approved funding in the amount of $15,215.68 for an offer of a Hotel Occupancy Tax Grant for the FY22-23 Budget for the Duncanville Chamber of Commerce Visitor's Center.
2. Do not provide funding.
3. Other actions as directed by Council.

**ATTACHMENTS:**
Attachment 1 - Resolution No. - 2022-092 - FY23 HOT Funds for Duncanville Visitor Center Repairs

**RESOLUTION NO. 2022-092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING AN OFFER OF A HOTEL OCCUPANCY TAX GRANT FOR THE FY22-23 BUDGET IN THE AMOUNT OF $15,215.68 TO THE DUNCANVILLE CHAMBER OF COMMERCE FOR MAINTENANCE REPAIRS, LANDSCAPING UPGRADES, COMUPTER UPGRADES, AND SIGNAGE WHILE SERVING AS THE DUNCANVILLE OFFICIAL VISITORS CENTER; CONDITIONAL UPON APPROVAL IN THE FY22-23 BUDGET; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City is authorized by Chapter 351 of the Texas Property Tax Code to levy a hotel occupancy tax to be used to directly enhance and promote tourism and the convention and hotel industry; and

**WHEREAS,** the City has, by ordinance, imposed a local hotel occupancy tax; and

**WHEREAS,** the Duncanville City Council, after consideration of the application of the Applicant finds that expenditures of local hotel occupancy tax revenues for the grant as set forth herein, will directly enhance and promote tourism and the hotel industry in the City and its vicinity.

**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 a Hotel Occupancy Tax Grant in the amount not to exceed fifteen-thousand and two hundred and fifteen dollars and sixty-eight cents ($15,215.68) to the Duncanville Chamber of Commerce for the purposes as follows: $13,715.68 – Maintenance Repairs, Landscaping Upgrades, and Computer Upgrades, $1,500- Signage for the Duncanville Visitors Center for property located at 300 E. Wheatland, Duncanville, Texas.

**SECTION 2.** The City Manager is hereby authorized to execute the necessary documents to conform this resolution as appropriate after approval as to form by the City Attorney.

**SECTION 3.** This Resolution shall be effective upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

STATE OF TEXAS §

COUNTY OF DALLAS §

## HOTEL OCCUPANCY TAX FUNDING AGREEMENT BETWEEN THE CITY OF DUNCANVILLE, TEXAS, AND THE DUNCANVILLE CHAMBER OF COMMERCE FOR EXPENDITURE OF HOTEL OCCUPANCY TAX FUNDS

This Hotel Tax Funding Agreement (AGREEMENT) is made and entered into by and between the City of Duncanville, Texas (CITY) and the Duncanville Chamber of Commerce (ORGANIZATION).

**WHEREAS,** the Duncanville Chamber Of Commerce has requested a Hotel Occupancy Tax grant to serve as the official Duncanville Visitor Center to positively promote Duncanville to out-of-town visitors; and

**WHEREAS,** the City of Duncanville has considered the request and considers the Duncanville Visitor Center provided by the Duncanville Chamber of Commerce directly enhances and promotes tourism in the city; and

**WHEREAS,** the goal of this AGREEMENT is to attract future visitors to the City of Duncanville, thus directly enhancing and promoting tourism as outlined in Chapter 351 of the State of Texas Tax Code; and

**NOW, THEREFORE,** it is mutually agreed upon by and between the CITY and the Duncanville Chamber of Commerce as follows:

### GENERAL PROVISIONS

**Section 1. Purpose,** The purpose of this AGREEMENT is for the Duncanville Chamber of Commerce to utilize City of Duncanville Hotel Occupancy Taxes for maintenance repairs, landscaping upgrades, computer upgrades, and signage while serving as the Duncanville Official Visitors Center.

**Section 2. Obligation of the ORGANIZATION.** The ORGANIZATION shall use all the awarded funds provided by the CITY in accordance with Chapter 351 of the Texas Tax Code and the ORGANIZATION'S funding application solely for the use of repairs to the irrigation system, plumbing repairs for restrooms and the kitchen, repairs to exterior lighting, landscaping updates, computer upgrades, and signage for the Duncanville Visitor Center located at 300 E. Wheatland Road.

**Section 3. Reporting Requirements of the ORGANIZATION.** The ORGANIZATION shall deliver the following as a condition precedent and in consideration of the CITY agreeing to award the Hotel Occupancy Taxes funding described above, and to be eligible to receive reimbursement, the ORGANIZATION agrees to do the following:

a) Cause the improvements as defined herein to be actually made at the address indicated herein at 300 E. Wheatland Rd; and

b) Provide a completed Post Event Report form or written request detailing the use of the Hotel Occupancy Tax funds along with original copies of the actual paid invoices for expenses

City Hotel Occupancy Funds Shall only be used for those activities associated with the Visitor Center as covered under this AGREEMENT.

**Section4. Authorization of Payment.** Subject to the ORGANIZATION satisfactory performance and compliance with the terms of this AGREEMENT, the CITY agrees to pay the ORGANIZATION $15,215.68 from Hotel Occupancy Tax Funds. Payments will be made after the service has been provided and within thirty (30) days of receiving the required reports.

**Section 5. Appeal Process.** If the ORGANIZATION wishes to appeal the decision of the CITY, the ORGANIZATION must present their appeal in writing within ten (10) business days of funding denial to the City Manager.

**Section 6. Rights.** The City of Duncanville has the right, at any time, to inspect the books or records of the ORGANIZATION that may relate to the performance of this AGREEMENT. The CITY, at its sole expense, has the right to conduct an audit of the ORGANIZATION, event, or project.

**Section 7**. **Term.** The AGREEMENT shall become effective as of October 1, 2022, and the AGREEMENT shall terminate on September 30, 2023, or once the terms have been met, whichever occurs first. The final payment for services rendered will take place after September 30, 2023, and within thirty (30) days of receiving the required reports. Either party does hereby reserve the right to terminate this agreement without cause upon ten (10) days written notice. Termination and notice shall constitute final payment without further obligation of either parities past the date of termination.

**Section 8. Recapture Provision.** In the event the Duncanville Chamber of Commerce does not comply with the terms of this AGREEMENT, is otherwise in default, or fails to appropriately spend the funds in accordance with State law, or falsifies any documents required under this agreement as provided herein, the Duncanville Chamber of Commerce, pursuant to the provisions herein shall refund the CITY an amount equal to the sum of the grant payments actually paid by the CITY to the Duncanville Chamber of Commerce immediately preceding the date of such termination. If the payment is not refunded within 30 days of termination, interest on the refund amount, at the rate periodically announced by the Wall Street Journal as the prime or base commercial lending rate, or if the Wall Street Journal shall ever cease to exist or cease to announce a prime or base lending rate, then at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by the CITY) as its prime or base commercial lending rate, from the date of termination until paid.

**Section 9. Indemnification.** The ORGANIZATION agrees to defend, indemnify, and hold harmless the CITY, City Council, its officers, agents, and employees, against any and all claims, lawsuits, judgments,

cause of action, costs and expenses for personal in my (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the ORGANIZATION's breach of any of the terms or provisions of this AGREEMENT, or by any negligent act or omission of the ORGANIZATION, its officers, agents, servants, employees, contractors, or subcontractors, in the performance of this AGREEMENT; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence of the CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurrent negligence of both the ORGANIZATION and the CITY under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. Both parties

expressly agree that this AGREEMENT does not assign any responsibility for civil liability to the CITY that may arise by virtue of this AGREEMENT.

**Section 10. Default.** The CITY reserves the right to terminate this AGREEMENT if the ORGANIZATION fails to comply with any term of the AGREEMENT, including the inability of the ORGANIZATION to conform to any change required by federal, and state or local laws or regulations. The CITY shall provide written notification to the ORGANIZATION of the termination of this AGREEMENT within thirty (30) days before the effective date of termination. The CITY may terminate the AGREEMENT for breach of any provision of this AGREEMENT, upon written notice of the breach and the ORGANIZATION shall have ten (10) days after receipt of the written notice in which to cure the breach to the satisfaction of the CITY.

**Section 11. Notice.** All notices required or permitted under this AGREEMENT shall be in writing and shall be delivered in person or mailed as follows:

To the CITY at:

City of Duncanville
Attn.: Aretha Ferrell-Benavides
City Manager
203 E. Wheatland Rd.
Duncanville, TX 75116

To the ORGANIZATION at:

Duncanville Chamber
of Commerce
Attn.: Steve Martin
300 E Wheatland Rd.
Duncanville, TX 75116

**MISCELLANEOUS**

**Section 12. Entire Agreement.** This AGREEMENT constitutes the entire agreement of the parties regarding the subject matter contained herein. The parties may not modify or amend this AGREEMENT, except by written agreement approved by the governing bodies of each party and duly executed by both parties.

**Section 13. Approval.** This AGREEMENT has been duly and properly approved by each patty's governing body and constitutes a binding obligation on each party.

**Section 14. Assignment.** Except as otherwise provided in this AGREEMENT, a party may not assign this AGREEMENT or subcontract the performance of services without first obtaining the written consent of the other party.

**Section 15. Non-Waiver.** A party's failure or delay to exercise right or remedy does not constitute a waiver of the right or remedy. An exercise of a right or remedy under this AGREEMENT does not preclude the exercise of another right or remedy. Rights and remedies under this AGREEMENT are cumulative and are not exclusive of other rights or remedies provided by law.

**Section 16. Paragraph Headings.** The various paragraph headings are inserted for convenience of reference only and shall not affect the meaning or interpretation of this AGREEMENT or any section thereof.

**Section 17. Attorney Fees.** In any lawsuit concerning this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees from the nonprevailing party, plus all out-of-pocket expenses such as deposition costs, telephone calls, travel expenses, expert witness fees, court costs, and their reasonable expenses, unless otherwise prohibited by law.

**Section 18. Severability.** If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, or conditions of this AGREEMENT are for any reason held to be invalid, void, or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, or conditions of this AGREEMENT shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

**Section 19. Venue.** The parties agree that all disputes that arise of this AGREEMENT are governed by the laws of the State of Texas and venue for all purposes herewith shall be in Dallas County, Texas.

**IN WITNESS WHEREOF,** the CITY and ORGANIZATION make and execute this AGREEMENT to be effective this_____day of_____,2022.

**CITY OF DUNCANVILLE, TEXAS**

_____
Aretha Ferrell-Benavides
City Manager

**ORGANIZATION**

_____
Steve Martin
Duncanville Chamber of Commerce

**ATTEST:**

_____
Kristin Downs
City Secretary

Duncanville
City of Champions

## Hotel Occupancy Funding Application

Date: 9-1-2022

***Organization Information***

Name of Organization: Duncanville Chamber DBA Duncanville Visitors Center

Address: 300 E. Wheatland Rd

City, State, Zip: Duncanville, TX 75116

Contact Name: Steve Martin Contact Phone Number: 972-977-0060

Web Site Address for Event or Sponsoring Entity: www.duncanvillechamber.org

Non-Profit or For-Profit Status: Non Profit Tax ID #: 75-1097267

Entity's Creation Date: 1960

Purpose of your organization: Visitor Center for the City of Duncanville

***Event Information***

Name of Event or Project: N/A

Date of Event or Project: _____

Primary Location of Event or Project: _____

Amount Requested: $_____

How will the funds be used? _____

Primary Purpose of Funded Activity/Facility:

_____

_____

_____

_____

**Percentage of Hotel Tax Support of Related Costs**

_____ Percentage of Total **Event Costs** Covered by Hotel Occupancy Tax

_____ Percentage of Total **Facility Costs** Covered by Hotel Occupancy Tax for the Funded Event

_____ Percentage of **Staff Costs** Covered by Hotel Occupancy Tax for the Funded Event

If staff costs are covered, estimate percentage of time staff spends annually on the funded event(s) compared to other activities _____%

***Which Category or Categories Apply to Funding Request, and Amount Requested Under Each Category:***

☒ **a) Convention Center or Visitor Information Center:** construction, improvement, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both. Amount requested under this category: $ 13,715.68

**In detail, describe how the funds will be used and include appropriate documentation.**

Repairs to Irrigation System, Plumbing Repairs to Commodes & Replace Kitchen Faucet, Repair Exterior Lighting, Landscaping Upgrades and Computer Upgrades

☐ **b) Registration of Convention Delegates**: furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants. Amount requested under this category: $_____

**In detail, describe how the funds will be used and include appropriate documentation.**

_____

_____

_____

☐ **c) Advertising, Solicitations, Promotional programs to attract tourists and convention delegates** or registrants to the municipality or its vicinity. Amount requested under this category: $_____

**In detail, describe how the funds will be used and include appropriate documentation.**

N/A

☐ **d) Promotion of the Arts that Directly Enhance Tourism and the Hotel & Convention Industry:** the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry. The impact may be that the art facility or event can show hotel nights that are booked due to their events or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms: $_____

**In detail, describe how the funds will be used and include appropriate documentation.**

N/A

☐ **e) Historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.** Amount requested under this category: $_____

**In detail, describe how the funds will be used and include appropriate documentation.**

N/A

☐ **f) Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the city or its vicinity.** Amount requested under this category: $_____

How many individuals are expected to participate in the sporting related event? _____

How many of the participants at the sporting related event are expected to be from another city or county? _____

Quantify how the sporting related event will substantially increase economic activity at hotels within the city or its vicinity?

N/A

**In detail, describe how the funds will be used and include appropriate documentation.**

N/A

☐ **g) Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations: 1) the commercial center of the city; 2) a convention center in the city; 3) other hotels in or near the city; and 4) tourist attractions in or near the city.** Amount requested under this category: $_____

**What sites or attractions will tourists be taken to by this transportation?** _____

**Will members of the general public (non-tourists) be riding on this transportation?** _____

**What percentage of the ridership will be local citizens?** _____

**In detail, describe how the funds will be used and include appropriate documentation.**

N/A

☒ **h) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.** Amount requested under this category: $ 1,500

**What tourist attractions will be the subject of the signs?**

Banner For Chamber/Visitor Center at the Duncanville Fieldhouse

**In detail, describe how the funds will be used and include appropriate documentation.**

Repairs, Renovation and Upgrades to the Duncanville Visitor Center - Plus Advertising in the Fieldhouse

***Questions for All Funding Request Categories:***

1. How many years have you held this Event or Project: _____
2. Expected Attendance: _____
3. How many people attending the Event or Project will use Duncanville hotels? _____

   Number of rooms rented for your event: _____
4. Did you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels? _____

   N/A
5. List other years (over the last three years) that you have hosted your Event or Project with amount of assistance given from HOT and the number of hotel rooms used:

| Month/Year Held | Assistance Amount | Number of Hotel Rooms Used |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

* **Documentation must be included from each Duncanville hotel that supported the number of rooms used for all years.**

6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? N/A

7. Please list other organization, government entities, and grants that have offered financial support to your project: N/A

8. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?

N/A

9. Please list all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

| | |
|---|---|
| Newspaper: | $_____ |
| Radio: | $_____ |
| TV: | $_____ |
| Other Paid Advertising: | $_____ |

Number of Press Releases/Media Alerts sent to the Media: _____
Number of Direct Mailings to out-of-town recipients: _____

Other Promotions: _____

10. Will you include a link to the City/CVB or other source on your promotional handouts and in your website for booking hotel nights during this event? Yes

11. Will you negotiate a special rate or hotel/event package to attract overnight stays? N/A

12. What new marketing initiatives will you utilize to promote hotel and convention activity for this event?

N/A

13. What geographic areas does your advertising and promotion reach? _____

14. How many individuals will your proposed marketing reach that are in another city or county? _____

15. If the funding requested is related to a permanent facility (e.g. museum, visitor center):

    Expected Attendance Monthly/Annually: _____

    Percentage of those in attendance that are staying at area hotels/lodging facilities: _____%

**Please Submit To**: Agustin Garcia, Director of Economic Development

Mail To:
P.O. Box 380280
Duncanville, TX 75138-0280

Drop Off:
Economic Development
203 E. Wheatland Rd.
Duncanville, TX 75116

**For questions, please call 972.780.4997.**

Duncanville
City of Champions

DATE 08 (MONTH) 05 (DAY) 22 (YEAR) JOB # DCHAMBER PLUMBER: Stack CONTRACT # 52224

Benjamin Franklin
THE PUNCTUAL PLUMBER.
If there's any delay, it's you we pay!
972-283-6161
www.benfranklinplumbing.com

1-877-655-U-WIN
U•WIN A Guaranty of Services You Can Take to The Bank!
CERTIFIED & APPROVED

NAME Duncanville Chamber of Commerce
ADDRESS 300 E. Wheatland Road
CITY Duncanville STATE TX ZIP 75137
PHONE 972-780-4990 ALTERNATE PHONE —
EMAIL Steve@duncanvillechamber.org
Ben's Society Member? YES ☐ NO ☐

REASON FOR CALL:

## PLUMBING PEACE OF MIND STARTS HERE!

**BEN'S SOCIETY MEMBER BENEFITS**

- One Professional Safety Inspection, Leak Check and Water Heater Tune-up for your plumbing system annually.
- 15% Discounts on Service and Repairs (Up to $250 per visit)
- Priority Scheduling - If you ever need service, you immediately go to the front of the line when scheduling your appointment.

**I am ready to become a member and take advantage of the benefits immediately!**

☐ I would like to pay an annual fee today = $ _____

This invoice reflects a charge today for the Ben Franklin Society Membership

I decline the opportunity of a Ben Franklin Society at this time

## MINIMUM SERVICE CHARGE AND PUNCTUAL PROMISE

| | ORSA | RESERVED | EMERGENCY |
|---|---|---|---|
| STANDARD RATE | $59 | $39 | $99 |
| BEN SOCIETY RATE | $49 | $29 | $99 |

Appointment Time Window: _____ AM / PM to _____ AM / PM

Plumber's Arrival Time _____ AM / PM Punctual Promise Kept? YES ☐ NO ☐

## Straight Forward Pricing® — Done Repair/Install Fee

| LEVEL | SERVICE DESCRIPTION | | STANDARD FEE | SOCIETY FEE |
|---|---|---|---|---|
| 5 | Repair 1¼" PVC Line on irrigation system | YES / NO | $ QUANTITY | $ = $ |
| 4 | including repair to pipe in yard at irrigation system | YES / NO | $ QUANTITY | $ 1,211.00 = $ |
| 3 | | YES / NO | $ QUANTITY | $ = $ |
| 2 | | YES / NO | $ QUANTITY | $ = $ |
| 1 | | YES / NO | $ QUANTITY | $ = $ |
| ADDITIONAL INSTALL: | | YES / NO | QUANTITY | = $ |
| ADDITIONAL INSTALL: | | YES / NO | QUANTITY | = $ |
| ADDITIONAL INSTALL: | | YES / NO | QUANTITY | = $ |

Description of Work and Plumber's Comments :

Subtotal of Service Repairs $1,211.00

TAX $ -0-

SERVICE / TRAVEL FEE (from above) $

# Invoice

Texas RRL, LTD - Benjamin Franklin Plumbing

1019 Explorer
P. O. Box 381822
Duncanville TX 75137
972-283-6161 FAX: 972-283-9398

**Account # 100414**

**Invoice # S382331**
**Date: 8/1/2022**
**Page # 1 of 1**

Duncanville Chamber of Commerce
300 E Wheatland Road
Duncanville TX 75137

Service At:
**Duncanville Chamber of Commerce**
**300 E Wheatland Road**
**Duncanville TX 75137**

Service Date 8/1/2022 PO # Job # 303825 Contract # Claim #

Performed minor tank rebuild on men's bathroom commode we installed in 2015. In kitchen I removed the leaking Gerber single lever kitchen faucet with side sprayer and replaced it with a new Delta single lever kitchen faucet with side sprayer. 2yr warranty on all work performed on both parts and labor.

| Description Of Service | Quantity | Unit Price | Extended Price | Tax |
|---|---|---|---|---|
| Dispatch Fee | 1 | $49.00 | $49.00 | |
| Minor Toilet Rebuild | 1 | $301.00 | $301.00 | |
| 1H Faucet | 1 | $596.00 | $596.00 | |
| | | Total | $946.00 | |

Work Authorized

Payment

M-13816

**Terms: Due Upon Receipt**

**Please pay from this Invoice**

Please Detach and Return with Remittance

Check Enclosed [ ] Method of Payment
Master Card [ ] Visa [ ] AmExp [ ] Discover [ ]
Acct #_____ Exp Date_____
Name on Card_____
Signature_____

**Invoice # S382331**
**Date : 8/1/2022**
**Account # 100414**
**Duncanville Chamber of Commerce**

**Remit To:**
**Texas RRL, LTD - Benjamin Franklin Plumbing**
**1019 Explorer Street**
**P.O. Box 381822**
**Duncanville TX 75137**

Amount Due **$946.00**
Amount Paid

TEXSTAR
COMPUTER SYSTEMS

125 W. Fairmeadows Dr.
Duncanville, TX 75116
FAX 9722989596
**(972) 298-9596**

# Proposal

Customer ID: **CHAMBER** | Proposal No: **131961** | Date: **8/24/2022**

To: **Chamber Of Commerce**
300 East Wheatland Rd
Duncanville, TX 75137

Contact: **Steve Martin**
Fax : (972) 298-9370
Phone: **(972) 780-4990**

Work to be Performed:

Upgrading of Technologies:

(3) Optiplex 5060 Workstations($ 550ea.): $ 1,650.00
- Intel Core i7 3.60Ghz. Processor
- 16Gbs of memory
- 256Gb Solid State Drive
- DVD-RW
- Keyboard and Mouse Combo
- Windows 10 Pro

(1) Off-site managed back-up service subscription yearly renewal: $ 600.00

(3) 450VA Battery Backups($ 80.00ea.): $ 240.00

(3) Office Home and Business 2019 ($ 230.00ea.): $ 690.00

(2) 24" Monitors ( $ 250.00ea.): $ 500.00

Labor for Installation and configuration: $ 425.00 - $ 510.00 (5 - 6 hours)

Laptop Options:
Option 1:
DELL Latitude 5590 Laptop:
- Intel i7 1.9Ghz. Processor
- 16Gbs. DDR4 Memory
- 512Gb. Solid State Drive
- 15.6" Screen
- Webcam
- Windows 10 Professional

Cost: $ 820.00

Option 2:
Lenovo W550S Laptop:
- Intel i7 2.6Ghz. Processor
- 16Gbs. DDR3 Memory
- 512Gbs. Solid State Drive
- 15.6" Screen
- Webcam
- Windows 10 Professional

Cost: $ 780.00

$1,500

Parts Required:

PO Box 380618 ★ Duncanville, Texas 75138 ★ Phone 972.780.2711
FAX 866.827.4967 ★ frenchelectric@sbcglobal.net

*Bill French, Owner* *Texas License #11692*

**To:** **Duncanville Chamber of Commerce** **06/17/2022**
**300 East Wheatland**
**Duncanville, Texas 75116**
***Attn: Steve Martin***
**REF: Proposal to repair the Ease Exterior light and replace the lamps in the conference room**

**A. BID ITEMS:**

1. **As described below**

**Total Bid** **$877.18 Tax exempt**

**B. SCOPE OF WORK:**

- **EXTERIOR LIGHTING:**
  **Make repairs to the exterior light fixture on the East side of the building. It stays on all the time. Replace the photocell on the fixture. Labor and materials $199.00**
- **CONFERENCE ROOM:**
  **Change out the existing recess can lamps. They no longer make the compact fluorescent lamps so we will need to replace all of them with LED lamps. Labor and materials $678.18**

**C. ALTERNATE BID:**

**TOTAL BID** **NA**

**D. QUALIFICATIONS OR ASSUMPTIONS:**

- This proposal is subject to approval by THE OWNER OR AUTHORIZED AGENT , and any changes could require a revised price
- All wiring shall meet NEC, and LOCAL standards

**E. WE HAVE INCLUDED THE FOLLOWING ITEMS IN OUR BID NOT LISTED ABOVE:**

- NA

**F. WE HAVE SPECIFICALLY EXCLUDED THE FOLLOWING:**

- Performance and payment bonds
- Waiver of subrogation
- Shift work


*TEXAS MASTER LICENSE #11692*

*"Regulated by The Texas Department of Licensing and Regulation, PO Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599; website: www.license.state.tx.us/complaints. TDLR regulation limited to electrical work only."*

- Utility charges for permanent or temporary service
- Toilet facilities
- Independent electrical testing
- Sales taxes on labor and materials

**G. WARRANTY:**

- Warranty on labor and materials we furnish will be for one year.
- No warranty shall be included for light fixtures, ceiling fans, or any other materials furnished by others.
- Warranty does not apply to any portion of the work that is added or extended to the electrical system by anyone other than employees of **French Electric**.

**H. MISCELLANEOUS:**

- **French Electric** may withdraw this proposal if not accepted within 30 days.
- All work shall meet local and national codes.

If you have any questions, please call me @214-535-1776.

Please indicate your written acceptance of this proposal prior to any performance by **FRENCH ELECTRIC**. We appreciate this opportunity to be of service and look forward to working with you.

Respectfully submitted,

Bill French
**ACCEPTANCE:**

_____ **DATE**_____ _____ **DATE**_____
**AUTHORIZED SIGNATURE FRENCH ELECTRIC** **AUTHORIZED SIGNATURE OF OWNER**

_____ _____
**PRINTED NAME** **PRINTED NAME**



*"Regulated by The Texas Department of Licensing and Regulation, PO Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599; website: www.license.state.tx.us/complaints. TDLR regulation limited to electrical work only."*

Emerald Cut Lawn & Landscape, Inc.
609 E. Pleasant Run Road. Cedar Hill, TX 75104
972-291-8216(Fax) 972-291-8214

Ernesto 972-877-9655
ernesto@emeraldcutlawns.com

DUNCANVILLE CHAMBER OF COMMERCE
300 E. WHEATLAND RD
DUNCANVILLE TX 751137
Landscape front beds

| | Size | Qty | Unit | Price | Total |
|---|---|---|---|---|---|
| | 0 | 0 | 0 | $0.00 | $ - |
| Power wash entire extirior Bldg | 0 | 5 | hrs | $195.00 | $ 975.00 |
| | 0 | 0 | 0 | $0.00 | $ - |
| Rototill front beds for new plantings | 0 | 2 | hrs | $195.00 | $ 390.00 |
| | 0 | 0 | 0 | $0.00 | $ - |
| Add composted bedding soil for new beds | 0 | 10 | cyds | $90.00 | $ 900.00 |
| | 0 | 0 | 0 | $0.00 | $ - |
| **Plants:** | 0 | 0 | 0 | $0.00 | $ - |
| Endless Hydrangeas | 3g | 4 | ea | $65.00 | $ 260.00 |
| Purple Diamond Lorelpetelum | 3g | 8 | ea | $45.50 | $ 364.00 |
| Oak Leaf Hydrangea | 3g | 1 | ea | $45.50 | $ 45.50 |
| Japanese Arelias | 3g | 3 | ea | $45.50 | $ 136.50 |
| Patriot Hostas | 1g | 6 | ea | $14.50 | $ 87.00 |
| Cinamon Girl Shrub | 3g | 2 | ea | $45.50 | $ 91.00 |
| Varigated Pittosporums | 3g | 3 | ea | $45.50 | $ 136.50 |
| Seasonal color in front LED sign | 4" | 12 | flts | $32.00 | $ 384.00 |
| Mulch front beds | 0 | 60 | bgs | $9.00 | $ 540.00 |
| | 0 | 0 | 0 | $0.00 | $ - |
| **Side Beds:** | 0 | 0 | 0 | $0.00 | $ - |
| Replace Texas sage | 3g | 4 | ea | $45.50 | $ 182.00 |
| Blue Dianthus | 1g | 8 | ea | $14.50 | $ - |
| | | | 0 | $0.00 | $ - |
| DELIVERY | | | | $0.00 | $ 130.00 |
| **LABOR** | | | | $0.00 | $ 1,560.00 |
| | | | | **Sub Total** | $ 6,181.50 |
| | | | **0.00%** | **Sales Tax** | $ - |
| | | | | **Total** | **$ 6,181.50** |

-

-

**DUNCANVILLE CHAMBER MEMBER / DUNCANVILLE FIELDHOUSE**
**2022 MERCHANDISING PROPOSAL**

Outlined below are the merchandising strategies promoting **Business Name** to the **Duncanville Fieldhouse** customers to further maximize their exposure in the marketplace.

**Business Name will receive:**

**SIGNAGE:**

- One (1) 4' x 12' Gym Banner
  - Banner to be placed on the Chamber Wall in the Blue gym
  - Banner will be visible at all Fieldhouse events
  - **Business Name** to provide banner; Fieldhouse will handle installation

**WEBSITE - DIGITAL MEDIA:**

- **Business Name** logo will be displayed on the Fieldhouse official website: www.duncanvillefieldhouse.com
  - Logo will link directly to **Business Name** official website
- **Business Name** logo will be displayed on Fieldhouse's in-house TV marketing rotation

**TABLE MARKETING:**

- **Business Name** will have table space at one (1) selected Fieldhouse event day
  - Table space located in main lobby of Fieldhouse
  - Actual event date TBD

**IN-HOUSE MARKETING:**

- Display space for **Business Name** marketing brochures at our front desk and door display areas

**MERCHANDISING COST: $ 1,500.00**

**Agreed by:**

| | | | |
|---|---|---|---|
| Representative<br>Business Name | Date | Representative<br>Duncanville Fieldhouse | Date |

* **Business Name** has the option of making this a 2-year agreement (2022 & 2023) in which the investment would be reduced to $1,250.00 per year of the agreement.

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 rate review mechanism (RRM) filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

**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 City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The

Company claimed that its cost-of-service in a test year ending December 31, 2021, entitled it to additional system-wide revenues of $141.3 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to $115 million, $83.26 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be $95.8 million instead of the claimed $141.3 million.

The Executive Committee recommends a settlement at $115 million. The Effective Date for new rates is October 1, 2022. ACSC members should take action approving the Resolution/Ordinance before September 30, 2022.

**RATE TARIFFS**

Atmos generated rate tariffs attached to the Resolution/Ordinance will generate $115 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

**BILL IMPACT**

The impact of the settlement on average residential rates is an increase of $4.60 monthly, or 6.7 percent. The increase for average commercial usage will be $14.34 or 4.3 percent. Atmos provided bill impact comparisons containing these figures.

**SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS**

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

**RRM SAVINGS OVER GRIP**

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2022, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

Comparison to Other Mid-Tex Rates (Residential)

| | Average Bill | Compared to RRM Cities |
|---|---|---|
| RRM Cities: | $73.22 | - |
| DARR: | $71.96 | ($1.26) |
| ATM Cities: | $78.72 | $5.50 |
| Environs: | $78.53 | $5.31 |

Note: DARR rate is as-filed 1/22/22. Also note that DARR uses a test year ending in September rather than December.

**EXPLANATION OF "BE IT RESOLVED" PARAGRAPHS:**

1. This section approves all findings in the Resolution/Ordinance.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional $115 million from ACSC Cities.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution/Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Resolution/Ordinance.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution/Ordinance. This section further directs that the remaining provisions of the Resolution/Ordinance are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Resolution/Ordinance be sent to a representative of the Company and legal counsel for ACSC.

**CONCLUSION**

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover $141.3 million in additional system-wide revenues, the RRM settlement at $115 million for ACSC Cities reflects substantial savings to ACSC Cities. Settlement at $115 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2022. New rates become effective October 1, 2022.

**POLICY EXPLANATION:**

**Whatisthe AtmosCitiesSteering Committee?**

ACSCisacoalitionof181Citiesthatuniteincommonpurposetoaddressgasutilityrateandfranchise issues related to Atmos Energy Corporation.Its objectives are to: (1) ensure that gas utility rates charged to Cities and their residents are fair and reasonable; (2) maintain reasonable franchise fee revenues for Cities; (3) protect Cities' original jurisdiction over rates and services; (4) be a voice for consumerswherenostateagencyassumessucharole;and(5)promotesoundratemakingpoliciesin the public interest.

**FUNDING SOURCE:**

**ORG and Object Number**
n/a

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| n/a | n/a | n/a |

**ACTION ALTERNATIVES:**
Staff recommends approval of an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffsthatreflectrateadjustmentsconsistentwiththenegotiatedsettlement;findingtheratestobeset by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attachedexhibitregardingamortizationofregulatoryliability;requiringthecompanytoreimburse
ACSC's reasonablerate-makingexpenses; determiningthatthisordinance was passed inaccordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

**ATTACHMENTS:**
Attachment 1 - Resolution No. - 2022-091 - Adopt New Atmos Rates

**RESOLUTION NO. 2022-091**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

**WHEREAS,** the City of Duncanville, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

**WHEREAS,** the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

**WHEREAS,** ACSC and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

**WHEREAS,** the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

**WHEREAS,** on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

**WHEREAS,** ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

**WHEREAS,** the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of $115 million on a system-wide basis with an Effective Date of October 1, 2022; and

**WHEREAS,** ACSC agrees that Atmos' plant-in-service is reasonable; and

**WHEREAS,** with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

**WHEREAS,** the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

**WHEREAS,** the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

**WHEREAS,** the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

**Section 1.** That the findings set forth in this Resolution are hereby in all things approved.

**Section 2.** That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of $115 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**Section 3.** That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

**Section 4.** That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional $115 on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

**Section 5.** That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

**Section 6.** That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2022 RRM filing.

**Section 7.** That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

**Section 8.** That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 9.** That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

**Section 10.** That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

**Section 11.** That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 20TH DAY OF SEPTEMBER, 2022.

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RATE SCHEDULE:** | **R – RESIDENTIAL SALES** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

**Application**
Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

**Type of Service**
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

| Charge | Amount |
|---|---|
| Customer Charge per Bill | $ 21.55 per month |
| Rider CEE Surcharge | $ 0.05 per month[1] |
| **Total Customer Charge** | $ 21.60 per month |
| Commodity Charge – All Ccf | $0.36223 per Ccf |

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**
An Agreement for Gas Service may be required.

**Notice**
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.



[1]Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RATE SCHEDULE:** | **C – COMMERCIAL SALES** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

**Application**
Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

**Type of Service**
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

| Charge | Amount |
|---|---|
| Customer Charge per Bill | $ 63.50 per month |
| Rider CEE Surcharge | ($ 0.01) per month[1] |
| **Total Customer Charge** | $ 63.49 per month |
| Commodity Charge – All Ccf | $ 0.14137 per Ccf |

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**
An Agreement for Gas Service may be required.

**Notice**
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.



[1] Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RATE SCHEDULE:** | **I – INDUSTRIAL SALES** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

**Application**
Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

**Type of Service**
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**
Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

| Charge | Amount |
|---|---|
| Customer Charge per Meter | $ 1,204.50 per month |
| First 0 MMBtu to 1,500 MMBtu | $ 0.4939 per MMBtu |
| Next 3,500 MMBtu | $ 0.3617 per MMBtu |
| All MMBtu over 5,000 MMBtu | $ 0.0776 per MMBtu |

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Curtailment Overpull Fee**
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RATE SCHEDULE:** | **I – INDUSTRIAL SALES** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

**Agreement**
An Agreement for Gas Service may be required.

**Notice**
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RATE SCHEDULE:** | **T – TRANSPORTATION** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

**Application**
Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

**Type of Service**
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**
Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

| Charge | Amount |
|---|---|
| Customer Charge per Meter | $ 1,204.50 per month |
| First 0 MMBtu to 1,500 MMBtu | $ 0.4939 per MMBtu |
| Next 3,500 MMBtu | $ 0.3617 per MMBtu |
| All MMBtu over 5,000 MMBtu | $ 0.0776 per MMBtu |

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Imbalance Fees**
All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**Monthly Imbalance Fees**
Customer shall pay Company the greater of (i) $0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RATE SCHEDULE:** | **T – TRANSPORTATION** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

**Curtailment Overpull Fee**
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**
A transportation agreement is required.

**Notice**
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**
In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RIDER:** | **WNA – WEATHER NORMALIZATION ADJUSTMENT** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the $i^{th}$ rate schedule or classification expressed in cents per Ccf

$R_i$ = Commodity Charge rate of temperature sensitive sales for the $i^{th}$ schedule or classification.

$HSF_i$ = heat sensitive factor for the $i^{th}$ schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

$BI_i$ = base load sales for the $i^{th}$ schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$WNA_i = WNAF_i \times q_{ij}$

Where $q_{ij}$ is the relevant sales quantity for the jth customer in ith rate schedule.

**MID-TEX DIVISION**
**ATMOS ENERGY CORPORATION**

| | | |
|---|---|---|
| **RIDER:** | **WNA – WEATHER NORMALIZATION ADJUSTMENT** | |
| **APPLICABLE TO:** | **ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF** | |
| **EFFECTIVE DATE:** | **Bills Rendered on or after 10/01/2022** | |

Base Use/Heat Use Factors

| | Residential | | Commercial | |
|---|---|---|---|---|
| Weather Station | Base use Ccf | Heat use Ccf/HDD | Base use Ccf | Heat use Ccf/HDD |
| Abilene | 10.58 | 0.1422 | 88.85 | 0.6666 |
| Austin | 9.90 | 0.1372 | 233.56 | 0.7819 |
| Dallas | 14.17 | 0.1938 | 186.38 | 0.9394 |
| Waco | 10.07 | 0.1308 | 140.10 | 0.7170 |
| Wichita Falls | 11.43 | 0.1398 | 131.57 | 0.5610 |

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION**
**PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL**
**TEST YEAR ENDING DECEMBER 31, 2021**

| Line No. | Description | Shared Services: Pension Account Plan | Shared Services: Post-Employment Benefit Plan | Mid-Tex Direct: Pension Account Plan | Mid-Tex Direct: Supplemental Executive Benefit Plan | Mid-Tex Direct: Post-Employment Benefit Plan | Adjustment Total |
|---|---|---|---|---|---|---|---|
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) |
| | Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson | | | | | | |
| 1 | Report as adjusted (1) (2) (3) | $ 1,715,323 | $ 982,708 | $ 3,137,022 | $ 313,319 | $ (341,412) | |
| 2 | Allocation to Mid-Tex | 44.72% | 44.72% | 76.88% | 100.00% | 76.88% | |
| 3 | Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2) | $ 767,038 | $ 439,436 | $ 2,411,882 | $ 313,319 | $ (262,493) | |
| 4 | O&M and Capital Allocation Factor | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | |
| 5 | Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3) | $ 767,038 | $ 439,436 | $ 2,411,882 | $ 313,319 | $ (262,493) | $ 3,669,182 |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | Summary of Costs to Approve (1): | | | | | | |
| 9 | | | | | | | |
| 10 | O&M Expense Factor (WP_F-2.3, Ln 2) | 79.88% | 79.88% | 38.60% | 11.00% | 38.60% | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | Total Pension Account Plan | $ 612,700 | | $ 931,100 | | | $ 1,543,800 |
| 14 | Total Post-Employment Benefit Plan | | $ 351,016 | | | $ (101,335) | 249,681 |
| 15 | Total Supplemental Executive Benefit Plan | | | | $ 34,465 | | 34,465 |
| 16 | Total (Ln 13 + Ln 14 + Ln 15) | $ 612,700 | $ 351,016 | $ 931,100 | $ 34,465 | $ (101,335) | $ 1,827,946 |
| 17 | | | | | | | |
| 18 | Notes: | | | | | | |
| 19 | 1. Studies not applicable to Mid-Tex or Shared Services are omitted.<br>2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount. | | | | | | |
| 20 | The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM. | | | | | | |
| 21 | 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes. | | | | | | |

WP_F-2.3.1
Page 1 of 1

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution authorizing a consent to assignment of Contract IFB-19-001 Traffic Signal Maintenance from Siemens Industry Inc. To Yunex LLC.

**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:**
**Omotayo Sokale, Chief Procurement Officer**
**Jacqueline Culton, Interim Director of Public Works**

**BACKGROUND/HISTORY:**
On November 20, 2018, the City Council approved the contract IFB 19-001 Traffic Signal Maintenance award to Siemens Industry Inc for one year with four annual renewal options. Siemens Industry Inc. has carved out its Intelligent Traffic Systems(ITS) business into a separately managed entity named Yunex LLC. Yunex LLC will assume the terms and conditions of the awarded contract until it expires on November 10, 2023.

**POLICY EXPLANATION:**
This Consent to Assignment does not have any impact on the awarded contract amount, and all the terms and conditions of the contract as primarily awarded by the City Council remain the same.

**FUNDING SOURCE:**

**ORG and Object Number**
N/A

| **Available Budget** | **Purchase Amount** | **After Encumber** |
|---|---|---|
| N/A | N/A | N/A |

**ACTION ALTERNATIVES:**
1. Approved the Consent to Assignment of Contract 19-001 to Yunex LLC

2. Do not approve the Consent to Assignment of Contract 19-001 to Yunex LLC
3. Other actions as directed by Council.

**ATTACHMENTS:**
Attachment 1 - Resolution No. - 2022-090 - Siemens Industry Inc

**RESOLUTION NO. 2022-090**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING A CONSENT TO ASSIGNMENT OF CONTRACT IFB-19-001 TRAFFIC SIGNAL MAINTENANCE FROM SIEMENS INDUSTRY INC. TO YUNEX LLC; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE APPROPRIATE DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** on or about November 20, 2018, the City Council of the City of Duncanville approved contract IFB 19-001 Traffic Signal Maintenance award to Siemens Industry Inc; and

**WHEREAS,** said award was authorized for one year with four annual renewal options; and

**WHEREAS,** Siemens Industry Inc. has created a separate corporate subsidiary as Intelligent Traffic Systems (ITS) business into a separate managed entity named Yunex LLC. Yunex LLC which will assume the terms and conditions of its Intelligent Traffic System and said contract expires on November 10, 2023.

**WHEREAS,** said Consent to Assignment does not have any impact on the awarded contract amount, and all the terms and conditions of the contract remain the same.

**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 a Consent to Assignment of Contract IFB-19-001 Traffic Signal Maintenance from Siemens Industry Inc. to Yunex, LLC and authorizes the City Manager, or her designee, to execute the appropriate and necessary contracts and 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 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

SIEMENS

May 26, 2021

Ms. Shiela Backer
City of Duncanville
203 E. Wheatland Road
Duncanville, TX 75116

**RE: Transfer of Siemens Mobility Contracts from Siemens Mobility, Inc. to Yunex LLC**

Dear Ms. Backer,

On November 12, 2020, Siemens AG ("Siemens") announced that in the course of Siemens Mobility's continued development, the unit Intelligent Traffic Systems ("ITS Business") will be carved out worldwide by the end of fiscal 2021 into separately managed entities under the new brand name Yunex Traffic. Transferred into separate companies, the ITS Business will be able to further pursue its growth strategy, shape the digital transformation of its industry and actively drive market consolidation. In this connection, the unit will leverage its market-leading position in installed systems and drive advances in digitalization.

Offering innovative, smart, and comprehensive mobility solutions for roads and cities, the ITS Business is the world's only supplier of solutions serving all the main regional standards worldwide. Most recently, the unit generated revenue of about €600 million. Since 2013, the compound annual growth rate for orders has totaled eight percent.

In the context of this global carve-out, Siemens Mobility, Inc. (hereinafter "Siemens Mobility") will transfer its ITS Business in the United States to Yunex LLC on July 1, 2021.

The transfer of Siemens Mobility's ITS Business to Yunex LLC includes the transfer of all contracts pertaining to Siemens Mobility's ITS Business, including the following contract(s) between Siemens Mobility and you:

Traffic Signal Maintenance

All contract appendices as well as all rights and obligations are included in the contract transfer.

In the event that a contract cannot be transferred, Yunex LLC shall, from July 1, 2021 on, fulfill obligations arising out of such contract as a subcontractor acting on behalf of Siemens Mobility.

To the extent required by the contract referenced herein, this letter seeks your consent to the contract transfer and assignment and satisfies any notice requirement with respect thereto. This letter does not confer any new rights (including any right to consent to or to receive prior notice of the transfer and assignment) that do not currently exist under the contract.

We kindly ask you to consent to the transfer and assignment of the contract to Yunex LLC. Furthermore, we ask you to waive any and all rights that the contract might possibly grant due to changes in the shareholder structure of the legal entity holding the contract. Please sign and send back the enclosed declaration of consent.


Siemens Mobility, Inc.
Intelligent Traffic Systems
9225 Bee Cave Road, Building B, Suite 201
Austin, TX 78733
Tel.: +1 512-837-8300
www.usa.siemens.com/mobility

SIEMENS

In addition, we would like to inform you about the following:

Bank account details for Yunex LLC:



We would ask you to please use these new bank account details only after July 1, 2021.

The employer identification number for Yunex LLC is [redacted].

If you currently have (an) exemption certificate(s) on file with Siemens Mobility, Inc. will receive an email from fts_us_tax_exemptions.us@siemens.com requesting updated exemption certificate(s) to be issued to Yunex LLC through Avalara's CertCapture tool with their unique link to populate their exemption form online or upload their prepopulated form. Exemption certificates not received by July 1, 2021, will result in taxes being included in invoices.

We are also currently in the process of reapplying for any required Contractor's Licenses in our regions of operation under Yunex LLC. While we kindly ask you to provide us with the signed consent form at your earliest convenience, the assignment of your contract will only take place once the required licenses are in place.

Please use the following contact details for correspondence relating to contractual relationships:

Yunex LLC
Attn: Anchal Bansal
9225 Bee Cave Road
Building B, Suite 201
Austin, TX 78733, USA
Phone: +1 770-598-4705
E-mail: anchal.bansal@siemens.com

Should you have any questions, please do not hesitate to contact us. Thank you in advance for your support and for your cooperation.

Sincerely yours,

Siemens Mobility, Inc.

Steven Teal  Anchal Bansal

Attachment: Declaration of Consent

SIEMENS

From:

Ms. Shiela Backer
City of Duncanville
203 E. Wheatland Road
Duncanville, TX 75116

To:

Yunex LLC
Attn: Anchal Bansal
9225 Bee Cave Road
Building B, Suite 201
Austin, TX 78733, USA

**RE: Transfer of Siemens Contracts from Siemens Mobility, Inc (hereinafter "Siemens Mobility") to Yunex LLC**

Dear Ms. Bansal,

We hereby confirm that we have read and understood the information in the letter from Siemens Mobility dated May 26, 2021.

We consent to the transfer of the contract pertaining to Siemens Mobility's ITS Business between us and Siemens Mobility to Yunex LLC, as specified in the aforementioned letter from Siemens Mobility. We hereby waive any and all rights that the contract grants to us for the case of changes in the shareholder structure of the legal entity holding the contract.

Place: _____

Date: _____

Signature: _____

Printed Name: _____

Title: _____

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution approving Republic Services of Texas, LTD.'s request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 4.4% for residential collection and commercial services.

**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**

**BACKGROUND/HISTORY:**
On July 16, 2019, the Duncanville City Council approved a Municipal Materials Management Agreement ("Agreement") with Republic Waste Services of Texas, LTD., ("Republic") to provide for continued garbage, recycling, and bulk and brush collection and disposal services during the initial term of September 21, 2019, through September 20, 2026. The Agreement will renew for successive five-year periods unless terminated in advance by the City or Republic.

The July 2019 Agreement includes a provision for annual rate adjustments limited to the percentage increase in the Consumer Price Index for All Urban Consumers (Water, Sewer, and Trash Collection Services). Specifically, Section 7.2, Annual Rate Adjustments, of the Agreement provides for Republic "to increase the rates for services on each anniversary of the Effective Date of the Agreement in an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (Water, Sewer, and Trash Collection Services) U.S. City Average, as published by the United States Department of Labor, Bureau of Statistics ("the CPI"). For the CPI calculation, rates will be adjusted using the most recently available trailing twelve (12) months average CPI compared to the twelve (12) months preceding." The Agreement states that the City shall not unreasonably withhold approval of rate requests.

On September 2, 2022, staff received Republic's official request to increase the contract rate by 4.4% for residential collection and commercial services, based on the July 2022 CPI. If approved by City Council, this contract rate change would take effect on October 1, 2022. The contractual rate for

residential collection would increase from $19.14/month/residence to $19.98/month/residence or a difference of $0.84/month/residence. The commercial hand-collect contract rate would increase from $26.73/month to $27.91/month. A projected rate increase of 4% for solid waste collection contractual services is included in the adopted budget for the Fiscal Year 2023. Customer rates for residential and commercial hand-collect customers for the Fiscal Year 2023 have been adjusted accordingly.

**POLICY EXPLANATION:**
City Council action is required to approve adjustments to solid waste rates requested by Republic under the Municipal Materials Management Agreement.

**FUNDING SOURCE:**

**ORG and Object Number**
NA

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

**ACTION ALTERNATIVES:**
1. Approve Republic Services of Texas, LTD.'s request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 4.4% for residential collection and commercial services.
2. Other actions as directed by Council.

**ATTACHMENTS:**
Attachment 1 - Republic Services Residential Rate History
Resolution No. - 2021-069R - Republic Services Rate Increase with Exhibits

Attachment 1

## Republic Services Residential Rate History

| **Item Description** | 12/03/19 | 09/21/20 | 10/01/21 | 10/01/22 Proposed |
|---|---|---|---|---|
| Residential Trash Collection (2x per week) | $9.85 | $10.05 | $10.41 | $10.87 |
| Recycling (1x per week) | $5.26 | $5.37 | $5.56 | $5.80 |
| Bulk/Brush (2x per month) | $3.00 | $3.06 | $3.17 | $3.31 |
| Total | $18.11 | $18.48 | $19.14 | $19.98 |

Overall Percent Change (Including Proposed FY23 Rate) = 9.4% Increase

Prepared 09/12/2022

**RESOLUTION NO. 2021-069R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING REPUBLIC SERVICES OF TEXAS, LTD.'s REQUEST TO THE CITY OF DUNCANVILLE TO INCREASE CONTRACT RATES UNDER THE MUNICIPAL MATERIALS MANAGEMENT AGREEMENT BY 4.4% INCREASE FOR RESIDENTIAL COLLECTION AND COMMERCIAL SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Duncanville and Republic Services of Texas, Ltd., entered into a Municipal Materials Management Agreement for Solid Waste, Recycling, Bulky Waste, and Brush Collection and Transport Services, effective September 21, 2019, to provide residential and certain commercial solid waste collection and recycling services within the Duncanville City limits; and

**WHEREAS,** Section 7.2, Annual Rate Adjustments, of the Agreement (Exhibit A), provides for Republic to increase the rates for services on each anniversary of the Effective Date of the Agreement in an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (Water, Sewer, and Trash Collection Services) U.S. City Average, as published by the United States Department of Labor, Bureau of Statistics ("the CPI"). For the CPI calculation, rates will be adjusted using the most recently available trailing twelve (12) months average CPI compared to the twelve (12) months preceding. Section 7.2 of the Agreement also states the City shall not unreasonably withhold approval of rate requests; and

**WHEREAS,** Republic submitted its current request (Exhibit B) to the City on September 2, 2022, to increase contractual rates, effective October 1, 2022, by 4.4% for Residential Collection and Commercial Services.

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

**SECTION 1.** The City Council of the City of Duncanville approves Republic Services of Texas, LTD.'s request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 4.4% for residential collection and commercial services, effective October 1, 2022.

**SECTION 2.** The City Council of the City of Duncanville hereby authorizes the City Manager, or her designee, to take the necessary steps to effectuate the rate increase request.

**SECTION 3.** This resolution shall become effective immediately upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

Exhibit A

Excerpt from the Municipal Materials Management Agreement

Section 7.2

Annual Rate Adjustments. Company shall increase the rates for all Services effective on each anniversary of the Effective Date of this Agreement in an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (Water, Sewer and Trash Collection Services) U.S. City Average, as published by United States Department of Labor, Bureau of Statistics (the "CPI"). For the CPI calculation, rates will be adjusted using the most recently available trailing twelve (12) months average CPI compared to the twelve (12) months preceding. Company must receive approval from the City to increase the base rates. The City shall not unreasonably withhold approval of such request.

Exhibit B

REPUBLIC SERVICES
Sustainability in Action

# FY 23
# FRANCHISED CITY RATES
# CITY OF DUNCANVILLE

**All Fees Listed Include Franchise Fees**

EFFECTIVE DATE 10/01/22

**COMMERCIAL FRONT LOAD RATES**

| Size | 1xwk | 2xwk | 3xwk | 4xwk | 5xwk | 6xwk | EX-PU | DEPOSIT |
|---|---|---|---|---|---|---|---|---|
| 2 cubic yard | $ 80.24 | $ 123.09 | $ 175.26 | $ 217.85 | $ 278.32 | $ 313.65 | $ 29.08 | Mthly Rate |
| 3 cubic yard | $ 90.78 | $ 153.15 | $ 210.45 | $ 266.17 | $ 325.95 | $ 384.72 | $ 35.91 | Mthly Rate |
| 4 cubic yard | $ 101.30 | $ 183.40 | $ 245.68 | $ 314.49 | $ 384.91 | $ 469.45 | $ 42.76 | Mthly Rate |
| 6 cubic yard | $ 129.40 | $ 244.06 | $ 307.57 | $ 398.81 | $ 496.28 | $ 588.01 | $ 49.60 | Mthly Rate |
| 8 cubic yard | $ 157.46 | $ 304.65 | $ 369.49 | $ 483.22 | $ 607.63 | $ 720.20 | $ 61.58 | Mthly Rate |
| 4 cubic yard Pkr | $ 285.90 | | | | | | $ 117.12 | Mthly Rate |

**Misc Front Load Charges**

| | | | | |
|---|---|---|---|---|
| Delivery | $ 53.01 | Lockbar/Caster set up fee | $ 75.01 | (one time charge) |
| Relocate Charge | $ 53.01 | Casters / Locks | $ 2.75 | (per collection) |
| Overweight/Blocked/Trip Charges | $ 24.17 | Enclosure / Gate | $ 3.21 | (per collection) |
| Container Exchange | $ 86.84 | Extra Yardage | $ 29.65 | (per yard) |

**COMMERCIAL ROLL-OFF RATES**

| Size | Delivery | Rental | Haul Charge | Deposit |
|---|---|---|---|---|
| 20-yd | $ 128.40 | $ 214.37 | $ 590.28 | $ 906.65 |
| 30-yd | $ 128.40 | $ 214.37 | $ 683.95 | $ 997.68 |
| 40-yd | $ 128.40 | $ 261.76 | $ 721.47 | $ 1,080.19 |
| 30 yard Pkr | Open | Open | $ 742.50 | Open |
| 35 yard Pkr | Open | Open | $ 789.38 | Open |
| 42 yard Pkr | Open | Open | $ 838.53 | Open |

**Misc Roll-Off Charges**

Relocate / Blocked / Not able to Service $ 139.13

**COMMERCIAL HAND-COLLECT**

**Solid Waste Service:** **$27.91** per month
Twice per week - up to 20 bags

**Recycle Collection:** **$20.60** per month
Weekly - polycart

**RESIDENTIAL COLLECTION:**

| | |
|---|---|
| Residential Trash (Twice per week collection) | $ 10.87 |
| Residential Recycling (Once per week collection) | $ 5.80 |
| Residential Bulk / Brush (Bi-monthly collection of 10 cu-yards) | $ 3.31 |
| **Total Residential** | **$ 19.98** |

**Recycle Carts**

Cart Rental for Recycling (invoiced from Company) $5.29 per month
$15.86 per quarter

Delivery/Removal $ 16.70 1st delivery included
Replacement Cart $ 61.35

**ADDITIONAL BULK ITEMS**

Commercial and Residential customers may contact Company for collection of additional bulk/brush on an on-call basis for a rate negotiated by the Company.

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider a Resolution authorizing a Cooperative Purchasing Agreement with Equalis Group.

**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 Atmore, Managing Director of Fiscal Services**
**Omotayo Sokale, Chief Procurement Officer**

**BACKGROUND/HISTORY:**
Local Government Code Section 271.102 provides for voluntary participation in cooperative purchasing programs with another local government or a local cooperative. It is recommended that the City enter a cooperative purchasing agreement with Equalis Group so that we may purchase goods and services using contracts that the Cooperative has approved. These agreements will be used when volume and type are compatible.

**POLICY EXPLANATION:**
Cooperative Purchasing is considered a "best practice" for government organizations. The Institute for Public Procurement's **(NIGP)** Government Procurement Magazine, in its February/March 2014 issue, states that "...the use of cooperative contracts to deliver savings and save staff resources has become a widespread best practice for purchasing professionals…". The State of Texas' Local Government Code allows for government agencies to participate voluntarily in these cooperative arrangements. These arrangements also allow Cities to take advantage of higher volumes from other organizations. The State of Texas's statute also exempts any competitive processes when participating in a cooperative purchasing program. The advantages of cooperative purchasing are that it saves time and money and allows choice by the local government. The City of Duncanville is a member of several statewide and national cooperatives such as the State of Texas Cooperative, U.S. Communities Government Purchasing Alliance, Houston-Galveston Area Council Buy (**HGACBuy**), The Cooperative Purchasing Network **(TCPN®),** the Local Government Purchasing Cooperative **(BuyBoard**), and the

Purchasing Solutions Alliance **(Brazos Valley Council of Governments' PSA).** Additionally, the City of Duncanville has Interlocal Cooperative Purchasing agreements with the following agencies: the cities of Allen, Bedford, Dallas, Flower Mound, Fort Worth, Garland, Grand Prairie, Grapevine, Richardson, Rowlett, Seagoville, and Dallas, and Tarrant counties. Additionally, the City of Duncanville is a founding charter member of the Best Southwest Purchasing Cooperative, consisting of the cities of Cedar Hill, DeSoto, Lancaster, Midlothian, Red Oak, and Venus; this Cooperative was established in 1999.

Texas Education Code §8.002 permits regional education service centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges, and universities in improving student performance and increasing the efficiency and effectiveness of a school, college, and university operations. Authority for such services is granted under Texas Government Code §§ 791.001 et seq as amended. Cooperative Purchasing Services are extended to all Texas State, City, and County Government Agencies.

**FUNDING SOURCE:**

**ORG and Object Number**
Not Applicable. Membership is free

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

**ACTION ALTERNATIVES:**

1. Approve the Resolution.
2. Do not approve.
3. Other Actions by City Council.

**ATTACHMENTS:**
Attachment 1 - Resolution No. - 2022-088 - Purchasing Agreement with Equalis Group

**RESOLUTION NO. 2022-088**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING A COOPERATIVE PURCHASING AGREEMENT WITH EQUALIS GROUP; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Local Government Code Section 271.102 provides for voluntary participation in cooperative purchasing programs with another local government or a local purchasing cooperative; and,

**WHEREAS,** it is recommended that the City enter a cooperative purchasing agreement with Equalis Group so that we may purchase goods and services using contracts that the Cooperative has approved thorough its purchasing program which comply with state procurement statutes; and

**WHEREAS,** the agreements will be used when volume and type are compatible.

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

**SECTION 1.** The City Council hereby approves the terms and conditions of a joint purchasing agreement by and between the City of Duncanville and Equalis Group as provided in the attached Exhibit A which is incorporated herein; and authorizes the City Manager to execute the same for purposes recited herein.

**SECTION 2.** The City Manager is hereby authorized to execute the necessary documents to conform this resolution as appropriate after approval as to form by the City Attorney.

**SECTION 3.** This Resolution shall be effective upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

EXHIBIT A



## MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

This Master Intergovernmental Cooperative Purchasing Agreement (the "**Agreement**") is entered into by and between those certain government agencies that execute a Management Services Agreement ("**Lead Agencies**") with Equalis Group LLC ("**Equalis Group**") to be appended and made a part hereof and such other public agencies, non-profit organizations, and businesses (each a "**Purchasing Group Member**") who register to participate in the cooperative purchasing programs administered by Equalis Group and its affiliates and subsidiaries (collectively, "**Equalis Group Purchasing Program**") by either registering on an Equalis Group Purchasing Program website (such as www.equalisgroup.org) or by executing a copy of this Agreement.

## RECITALS

**WHEREAS,** after a competitive solicitation and selection process conducted by Lead Agencies, Lead Agencies enter into master agreements ("**Master Agreements**") with awarded suppliers to provide a variety of goods, products, and services ("**Products**") to the applicable Lead Agency and Purchasing Group Members;

**WHEREAS,** Master Agreements are made available to Purchasing Group Members by Lead Agencies through the Equalis Group Purchasing Program and provide that Purchasing Group Members may voluntarily purchase Products on the same terms, conditions, and pricing as the Lead Agency, subject to any applicable federal and/or local purchasing ordinances and the laws of the State of purchase; and

**WHEREAS,** in addition to Master Agreements, the Equalis Group Purchasing Program may from time to time offer Purchasing Group Members the opportunity to acquire Products through other group purchasing agreements.

**NOW, THEREFORE,** in consideration of the mutual covenants contained herein and of the mutual benefits to result, the parties hereto agree as follows:

1. Each party will facilitate the cooperative procurement of Products.
2. The procurement of Products by Purchasing Group Member party to this Agreement shall be conducted in accordance with and subject to the relevant federal, state, and local statutes, ordinances, rules, and regulations that govern Purchasing Group Member's procurement practices.
3. The cooperative use of Master Agreements and other group purchasing agreements shall be conducted in accordance with the terms and conditions of such agreements, except as modification of those terms and conditions is otherwise allowed or required by applicable federal, state, or local law.
4. The Lead Agencies will make available, upon reasonable request and subject to convenience, information about Master Agreements which may assist in facilitating and improving the procurement of Products by the Purchasing Group Member.
5. Purchasing Group Member agrees that Equalis Group Purchasing Program may provide access to group purchasing organization ("**GPO**") agreements directly or indirectly by enrolling Purchasing Group Member in another GPO's purchasing program; provided that the purchase of Products shall be at Purchasing Group Member's sole discretion.
6. Purchasing Group Member shall make timely payments to the distributor, manufacturer, or other vendor (each a "**Supplier**") for Products procured and received through any Master Agreement or GPO group purchasing agreement (each an "**Equalis Agreement**") in accordance with the terms and conditions of this Agreement and of the Equalis Agreement, as applicable.
7. Purchasing Group Member acknowledges and agrees that Equalis Group may receive fees ("**Administrative Fees**") from Suppliers, which are typically calculated as a percentage of the dollar value of purchases made by Purchasing Group Member under an Equalis Agreement. Equalis Group's standard Administrative Fees are two percent (2%) or less. Equalis Group shall provide Purchasing Group Member with access to a listing of Equalis Agreements that provide for the payment to Equalis of

EXHIBIT A

Administrative Fee in excess of three percent (3%). Additionally, Equalis Group shall provide Purchasing Group Member with access to an annual report listing Purchasing Group Member's purchases of Products through Equalis Agreements and the associated Administrative Fees received by Equalis Group.

8. Purchasing Group Member agrees that Products purchased under Equalis Agreements are for Purchasing Group Member's own use in the conduct of its business, and in no event shall Purchasing Group Member sell, resell, lease, or otherwise transfer goods purchased through Equalis Agreements to an unrelated third party unless expressly permitted by the terms of the applicable Equalis Agreement.

9. Payment for Products and inspections and acceptance of Products ordered by Purchasing Group Member shall be the exclusive obligation of Purchasing Group Member. Disputes between Purchasing Group Member and any Supplier shall be resolved in accordance with the law and venue rules of the State of purchase unless otherwise agreed to by Purchasing Group Member and the Supplier. The exercise of any rights or remedies by Purchasing Group Member shall be the exclusive obligation of Purchasing Group Member.

10. Purchasing Group Member shall not use this Agreement or the terms and conditions of any Equalis Agreement as a method for obtaining additional concessions or reduced prices for similar products or services.

11. Purchasing Group Member shall be responsible for the ordering of Products under this Agreement. A non-procuring party shall not be liable in any fashion for any violation by a party procuring Products under this Agreement. To the extent permitted by law, the party procuring Products shall hold any non-procuring party harmless from any liability that may arise from action or inaction of the party procuring Products. Without limiting the generality of the foregoing, Equalis Group Purchasing Program makes no representations or warranties regarding any Product or Equalis Agreement and shall have no liability for any act or omission by a Supplier or other party under an Equalis Agreement.

12. This Agreement shall remain in effect unless terminated by one party giving thirty (30) days' written notice to the other party. The provisions of **Sections 5**, **6**, **7**, **8**, and **9** hereof shall survive any such termination.

13. If any term or provision of this Agreement is held invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction.

14. This Agreement and the rights and obligations hereunder may not be assignable by either party hereto without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned, or delayed, provided, however, that Purchasing Group Member and Equalis Group may assign their respective rights and obligations under this Agreement without the consent of the other party in the event either Purchasing Group Member or Equalis Group shall hereafter effect a corporate reorganization, consolidation, merger, merge into, sell to, or transfer all or substantially all of its properties or assets to another entity. Subject to the preceding sentence, this Agreement will be binding upon, inure to the benefit of, and be enforceable by the parties and their respective successors and assigns. Any instrument purporting to make an assignment in violation of this **Section 14** will be null and void.

15. This Agreement, together with any other documents incorporated herein by reference, constitutes the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to such subject matter.

16. Equalis shall not be liable to Purchasing Group for any action, or failure to take action, of a Supplier in connection with the performance of Supplier's obligations under an Equalis Agreement.

17. Each party to this Agreement acknowledges it has read the Agreement and represents and warrants that it has the necessary legal authority and is legally authorized to execute and enter into this Agreement.

18. This Agreement shall take effect upon Purchasing Group Member (i) executing a copy of this Agreement, or (ii) registering on an Equalis Group Purchasing Program website.

EXHIBIT A

equalis GROUP

The easiest way to complete this form is to visit: www.equalisgroup.org/member-registration. You may also fill out this form electronically, print and sign it, then scan and email the fully completed document to membership@equalisgroup.org.

| Agency Information | | | |
|---|---|---|---|
| Agency Name: | | | |
| Agency Type: | | | |
| Agency Department: | | | |
| Street Address: | | | |
| City / St / Zip: | | | |
| Phone #: | | | |
| Federal Tax ID: | | | |
| Website URL: | | | |

| Primary Contact Information | |
|---|---|
| Name: | |
| Title: | |
| Phone #: | |
| Email: | |
| Which contract(s) are you interested in?: | |

**IN WITNESS WHEREOF,** I hereby acknowledge, on behalf of _____, that I have read and agreed to the general terms and conditions set forth in the Equalis Group Master Intergovernmental Purchasing Agreement.

| Authorized Signator | |
|---|---|
| Name: | |
| Title: | |
| Date: | |

Signed: _____

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Conduct a Public Hearing (2022-06) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.

**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:**
**Nathan Warren, Senior Planner**

**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.

Staff believes this request, as it relates to compatibility with the Comprehensive Plan, is dependent on the manner in which the single-family residential structure is utilized for the purpose of a short-term rental. If the structure is intended to be constantly rented out much the same as a hotel room, staff would not believe the request is compatible with the Comprehensive Plan. However, if the structure

was intended to be lived-in by the property owner throughout the majority of the year and rented out for a select number of weekends, staff feels such a request may be viewed to be more in-line with the Comprehensive Plan.

Project Scope
The applicants are 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 2,762 square feet in size. Exterior features include existing trees, rear carport, and rear drive.

Surrounding Land Use and Zoning
The subject property is surrounded by existing single-family residences zoned SF-10 Single-Family Residential District.

Zoning and Land Use
Section 6.05. (Specific Use Permits) of the Zoning Ordinance, states the in considering an application for a SUP, the Planning and Zoning Commission and the City Council shall consider that the proposed use is:

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

Recommendation
Staff recommends the Commission consider the bullet items contained in Section 6.05 of the Zoning Ordinance and make an appropriate recommendation to City Council.

**POLICY EXPLANATION:**
Notification
Nineteen (19) notices were sent out for this public hearing. As of this writing, twenty-three (23) responses have been received in opposition and three (3) responses in favor of the request. Letters will be received until Tuesday, September 20, 2022, to fulfill legal requirements for a written formal

protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, September 20, 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 for Public Hearing
Attachment 2 - Area of Request Maps
Attachment 3 - Site Plan & Applicant Exhibits
Attachment 4 - Letter From Applicant-Property Owner
Attachment 5 - Letters to Property Owners Within 200' Buffer & Responses
Attachment 6 - List of Property Owners Within 200' Buffer
Attachment 7 - 2022-04-11 - PZ Minutes
Attachment 8 - 2022-06-21 - City Council - Minutes
Attachment 9 - Ordinance No. 2432 - 103 South Capri Drive

Attachment 1

Advertise 1 time - By March 30

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-06

A public hearing will be held before the Planning & Zoning Commission on Monday, April 11, 2022 at 7:00 p.m., and before City Council on Tuesday, May 3, 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 the use of Short-Term Rental, on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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 the City Secretary or to Skye Thibodeaux, Interim Secretary of the Planning and Zoning Commission, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

Skye Thibodeaux,
City Planner

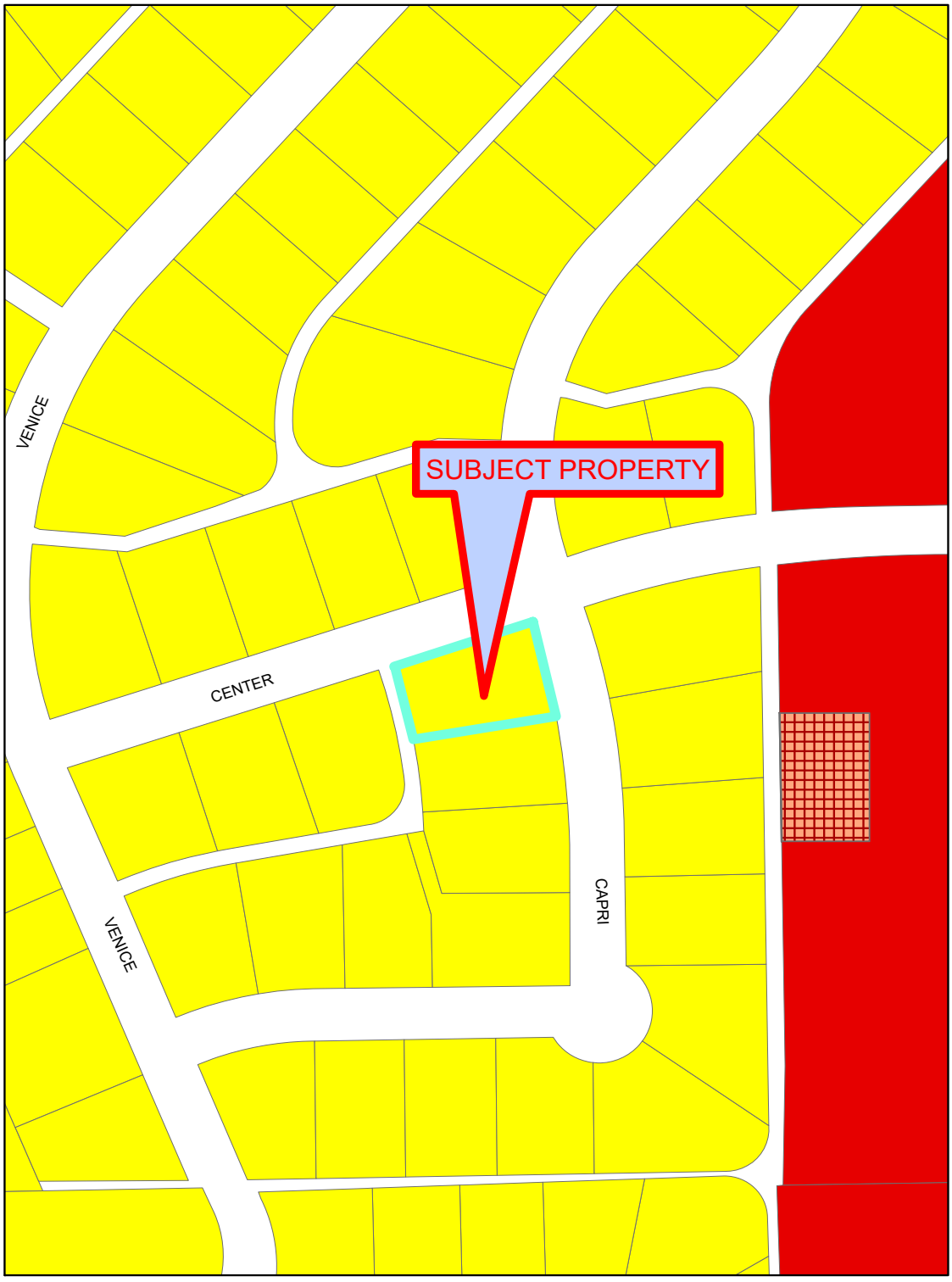
Attachment 2




Duncanville
City of Champions

**Proposed Zoning Change**
**Aerial Location**
**103 South Capri Drive**

N
W E
S




Duncanville
City of Champions

**Zoning Case 2022-06**
**SUP Request for**
**Short-Term Rental**

N
W E
S

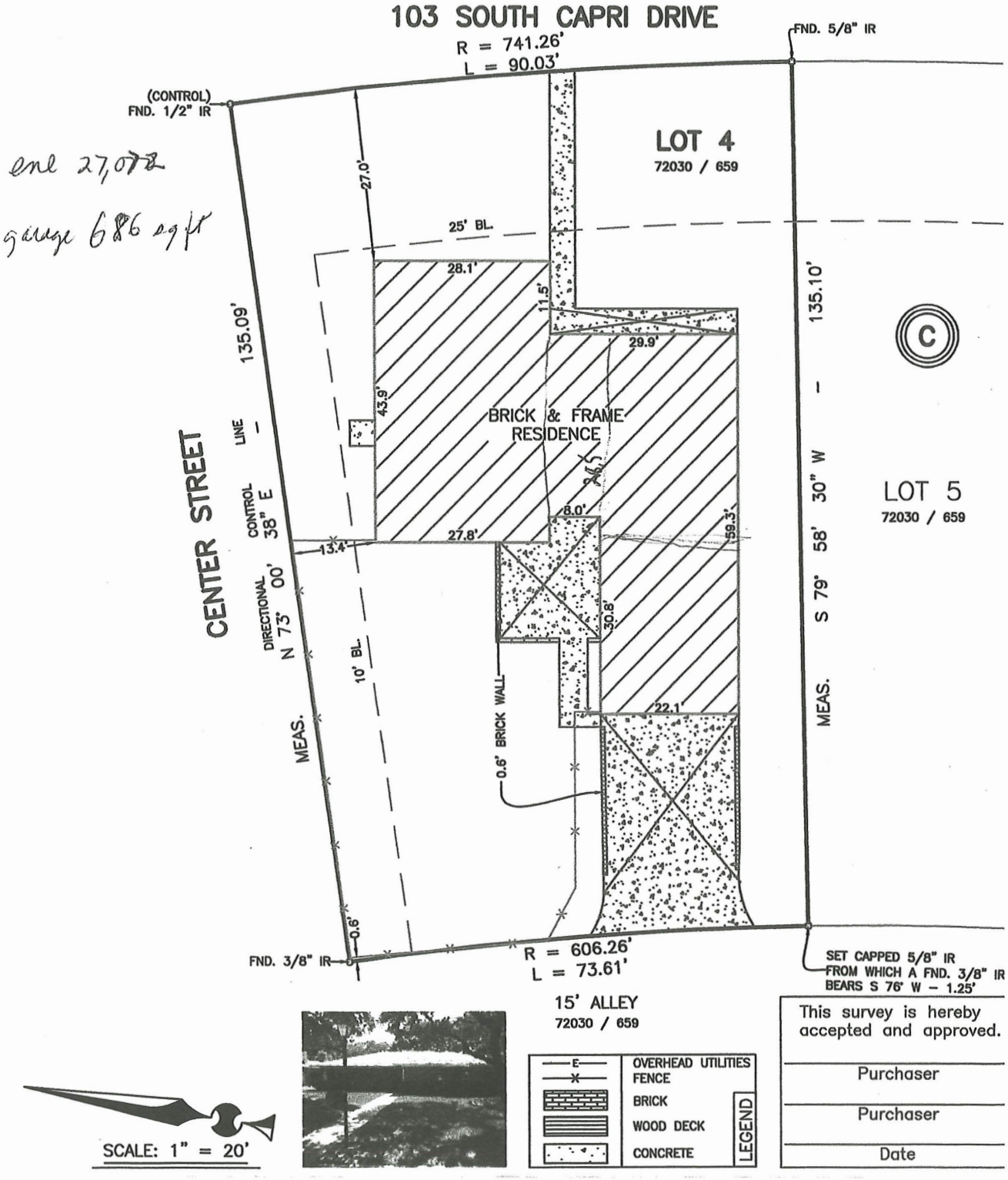
Attachment 3

Reference No: 2599Y14 G.F. No: 102001735
Title Co: PROVIDENCE TITLE COMPANY
Purchaser: CARLSON

## PROPERTY DESCRIPTION

Lot 4, Block C, D'VILLE ESTATES, INSTALLMENT NO. 1, an Addition to the City of Duncanville, Dallas County, Texas, according to the plat thereof recorded in Volume 72030, Page 659, Plat Records, Dallas County, Texas.

Easement recorded in 85141/5324, DRDCT, does not affect this property.




end 27,072

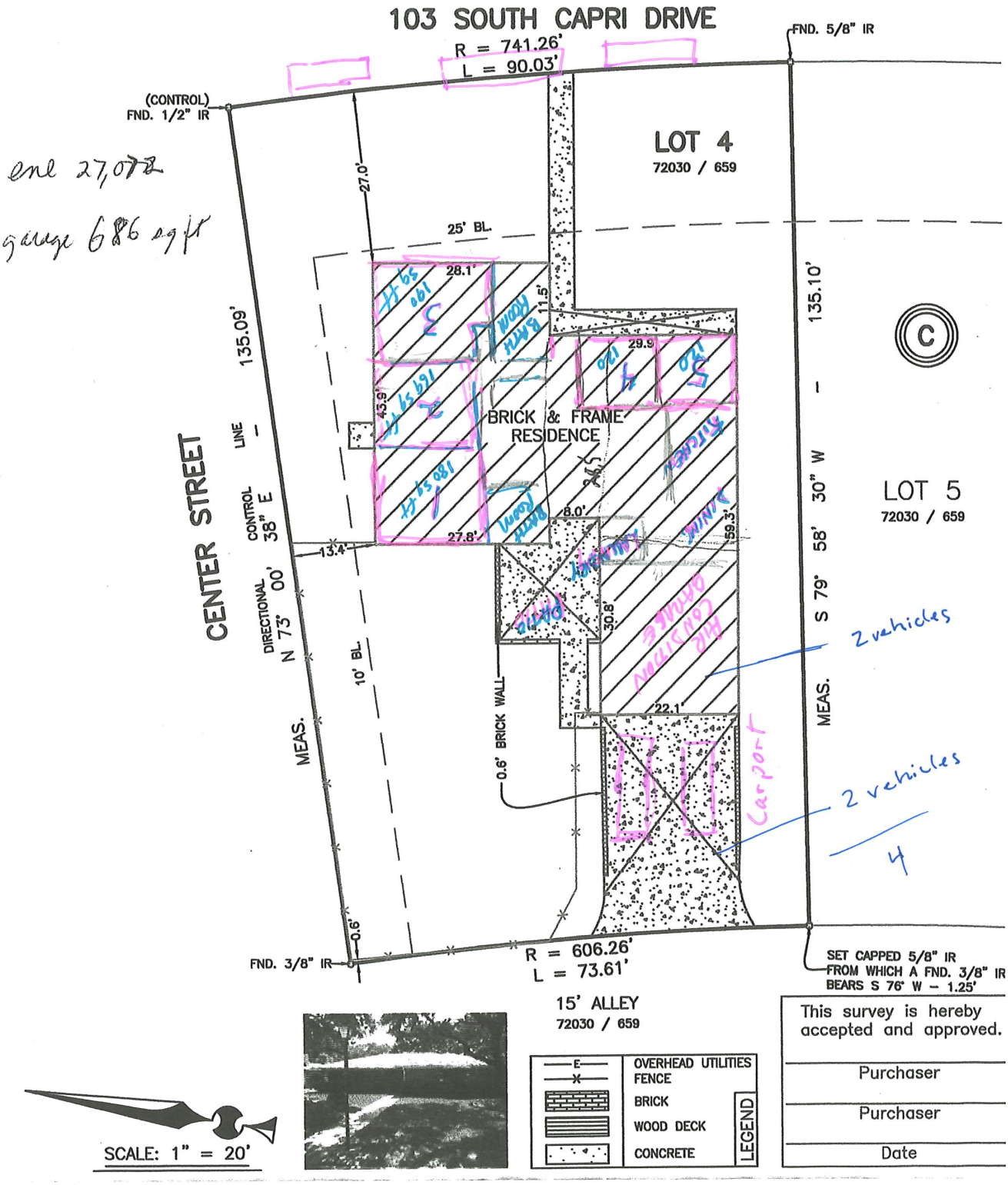
garage 686 sq ft

Reference No: 2599Y14 G.F. No: 102001735
Title Co: PROVIDENCE TITLE COMPANY
Purchaser: CARLSON

## PROPERTY DESCRIPTION

Lot 4, Block C, D'VILLE ESTATES, INSTALLMENT NO. 1, an Addition to the City of Duncanville, Dallas County, Texas, according to the plat thereof recorded in Volume 72030, Page 659, Plat Records, Dallas County, Texas.

Easement recorded in 85141/5324, DRDCT, does not affect this property.



# Attachment 4

Stuart and Ruth Carlson
822 Sherrill Blvd
Duncanville, Texas 75116
February 22, 2022

To the City of Duncanville:

We are applying for a special use permit to use our previous residence, 103 South Capri Drive, as a place to welcome people to our city - people such as traveling nurses, students, and other folks who need a transitional place to stay until they get their feet under them. Most of our guests stay with us for more than a full month, but our most common time period to host a guest is from 3 to 6 months.

There are times, however, when a guest is just traveling through town and needs a place for a night or two; or perhaps a mother has come to town to visit her son who is attending college. While we do not seek to have short term guests, we do try to accommodate them if the need arises. Last year we hosted short term guests in this home about 1% of the time, and this is why we are applying for a short term rental permit.

We love sharing our home with our guests! Our setup is reminiscent of a tiny 5-room hotel, but much better. Each guest has the privacy and security afforded by a keyed door to their bedroom; but they have access to and use of all the common areas: the living room, kitchen, dining room, bathrooms, laundry room, patio, and front and back yards. Some of our guests work night shifts, others during the day, some work from home, and others work on site. Some of our guests have been able to save enough money while living in our home to buy their own homes here in Duncanville. We often stop in to have a cup of coffee with a guest or to attend to maintenance and cleaning of the house and yard. Many enduring relationships have been created, and a good number of our guests have become part of our family.

We believe we are bringing much richness to Duncanville: good people are able to work at Charlton Methodist and other businesses; shopping and use of Uber, Lyft, and UberEats is increased, giving more of our citizens opportunities to make money serving our guests; and because of the welcome and care our guests receive, a positive image of this city is being fostered.

This cozy home is not a party home. Although many of our guests come to us through the Airbnb platform, none of our guests have ever come to vacation and party, but rather to work and/or study. Funny enough, if one of the guests attempted to throw a party (which is against the rules), the other guests would object and report the person to me. What a serendipity that our system is self-monitoring! Our home is quiet, very organized, clean, and safe, and we have had no complaints.

Thank you for your care for Duncanville. We understand how important it is to make sure that neighborhoods remain peaceful, clean, and safe, and we assure you that we are doing our part to create a great atmosphere in Duncanville.

Sincerely,

Stuart and Ruth Carlson

Attachment 5

City of Duncanville Planning Division
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878; (f) 972-780-6426
(e) lromero@duncanville.com

March 30, 2022

Zoning File: 2022-06

Dear Property Owner:

Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 2022, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary or to Skye Thibodeaux, Secretary of the Planning and Zoning Commission, 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,

Skye Thibodeaux
Secretary, Planning and Zoning Commission

Enclosures

City of Duncanville Planning Division
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878; (f) 972-780-6426
(e) lromero@duncanville.com

Marzo 30, 2022

Archivo de zonificación: 2022-06

Estimado propietario:

Stuart y Ruth Carlson, solicitantes y propietarios, están solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Alquileres a Corto Plazo en Duncanville Estates 1, Block C, Lot 4, más comúnmente conocido como 103 South Capri Drive, 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 11 de Abril de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretario de la Ciudad o a Skye Thibodeaux, Secretario de la Comisión de Planificación y Zonificación, 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

Skye Thibodeaux
Secretario de la Comisión de Planificación y Zonificación

Recintos

The following form may be filled out and mailed to:

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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

**Caso No. 2022-06** Stuart y Ruth Carlson, Solicitantes y Propietarios, están solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Alquiler a Corto Plazo en Duncanville Estates 1, Block C, Lot 4, comúnmente conocido como 103 South Capri Drive, 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 11 de Abril 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo 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:*

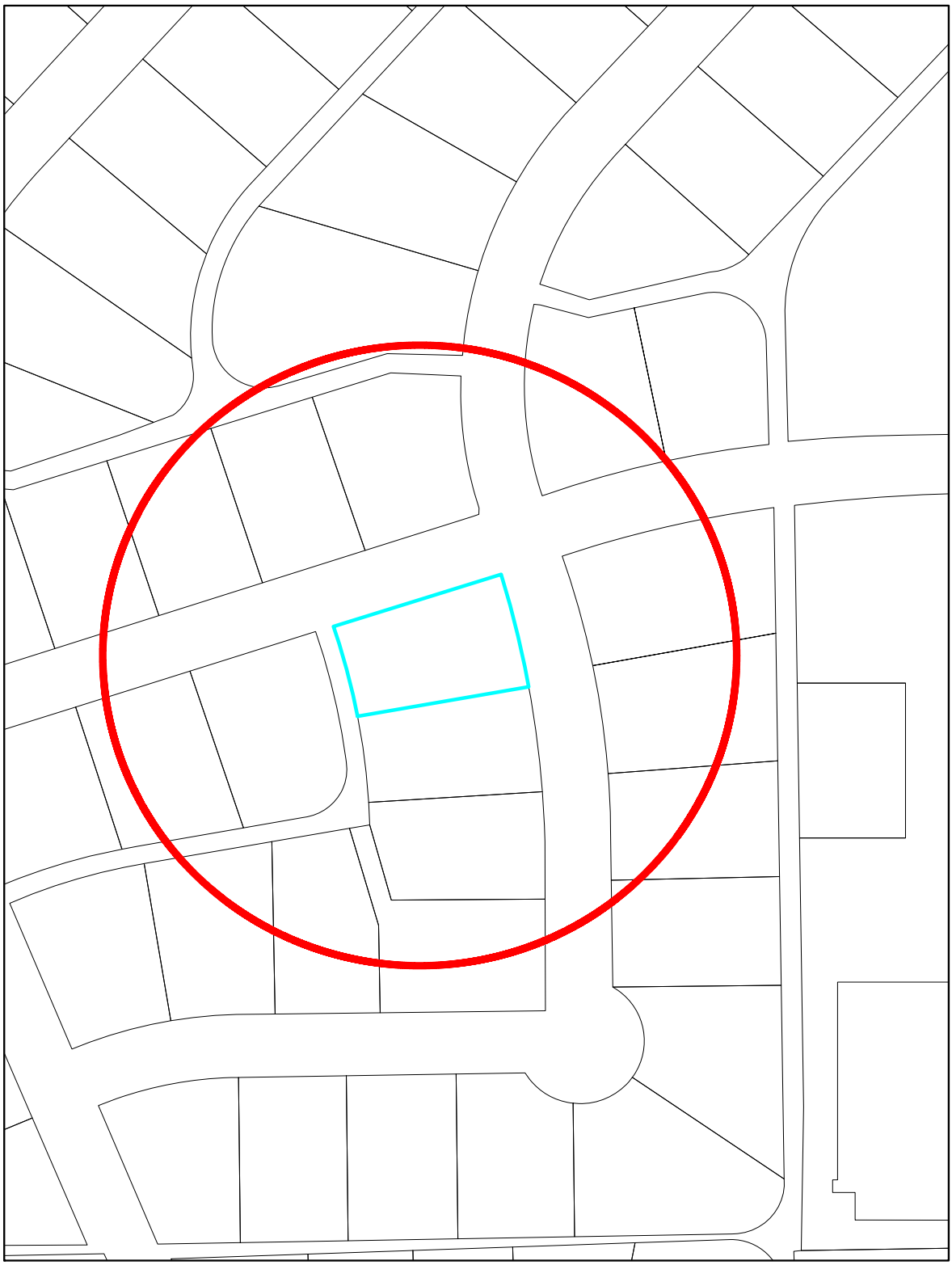
*1).*

*2).*

*3).*

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: _____



L. Romero
RECEIVED
04/06/2022

The following form may be filled out and mailed to:

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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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 May 3, 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). Potential for issues with parties, gatherings, traffic

2). Want to keep surrounding environment as it has been

3). Keep residential without option of short term rental

Printed Name: Virginia A. Dawson Address: 131 S. Capri

Signature: Virginia A. Dawson Date: 3 April 2022

SHOW ME your WAYS, O LORD Psalm 25:4
Virginia A. Dawson
P. O. Box 382475
Duncanville, TX 75138

NORTH TEXAS TX PROC
DALLAS TX 750
4 APR 2022 PM 4 L




Planning and Zoning Commission
City of Duncanville
Attn: Public Works Department
P.O. Box 380280
Duncanville, Tx. 75138-0280

75138-028080

RECEIVED 04/11/22 LRomero

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*City of Duncanville*
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*Duncanville, TX 75138-0280*

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*Please check one:*

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

__X__ ***Not in favor*** *of granting the zoning request.* no, no no, no!!

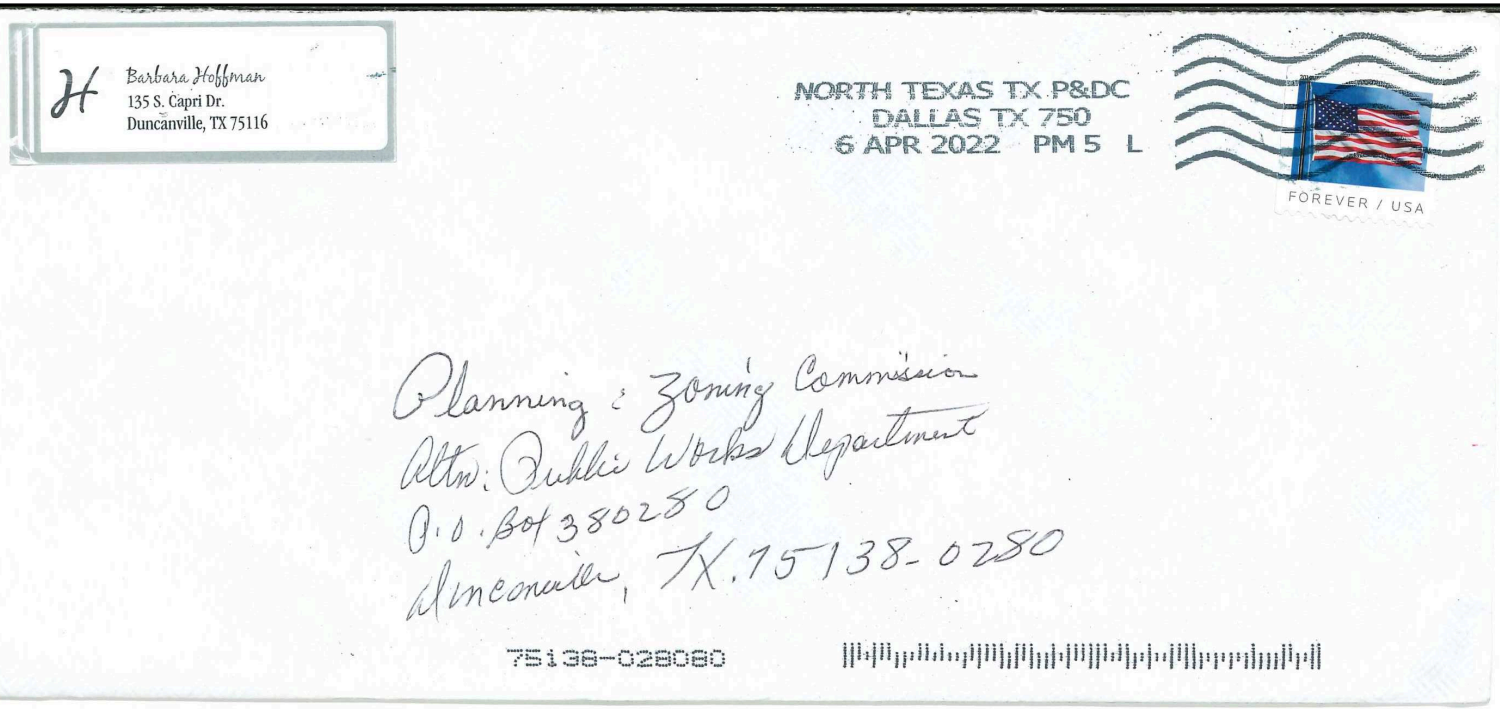
*My reasons are as follows:*

1). We do not want a motel in our neighborhood! activity!
our policeman have enough to do w/o having to monitor unknown activity!
2). If this is approved — what next? Lee Town Limit here
for almost 50 years (original owners) we do not want any
3). Zoning that changes our wonderful, peaceful, quiet, safe neighborhood

Printed Name: Barbara J. Hoffman Address: 135 S CAPRI Dr.

Signature: Barbara J Hoffman Date: 4-3-22

I am unable physically to attend hearings - but I hope and
pray our neighborhood is not destroyed!
We have at least 6 elderly families
that live in this neighborhood - I doubt that any would be able to attend hearings!



Barbara Hoffman
135 S. Capri Dr.
Duncanville, TX 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
6 APR 2022 PM 5 L

FOREVER / USA

Planning & Zoning Commission
Attn: Public Works Department
P.O. Box 380280
Duncanville, TX. 75138-0280

75138-028080

RECEIVED 04/11/2022 Leomero

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*City of Duncanville*
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*Duncanville, TX 75138-0280*

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*Please check one:*

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

_✓_ ***Not in favor** of granting the zoning request.*

*My reasons are as follows:*

1). Brings down the property values of surrounding homes.

2). Have seen too many instances of people trashing these short term rentals.

3). Dangerous

Printed Name: Esperanza Rodriguez Address: 243 Hamilton St. Duncanville, TX 75116

Signature: ERdz Date: 4/5/22

Esperanza Rodriguez
243 Hamilton St
Duncanville, TX 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
7 APR 2022 PM 5 L




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

75138-028080

The following form may be filled out and mailed to:

RECEIVED 04/11/2022 LRomero

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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*Please check one:*

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

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

*My reasons are as follows:*

1). Safe, affordable lodging for medical workers, etc and students in the area

2). Brings much needed economic boost and financial support to local businesses — food delivery, shopping

3). Provides a positive image for Duncanville, not as a vacation spot but as a convenient place to live and work or commute to work

Printed Name: RUTH CARLSON Address: 822 Sherrill Blvd, Duncanville

Signature: Ruth Carlson Date: 4/11/22

The following form may be filled out and mailed to:

RECEIVED 04/18/22 Romero

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

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*Please check one:*

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

__✓__ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). We are a single family housing neighborhood and do not want strangers
2). in short term Rentals
Crime is also an issue
3). Fear Property values will decrease

Printed Name: Glenda Alfred Address: 138 S. Capri Dr.

Signature: Glenda Alfred Date: 4/11/22

Bob & Glenda Alfred
138 S. Capri Dr.
Duncanville, TX 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
12 APR 2022 PM 10 L




Planning and Zoning Commission
P.O. Box 380280
Duncanville TX
75138

Public Works Dept.

75138-028080

**From:** mimi prz
**To:** Lynette Romero
**Subject:** Capri Drive Rezoning
**Date:** Monday, April 18, 2022 8:25:21 PM

Not in favor of rezoning on Capri Drive.

Sent from my Sprint Samsung Galaxy S20+ 5G.
Get Outlook for Android

**From:** Lara Easterwood
**To:** Lynette Romero
**Subject:** AirBnB Ruth Carlson
**Date:** Friday, April 22, 2022 9:50:53 AM

Greetings,

My name is Lara Easterwood, I am an Army Veteran, Nurse Practitioner, and a doctoral student at Texas Woman's University. I have three children, one is a teacher in Houston, one is an engineering student at the University of Oklahoma, and one is serving in the Army overseas. My kids grew up in a single parent household, and with me going to school, working, taking kids all over the United States to play AAU sports, plus their own college tuitions, I was only able to make the minimum student loan payments. Student loans are predatory loans, and unless you make very large payments in a short amount of time, they are near impossible to pay off. I decided that since my kids were all grown and doing well, it was my time to pay off my debt and buy a house here in Texas (I moved here from Oklahoma in 2018). I got rid of most of my worldly possessions and rented a room from Ruth Carlson through AirBnB. I am very quiet and private and this house has so far been perfect for my needs. I plan to be here for one year, maybe more if I decide to put a bigger down payment on a house. I love the area and the homes in the area that I am staying and would potentially like to buy a house in the area when the time is right. I am fortunate to have found Ruth's house as I feel safe, which was my number one priority when choosing a place to stay.

Sincerely,

Lara Easterwood

103 S. Capri Drive

Duncanville, Texas 75116

1[redacted]

[redacted]




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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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*Please check one:*

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

__✓__ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

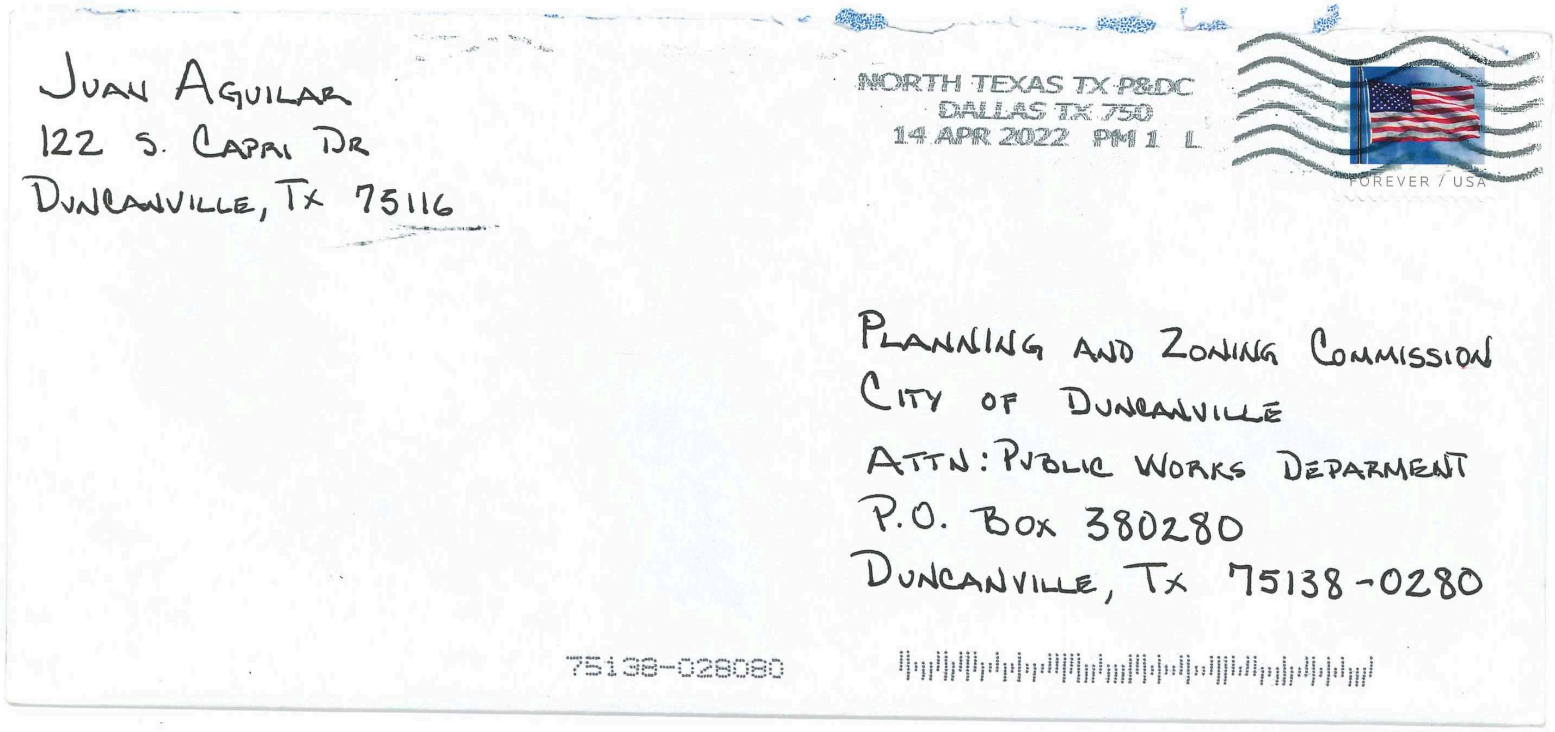
1). NOISE

2). TRAFFIC & ILLEGAL ACTIVITIES

3). LOITEIRING.

Printed Name: JUAN AGUILAR Address: 122 S. CAPRI DR.

Signature: [signature] Date: 4/10/2022



Juan Aguilar
122 S. Capri Dr
Duncanville, Tx 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
14 APR 2022 PM 1 L

FOREVER / USA

Planning and Zoning Commission
City of Duncanville
Attn: Public Works Department
P.O. Box 380280
Duncanville, Tx 75138-0280

75138-028080

RECEIVED 04/25/22

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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*Please check one:*

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

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

*My reasons are as follows:*

1). Partys, Drugs,

2). more traffic

3). People don't live in neighborhood, more theft.

Printed Name: Octavio Ramirez Address: 915 W. Center

Signature: [signature] Date: 4-18-22

Octavio Ramirez
915 W. Center St
Duncanville, Tx 75116

NORTH TEXAS TX 750
19 APR 2022 PM 10 L




Planning and Zoning Commission
City of Duncanville
Attn: Public Work Department
P.O. Box 380280
Duncanville, Tx 75138-0280

INT
75138-028080

**From:** Luis Bonilla
**To:** Lynette Romero
**Subject:** Zoning for 103 S Capri
**Date:** Thursday, April 28, 2022 4:31:19 PM
**Attachments:** Scan Apr 28, 2022 at 16.26.pdf

Hello Mr. Romero,
Please find my stance on proposed zoning change for 103 S Capri.

**RECEIVED**
*By Lynette Romero at 9:37 am, Apr 29, 2022*

The following form may be filled out and mailed to:

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

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If you oppose the zoning change, however, the attached survey must be completed and returned by May 3, 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). I would prefer to have long term residents living near me.
2). I have young kids and wouldn't like to have random people at all times.
3).

Printed Name: Luis Bonilla Address: 106 S Capri Dr, Duncanville,
Signature: Luis Bonilla Date: 4/28/2022 TX 75116

**RECEIVED**
*By Lynette Romero at 9:38 am, Apr 29, 2022*

The following form may be filled out and mailed to:

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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*Please check one:*

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

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

*My reasons are as follows:*

1). People currently living in this area have been here for 20 to 30 years & a change in
2). zoning could cause home prices to increase, which
3). is a bad thing unless your selling your home.

Printed Name: RAYMOND SHEA Address: 914 W. CENTER ST.

Signature: Raymond P. Shea Date: 4-25-

Raymond Shea
914 W Center St.
Duncanville, TX 75116-4316

NORTH TEXAS TX P&DC
DALLAS TX 750
26 APR 2022 PM 10 L

FOREVER

Planning and Zoning Commission
City of Duncanville
ATTn: Public Works Department
P.O. Box 380280
Duncanville, TX. 75138-0280

75138-028080

**RECEIVED**
*By Lynette Romero at 9:39 am, Apr 29, 2022*

The following form may be filled out and mailed to:

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

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If you oppose the zoning change, however, the attached survey must be completed and returned by May 3, 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.* No, no, no no!

*My reasons are as follows:*

1). This is supposed to be a residential neighborhood - We do not need or want a MOTEL in our neighborhood!!

2). We do not want any ordinance that changes our Residential status!

3). Several ~~in~~ in our neighborhood are Original Owners (me) 50 yrs. And are Unable to attend meetings - So Please don't let this happen!

Printed Name: Barbara Hoffman Address: 135 S. CAPRI Dr

Signature: Barbara J Hoffman Date: 4-25-22

This is my second appeal!!

Barbara Hoffman
135 S. Capri Dr.
Duncanville, TX 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
26 APR 2022 PM 5 L

FOREVER / USA

Planning & Zoning Committee
Attn Public Works Dept.
P.O. Box 38080
Duncanville, TX 75138-0280

75138-028080

**RECEIVED**
**By Lynette Romero at 9:40 am, Apr 29, 2022**

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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**City Council will hold a public hearing on Tuesday, May 17, 2022, at 7:00 p.m., at the City of Duncanville Council Chambers, 203 E. Wheatland Road.** The Public hearing is held to allow interested persons the opportunity to state their opinion directly to City Council either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by May 17, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

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

*My reasons are as follows:*

1). Disrupes neighborhood with Transient people

2). will be too noisey

3).

Printed Name: JAMES Riley Address: 114 S. Capri Ln. 75116

Signature: [signature] Date: 3/26/22


USA
FOREVER
9069004251815 57
NORTH TEXAS TX 750
26 APR 2022 PM 1 L

The following form may be filled out and mailed to:

RECEIVED
05.02.2022

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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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.

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**The Planning and Zoning Commission will hold a public hearing on Monday, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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). Property values will decrease. Not suitable for our neighborhood.

2). Crime will increase with transients.

3). The streets cannot handle the parking and traffic associated with this

Printed Name: John Houston Address: 906 Huntington

Signature: John Houston Date: 4-26-2022

RECEIVED
05. 02. 2022

The following form may be filled out and mailed to:

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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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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*Please check one:*

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

__✓__ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). One reason our family moved into the neighborhood is the single family residential zoning. Granting a permit would allow what once was a single family residence to specifically continue as an ongoing business. Why should one property be permitted to break up the intent and purpose of the neighborhood; especially since a large majority are not in favor of granting the permit.

2). Residential city streets have been crowded and clogged for several years. In spite of good intentions, word of mouth assurances and attempts to control parking on the street, the short term rental business at 103 S Capri Drive has only added to the problem.

3). Short term rentals may provide a profit to the owner and/or family, wages to employees, tax revenue to the city and accommodations to customers. However, when all concerned leave the property or checkout and return to wherever they reside, the single family residents in the surrounding neighborhood still have to live with it 24-7-365.

Printed Name: Leesha Bateman  Address: 907 Huntington Dr

Signature: Leesha Bateman  Date: 4-28-2022

RECEIVED
05.02.2022

The following form may be filled out and mailed to:

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

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

_✓_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

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2). Residential city streets have been crowded and clogged for several years. In spite of good intentions, word of mouth assurances and attempts to control parking on the street, the short term rental business at 103 S Capri Drive has only added to the problem.

3). Short term rentals may provide a profit to the owner and/or family, wages to employees, tax revenue to the city and accommodations to customers. However, when all concerned leave the property or checkout and return to wherever they reside, the single family residents in the surrounding neighborhood still have to live with it 24-7-365.

Printed Name: Charles Bateman Address: 907 Huntington Dr.

Signature: Charles Bateman Date: April 26, 2022

The following form may be filled out and mailed to:




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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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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*Please check one:*

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

_✓_ ***Not in favor** of granting the zoning request.*

*My reasons are as follows:*

1). Traffic

2). Vetting of guests

3). Residential used for Commercial purposes

Printed Name: Gwyn Cicione Address: 111 S. Venice Dr

Signature: Gwyn M. Cicione Date: 4/23/22

The following form may be filled out and mailed to:




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

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*Please check one:*

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

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

*My reasons are as follows:*

1). Traffic, Congestion

2). Single Family Dwelling

3). Property Values

Printed Name: Bill Cicione Address: 111 S Venice Dr

Signature: Bill Cicione Date: 4/23/2022

RECEIVED
05.02.2022

The following form may be filled out and mailed to:

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

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*Please check one:*

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

_✓_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). afraid it would be rented out for parties
2). proper screening of renters
3).

Printed Name: Christy Riley Address: 118 S. Capri Drive

Signature: Christy Riley Date: 4-9-22

RECEIVED
05.02.2022

The following form may be filled out and mailed to:

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

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*Please check one:*

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

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

*My reasons are as follows:*

1). PARKING

2). I don't WANT THE STUDENT FROM the High School TO RENT IT TO HAVE PARTIES THERE'S NO OTHER REASON THAT THEY WOULD RENT IT

3). SAFETY FOR MY Home I don't LIKE STRANGERS TO BE IN OUR Neighborhood

Printed Name: [signature] Address: 839 W CENTER ST, DUNCANVILLE TX 75116

Signature: Rene Sanchez Date: 4/9/2022

RECEIVED
05.02.2022

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

*Planning and Zoning Commission*
*City of Duncanville*
*Attention: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

**Caso No. 2022-06** Stuart y Ruth Carlson, Solicitantes y Propietarios, están solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Alquiler a Corto Plazo en Duncanville Estates 1, Block C, Lot 4, comúnmente conocido como 103 South Capri Drive, 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 11 de Abril 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo 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). Estacionamiento

2). Seguridad

3). Mucho Trafico

Nombre impreso: Rigoberto Flores

Dirección: 835 west center St Duncanville TX 75116

Firma: [signature]

Fecha: 04-09-2022

RECEIVED
05.03.2022

The following form may be filled out and mailed to:

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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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 May 3, 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). Safety in neighborhood - A Northeastern Univ. 2021 study showed that violent crimes increased
2). in relation to the number of Airbnb's in area. If one is allowed, others will follow.
3). Property values would decrease in area.

Printed Name: Bobbye Towns Address: 115 S Venice, Dville

Signature: Bobbye Towns Date: 4-29-22

RECEIVED
05.03.2022

The following form may be filled out and mailed to:

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

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If you oppose the zoning change, however, the attached survey must be completed and returned by May 3, 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). Property values will be effected. In the 44 years I have lived in this neighborhood I have seen the quality of the neighborhood and property values decline as more and more houses have become regular rentals. Renters care less about the neighborhood or their neighbors than owner occupants do. Short term rental would only make the decline in property values worse!!

2). Likelyhood of more crime in neighborhood.

3). Probability of wild parties, loud music, etc., because short term renters do not care about neighbors.

Printed Name: TRAVIS TOWNS Address: 115 S. VENICE DR.

Signature: Travis Towns Date: 4-30-2022

Travis and Bobbye Towns
115 South Venice Dr.
Duncanville, TX 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
30 APR 2022 PM 6 L




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

75138-028080

**From:** mimi prz
**To:** Lynette Romero
**Subject:** Re: Capri Drive Rezoning
**Date:** Tuesday, May 3, 2022 6:41:47 PM

Hi. I would like to change my vote in favor of rezoning. I did some research and I have changed my mind. I hope it's not too late. Thank you.

Sent from my T-Mobile 5G Device
Get Outlook for Android

**From:** Lynette Romero <lromero@duncanville.com>
**Sent:** Tuesday, April 19, 2022 8:16:27 AM
**To:** mimi prz <[redacted]>
**Subject:** RE: Capri Drive Rezoning

Thank you for your response.

Lynette Romero
Planning Technician

203 E. Wheatland Road
Duncanville, TX 75116
972-707-3878 P
www.duncanville.com

OPEN RECORDS NOTICE: In accordance with the Texas Public Information Act (Chapter 552, Texas Government Code) this email and all responses may be subject to disclosure, in part or full, as public information upon request. Please respond accordingly.

**From:** mimi prz <[redacted]>
**Sent:** Monday, April 18, 2022 8:25 PM
**To:** Lynette Romero <lromero@duncanville.com>
**Subject:** Capri Drive Rezoning

Not in favor of rezoning on Capri Drive.

Sent from my Sprint Samsung Galaxy S20+ 5G.

Get Outlook for Android

**RECEIVED**
**By Lynette Romero at 1:56 pm, May 16, 2022**

The following form may be filled out and mailed to:

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

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, in the City of Duncanville, Dallas County, Texas. This is the second of two public hearings that have been scheduled to receive further input on the requested zoning change.

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**City Council will hold a public hearing on Tuesday, May 17, 2022, at 7:00 p.m., at the City of Duncanville Council Chambers, 203 E. Wheatland Road.** The Public hearing is held to allow interested persons the opportunity to state their opinion directly to City Council either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by May 17, 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: Lisa & Santos Padilla Address: 115 S. CAPRI

Signature: _____ Date: 5-13-22

NOWAK & STAUCH
*A Limited Liability Partnership*

10000 N. Central Expressway, Suite 1040
Dallas, Texas 75231

NORTH TEXAS TX 750
14 MAY 2022PM 8 L

FIRST-CLASS

US POSTAGE PITNEY BOWES

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MAY 13 2022

Planning and Zoning Commission
City of Duncanville
Attn: Public Works Department
P.O. Box 380280
Duncanville, Texas 75138-0280

75138-028080

**From:** Charles Franklin
**To:** Lynette Romero
**Subject:** Short Term Rental
**Date:** Wednesday, August 24, 2022 1:26:40 PM

I Charles Franklin homeowner @ 206 N, Capri Dr Duncanville 75116
hereby protest the proposal to change coding to allow the short-term rental at:
103 S Capri Dr
Duncanville, Tx 75116

# Attachment 6

RAMIREZ OCTAVIO &
915 W CENTER ST
DUNCANVILLE, TEXAS 75116

RODRIGUEZ ESPERANZA & JOSE DEJ
243 HAMILTON ST
DUNCANVILLE, TEXAS 751164719

DAWSON VIRGINIA A
PO BOX 382475
DUNCANVILLE, TEXAS 751382475

PEREZ WILLIE & NOEMI
107 S CAPRI DR
DUNCANVILLE, TEXAS 751164311

PARKER JAMES L
910 W CENTER ST
DUNCANVILLE, TEXAS 751164316

BONILLA LUIS
106 S CAPRI DR
DUNCANVILLE, TEXAS 751164312

PUEBLA MARIA E
839 W CENTER ST
DUNCANVILLE, TEXAS 751164313

WALKER JULIAN E & VICKI L
911 W CENTER ST
DUNCANVILLE, TEXAS 751164315

BERUMEN MARTHA Y
107 N CAPRI DR
DUNCANVILLE, TEXAS 751164305

PADILLA SANTOS S JR &
115 S CAPRI DR
DUNCANVILLE, TEXAS 751164311

CARLSON RUTH G & STUART P CARLSON
103 S CAPRI DR
DUNCANVILLE, TEXAS 751164311

RILEY JAMES A
215 NAPLES DR
DUNCANVILLE, TEXAS 751164325

BOLES HERMAN R
102 S CAPRI DR
DUNCANVILLE, TEXAS 751164312

KHALEEL RASHEED
907 W CENTER ST
DUNCANVILLE, TEXAS 751164315

HOFFMAN BARBARA
135 S CAPRI DR
DUNCANVILLE, TEXAS 751164311

WARNER DAVID & SHERON
111 S CAPRI DR
DUNCANVILLE, TEXAS 751164311

MILLER MICHAEL & MAISIE O
906 W CENTER ST
DUNCANVILLE, TEXAS 751164316

NANCE DOROTHY
2224 WORTHINGTON GREENS DR
SUN CITY CENTER, FLORIDA 335738045

FLORES RIGOBERTO &
835 W CENTER ST
DUNCANVILLE, TEXAS 751164313

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, APRIL 11, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, April 11, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

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

Staff present:
Jeremy Tennant, Interim Planning Secretary
Lynette Romero, Planning Technician

The meeting was called to order at 7:00 p.m. by Chairman Culbreath.

Item No. 1 – Receive Public Comments

No public comments were made.

Item No. 2 – Approval of meeting minutes for the regular meeting on March 28, 2022.

Commissioner Rodriguez made a motion as seconded by Commissioner McBroom to approve the minutes. The vote was unanimous 5-0 in favor with Commissioner Stith absent.

Item No. 3 – Consider a request for approval of a replat by Matthew Williamson, applicant, representing Italy Family Pharmacy, Inc., owner, to replat Hopco Wedge, more commonly known as 102 East Danieldale Road, Duncanville, Dallas County, Texas.

Jeremy Tennant presented background information regarding the proposed request for replat.

The applicant was present. The applicant did not have anything to comment regarding his request.

Chairman McBroom made a motion as seconded by Commissioner Pena to approve the request for replat. The vote was unanimous 5-0 in favor with Commissioner Stith absent.

Before introducing the next item, Chairman Culbreath explained to the audience what a Specific Use Permit is and its purpose. She also explained to the audience that the City recently passed an ordinance in December of 2021 for the regulation of short-term rentals, and that prior to this ordinance being passed there were no rules or regulations set for the operation of short-term rentals within the City of Duncanville.

Item No. 4 – Conduct a public hearing (2022-06) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.

Jeremy Tennant presented background information regarding the proposed SUP.

Chairman Culbreath opened the public hearing.

Stuart Carlson, applicant and owner, spoke in favor of his request.

Chairman Culbreath opened the floor for comments.

There were two residents that spoke in opposition of the request.

1. Leesha Bateman of 907 Huntington Drive, Duncanville, Texas 75116
2. Charles Bateman of 907 Huntington Drive, Duncanville, Texas 75116

There were four people that spoke in favor of the request.

1. Pamela Miller of 126 County Road 2980, Alba, TX 75410
2. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
3. Lorenzo Aytes – did not provide address
4. Alla Wilkins of 234 Walnut Circle, Duncanville, Texas 75116

Three citizen public comment cards were submitted in support of the request, however; the residents chose not to speak during the hearing.

Ruth Carlson, applicant and owner, provided a response to the Commission regarding the resident's items of opposition.

Commissioner McBroom made a motion to close the public hearing with motion seconded by Commissioner Avery.

Commissioner Avery made a comment that the Commission decides with the whole city in mind and not district by district. He stated that the main controversy of short-term rentals are property values. Commissioner Avery stated he believes in property owners utilizing their property as they choose to the extent that that the law allows; however, as it pertains to the City of Duncanville, he feels that he must be consistent with previous decisions made, and due to that he would deny the request.

Commissioner McBroom made a motion to approve the request for SUP as seconded by Chairman Culbreath. The vote was 2-3 in favor, with Commissioner Avery, Commissioner Rodriguez and Commissioner Pena in opposition and Commissioner Stith absent.

Item No. 5 – Conduct a public hearing (2022-07) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants, representing Lydia W. Carlson, owner, to include a Specific Use Permit "SUP" for Short-Term Rental on River Oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.

Jeremy Tennant presented background information regarding the proposed request for SUP.

Chairman Culbreath opened the public hearing.

Stuart Carlson, applicant, spoke in favor of the request.

One resident, Marlene Skinner of 359 Linklea Drive, Duncanville, Texas 75137, spoke in opposition of the request.

Chairman Culbreath made a comment that all people have the right to have an opinion, but do not have a right to oppose others' opinions. She stated that she found it interesting how the applicants have been operating for quite some time, and all who had spoken had never made a complaint about these specific properties until today. She went on to state that neighborhood services have not received any complaints regarding these properties ever since they have been in operation.

There were three residents that spoke in favor of the request.

1. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
2. Caroline Carlson of 710 Markwood Drive, Duncanville, Texas 75116
3. Paul Carlson of 710 Markwood Drive, Duncanville, Texas 75116

Four citizen public comment cards were submitted in support of the request, however; the residents chose not to speak during the hearing.

In between these individuals speaking, the commission made comments regarding the company Airbnb and their own personal experiences with the company. Commissioner Rodriguez also addressed the audience concerning the commission reviewing each case separately and its obligation in determining what is best for the City.

Commissioner McBroom made a motion to close the public hearing as seconded by Commissioner Pena.

Commissioner McBroom made a motion to approve the request for SUP, seconded by Chairman Culbreath. The vote was 2-3 in favor with Commissioner Avery, Commissioner Rodriguez and Commissioner Pena in opposition and Commissioner Stith absent.

Item No. 6 – Conduct a public hearing (2022-08) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include 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.

Jeremy Tennant presented background information regarding the proposed request for SUP.

Chairman Culbreath opened the public hearing.
Mr. Carlson, applicant and owner, did not speak on this case.

Chairman Culbreath opened the floor for comments. She also stated that there was a letter received by resident Judith Reed of 935 Green Rock Drive, Duncanville, Texas, 75137, in support of the request. Three citizen public comment cards were also submitted in support of the request, however; the residents chose not to speak during the hearing.

There were five people who spoke in favor of the request.

1. Pamela Miller of 126 County Road 2980, Alba, Texas 75410
2. Peter D'Amato of 211 North Casa Grande Circle, Duncanville, Texas 75116
3. Evelyn Kirby of 822 Sherrill Boulevard, Duncanville, Texas 75116
4. Elaine Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
5. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116

Chairman Culbreath commented that these properties were in operation prior to the ordinance going into effect, and that the property owners have not received any code complaints and have been doing a very good job. She stated that street parking issues are not related to Airbnb, and that recently, an ordinance was passed that prohibits overparking in all single-family residential districts. She went on to state that maybe residents need to bring these issues to City Council.

Commissioner McBroom asked the applicant, Mr. Carlson, questions pertaining to the living situation at this property. Mr. Carlson stated that this property is operated in the same manner as his other two properties with the only difference being that he resides at this property.

Commissioner Rodriguez made a comment that he would support the approval of the request for SUP for this case because the owner resides at the property, and he seems to have a good history of the management process.

Commissioner Avery made a comment that his position on short-term rentals does not change. He went on to state to those who spoke that even though a precedent has been set that it does not mean it is not possible for it to change, and that compelling arguments bring forth change, which is what those who spoke demonstrated during this hearing. He commented to the audience to keep in mind that these cases must still move forward to City Council for final decision.

Commissioner McBroom made a motion to close the public hearing as seconded by Commissioner Pena.

Commissioner McBroom made a motion to approve the request for SUP as seconded by Commissioner Pena. The vote was 4-1 in favor with Commissioner Avery in opposition and Commissioner Stith

absent.

After voting was completed, various members of the audience asked questions pertaining to the process to take place after the first hearing. The commission responded to their questions.

There were three citizen public comment cards submitted in support all checked not to speak. These three comment cards did not have an agenda item number or topic listed.

The three citizens listed on these public comment cards were:

1. Joe Leszko of 822 Sherrill Boulevard, Duncanville, Texas 75116
2. Steve Landtroop of 1315 Heather Glen Street, Duncanville, Texas 75116
3. Elaine Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116

Item No. 7 – Continue discussion pertaining to the five-year Comprehensive Plan update. Analyze the FLUP Map and determine which areas need minor revisions and which areas need significant modification.
Jeremy Tennant asked the Commission if they had been able to review chapters 1 and 2 of the Comprehensive Plan, and if so, were there any sections they believed required minor revisions or major modifications.

The commission responded that they would need some time to review the chapters. The commission decided to form a small group consisting of Commissioner Avery, Commissioner Rodriguez, and Commissioner Pena. The selected commissioners will review chapters 1 and 2 and present their findings at the next Planning and Zoning Meeting. The commission will discuss the findings before moving onto next chapters.

Item No. 8 – The meeting adjourned at 8:28 p.m.

Jeremy Tennant, Interim Planning Secretary

Betty Culbreath, Chairman

# 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.

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 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.

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***

***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.

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 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.*

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.}

{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

- 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***

***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

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.

**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

**ORDINANCE NO. 2432**

**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 DUNCANVILLE ESTATES 1, BLOCK C, LOT 4, MORE COMMONLY KNOWN AS 103 SOUTH CAPRI DRIVE., 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 ORDIANED 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 Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive., in the 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:

- 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 owner shall comply with Short-Term Rental registration ordinance as provided in the Code of Ordinances.

- 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.
- Continue operation of a Short-Term rental without permit or violation of this 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 ORDIANED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

**APPROVED:**

_____

Barry L. Gordon, Mayor

**ATTEST:**

_____

Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

_____

Robert E. Hager, City Attorney

Ordinance No. 2432

**Exhibit "A"**
**Legal Description**

Being all of an approximately 0.25-acre lot, tract, or parcel of land recorded as Block C, Lot 4, Duncanville Estates, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Conduct a Public Hearing (2022-07) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants, representing Lydia W. Carlson, owner, to include a Specific Use Permit "SUP" for Short-Term Rental on River Oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.

**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:**
**Nathan Warren, Senior Planner**

**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.

Staff believes this request, as it relates to compatibility with the Comprehensive Plan, is dependent on the manner in which the single-family residential structure is utilized for the purpose of a short-term rental. If the structure is intended to be constantly rented out much the same as a hotel room, staff would not believe the request is compatible with the Comprehensive Plan. However, if the structure

was intended to be lived-in by the property owner throughout the majority of the year and rented out for a select number of weekends, staff feels such a request may be viewed to be more in-line with the Comprehensive Plan.

Project Scope
The applicants are 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 1,372 square feet in size with attached garage. Exterior features include existing trees and front drive.

Surrounding Land Use and Zoning
The subject property is surrounded by existing single-family residences zoned SF-7 Single-Family Residential District.

Zoning and Land Use
Section 6.05. (Specific Use Permits) of the Zoning Ordinance, states the in considering an application for a SUP, the Planning and Zoning Commission and the City Council shall consider that the proposed use is:

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

Recommendation
Staff recommends the Commission consider the bullet items contained in Section 6.05 of the Zoning Ordinance and make an appropriate recommendation to City Council.

**POLICY EXPLANATION:**
Notification
Thirty-seven (37) notices were sent out for this public hearing. As of this writing, twenty-one (21) responses have been received in opposition and one (1) in favor. Letters will be received until Tuesday, September 20, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, September 20, 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 for Public Hearing
Attachment 2 - Area of Request Maps
Attachment 3 - Site Plan & Applicant Exhibits
Attachment 4 - Letter From Applicant- Property Owner
Attachment 5 - Letters to Property Owners Within 200' Buffer
Attachment 6 - List of Property Owners Within 200' Buffer
Attachment 7 - 2022-04-11 - PZ Minutes
Attachment 8 - 2022-06-21 - City Council - Minutes
Attachment 9 - Ordinance No. - 2433 - SUP - 350 Linklea Drive

# Attachment 1

Advertise 1 time - By March 30

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-07

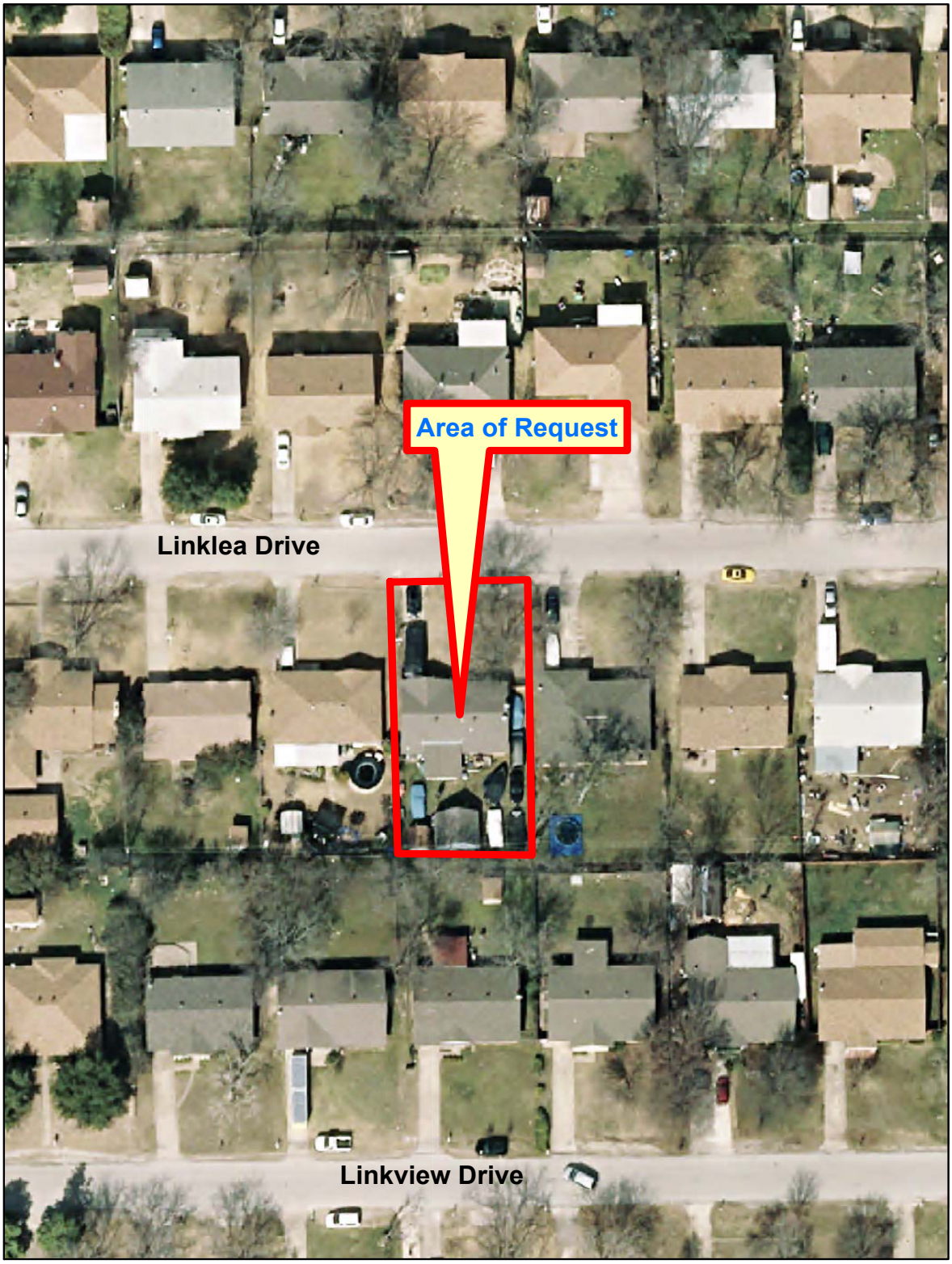
A public hearing will be held before the Planning & Zoning Commission on Monday, April 11, 2022 at 7:00 p.m., and before City Council on Tuesday, May 3, 2022, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Rd, Duncanville, Texas, to hear a request of the City of Duncanville for a Specific Use Permit to allow for the use of Short-Term Rental, on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, 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 the City Secretary or to Skye Thibodeaux, Interim Secretary of the Planning and Zoning Commission, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

Skye Thibodeaux,
City Planner

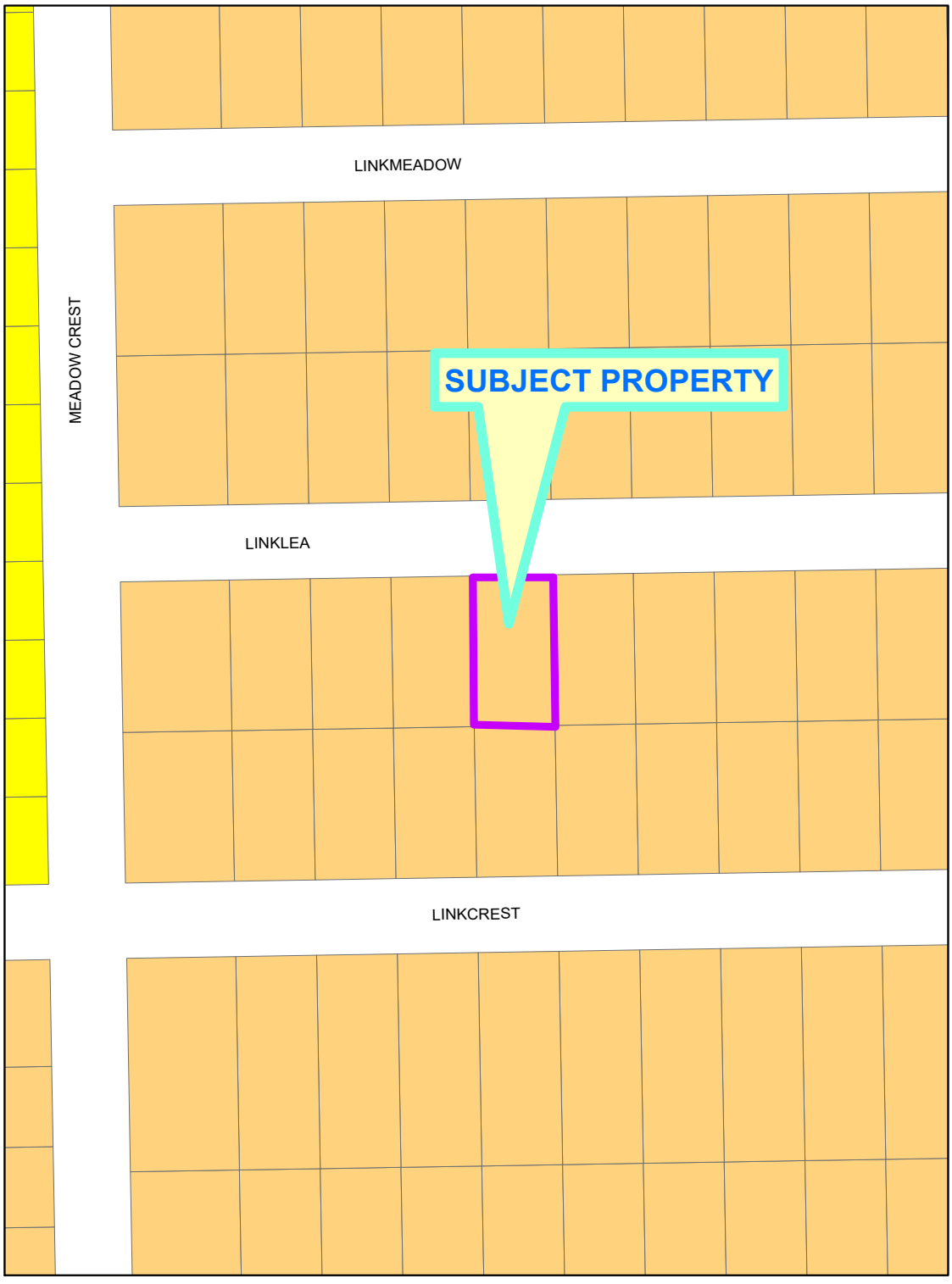
Attachment 2




Duncanville
City of Champions

**Proposed Zoning Change**
**Aerial Location**
**350 Linklea Drive**

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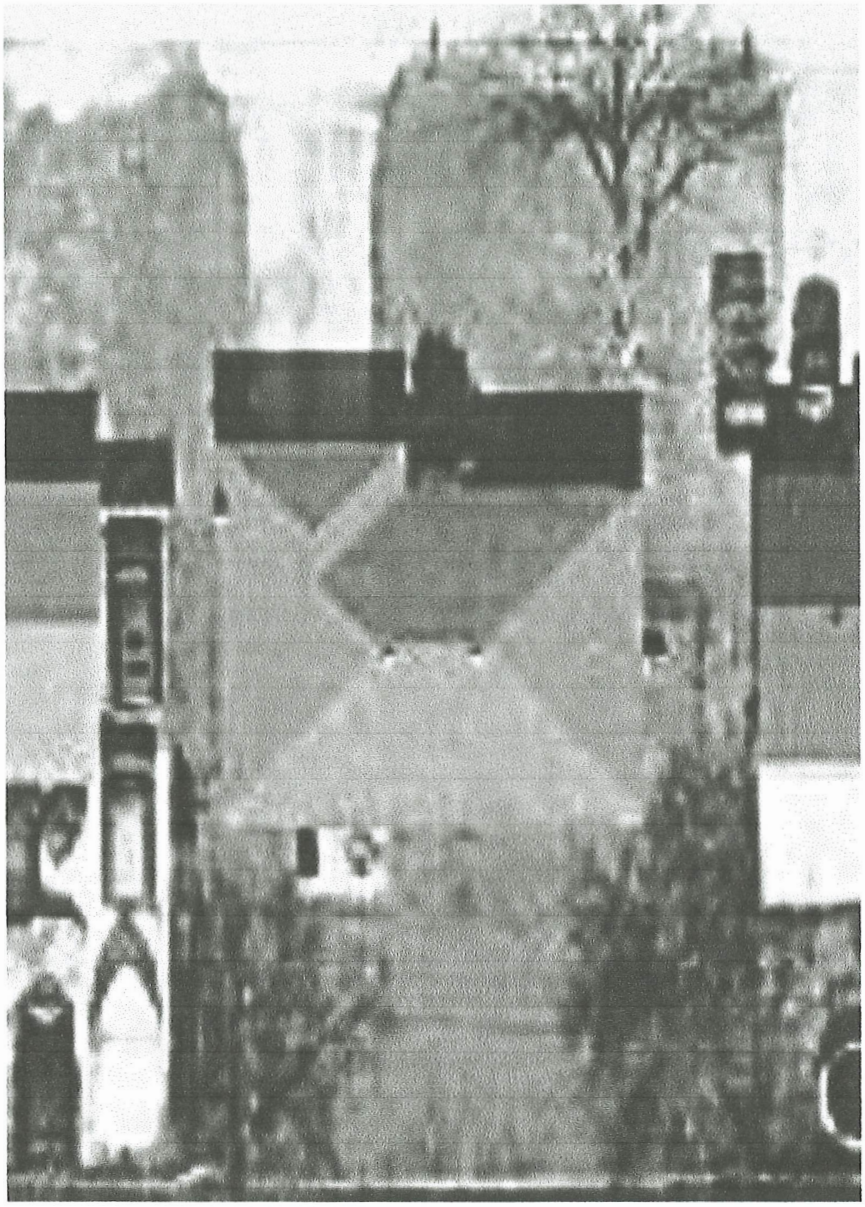

Duncanville
City of Champions

**Zoning Case 2022-07**
**SUP Request for**
**Short-Term Rental**

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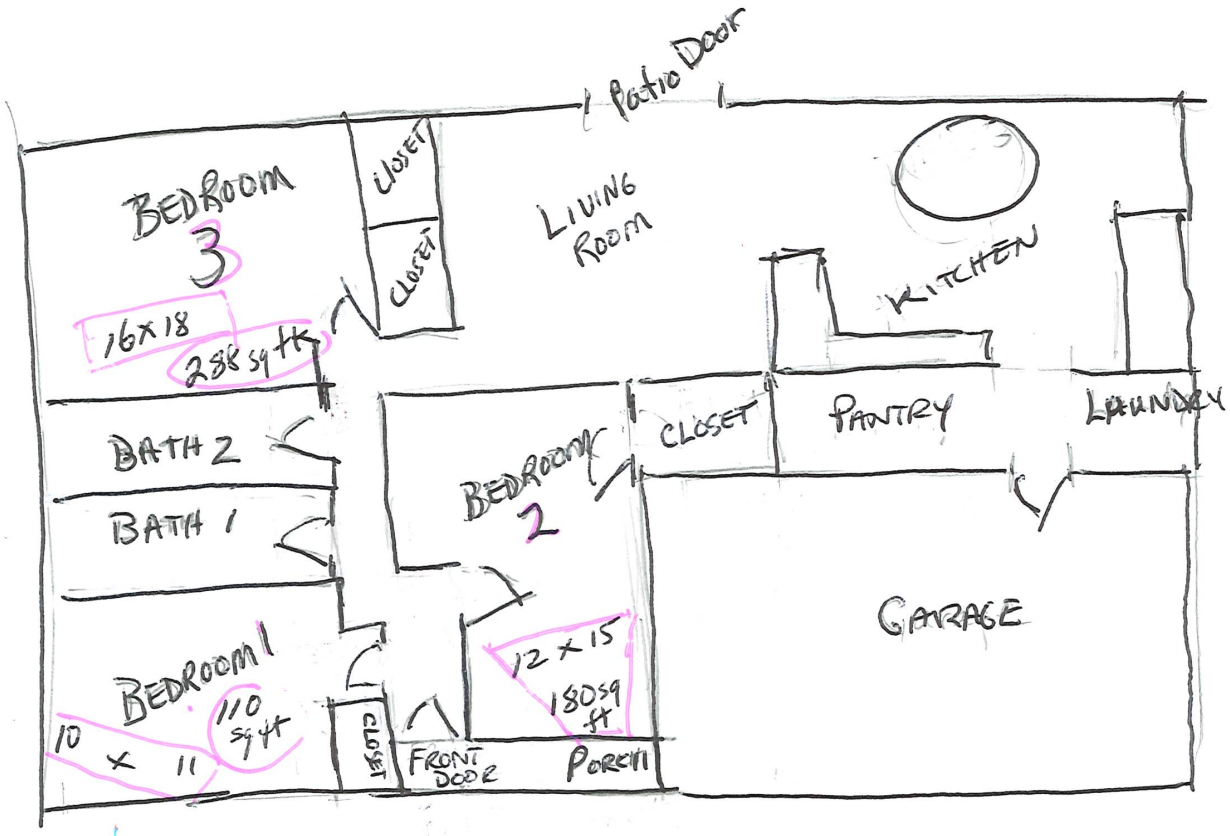
Attachment 3

350 Linklea Blvd, Duncanville, TX 75137



River Oaks Blk K Lot 5

350 LINKLEAF DRIVE, DUNCANVILLE 75137



Attachment 4

Stuart and Ruth Carlson
~~822 Sherrill Blvd~~ 350 Linklea Dr
Duncanville, Texas 75116
February 22, 2022

To the City of Duncanville:

We are applying for a special use permit to use a home in our family trust at 350 Linklea Drive, Duncanville, as a place to welcome people to our city - people such as traveling nurses, students, and other folks who need a transitional place to stay until they get their feet under them. Most of our guests will likely stay with us for 3 months to a year, or longer.

There are times, however, when a guest is just traveling through town and needs a place for a night or two; or perhaps a mother has come to town to visit her son who is attending college. While we do not seek to have short term guests, we do try to accommodate them if the need arises. Last year we hosted a few short term guests in our other homes, and this is why we are applying for a short term rental permit.

We love sharing our home with our guests! Our setup is reminiscent of a tiny hotel, but much better. Each guest has the privacy and security afforded by a keyed door to their bedroom; but they have access to and use of all the common areas: the living room, kitchen, dining room, bathrooms, laundry room, patio, and front and back yards. Some of our guests work night shifts, others during the day, some work from home, and others work on site. In the past, some of our guests have been able to save enough money while living in our home to buy their own homes here in Duncanville. We like to stop in to have a cup of coffee with a guest and chat, or to attend to maintenance and cleaning of the house and yard. Many enduring relationships will be created.

We believe we are bringing much richness to Duncanville: good people are able to work at Charlton Methodist and other businesses; shopping and use of Uber, Lyft, and UberEats is increased, giving more of our citizens opportunities to make money serving our guests; and because of the welcome and care our guests receive, a positive image of this city is being fostered.

This cute little home is not a party home. Although many of our guests come to us through the Airbnb platform, none of our guests will come to vacation and party, but rather to work and/or study. Funny enough, if one of the guests were to attempt to throw a party (which is against the rules), the other guests would object and report the person to me. What a serendipity that our system is self-monitoring! Our home is quiet, very organized, clean, and safe.

Thank you for your care for Duncanville. We understand how important it is to make sure that neighborhoods remain peaceful, clean, and safe, and we assure you that we are doing our part to create a great atmosphere in Duncanville.

Sincerely,

Stuart and Ruth Carlson

Attachment 5

City of Duncanville Planning Division
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878; (f) 972-780-6426
(e) lromero@duncanville.com

March 30, 2022

Zoning File: 2022-07

Dear Property Owner:

Stuart and Ruth Carlson, Applicants, representing Lydia W. Carlson, Owner, are requesting approval of a Specific Use Permit to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 2022, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary or to Skye Thibodeaux, Secretary of the Planning and Zoning Commission, 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,

Skye Thibodeaux
Secretary, Planning and Zoning Commission

Enclosures

City of Duncanville Planning Division
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878; (f) 972-780-6426
(e) lromero@duncanville.com

Marzo 30, 2022

Archivo de zonificación: 2022-07

Estimado propietario:

Stuart y Ruth Carlson, solicitantes, representando Lydia W. Carlson, propietaria, están solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Alquileres a Corto Plazo en River Oaks, Block K, Lot 5, más comúnmente conocido como 350 Linklea Drive, 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 11 de Abril de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretario de la Ciudad o a Skye Thibodeaux, Secretario de la Comisión de Planificación y Zonificación, 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

Skye Thibodeaux
Secretario de la Comisión de Planificación y Zonificación

Recintos

The following form may be filled out and mailed to:

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

**Case No. 2022-07** Stuart and Ruth Carlson, Applicants, representing Lydia W Carson, Owner, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

**Caso No. 2022-07** Stuart y Ruth Carlson, Solicitantes, representando Lydia W. Carlson, Propietaria, están solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Alquiler a Corto Plazo en River Oaks, Block K, Lot 5, comúnmente conocido como 822 Sherrill Boulevard, 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 11 de Abril 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo 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:*

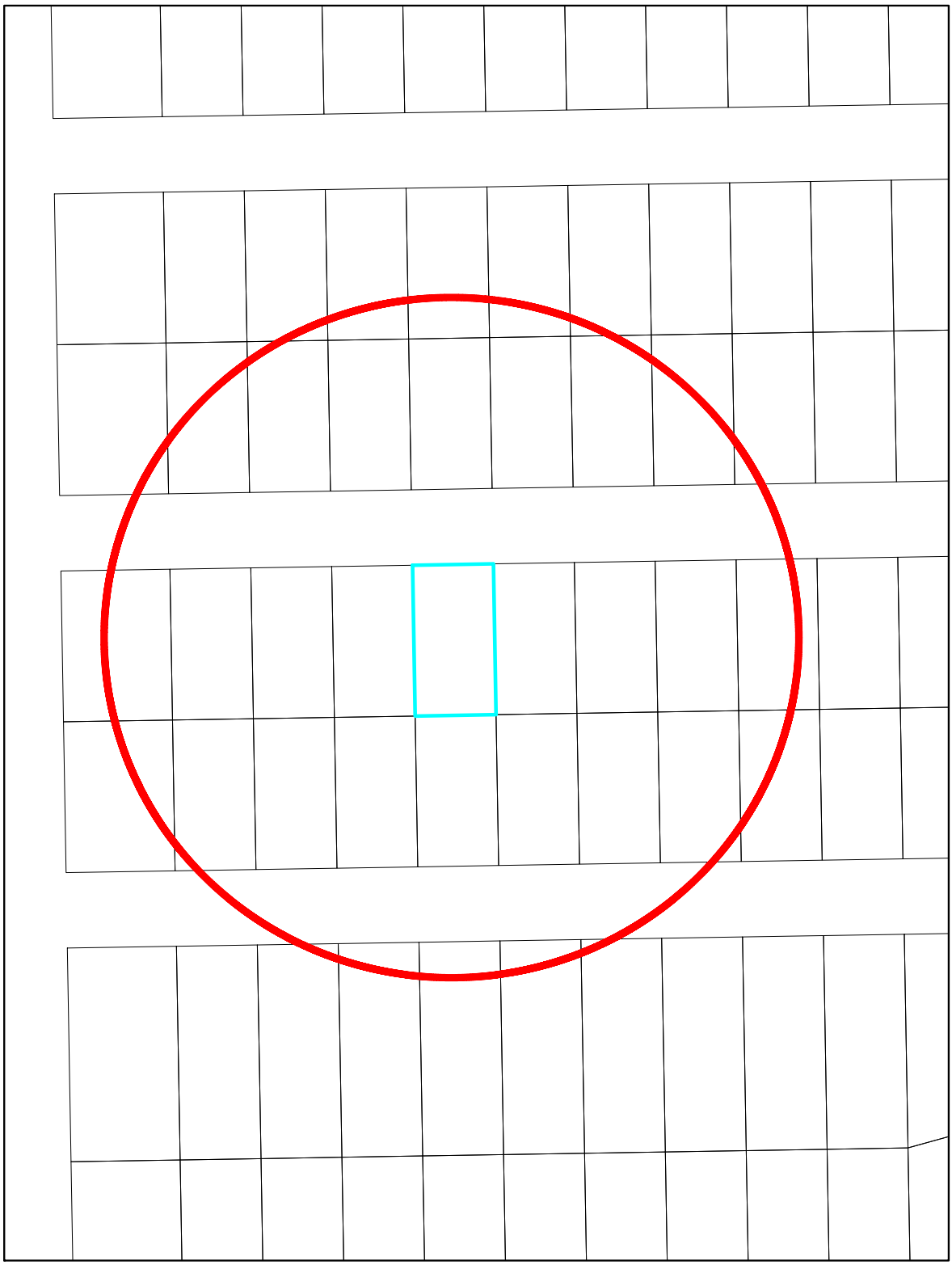
*1).*

*2).*

*3).*

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: _____



R. Justice
358 Linklea DR.
Duncanville Tx.
75137

NORTH TEXAS TX 750
12 APR 2022 PM 6 L




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

75138-028080




The following form may be filled out and mailed to:

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

**Case No. 2022-07** Stuart and Ruth Carlson, Applicants, representing Lydia W Carson, Owner, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, 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 May 3, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

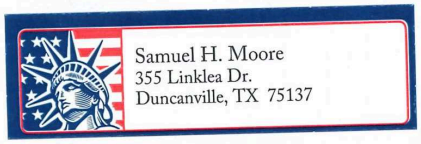
_X_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). I don't want a MOTEL or party house two doors down from my home.
2). I don't want my property value to decrease
3). I don't want a revolving door of strangers, traffic and more parking issues than what we already have.

Printed Name: Ralph Justice Address: 358 Linklea Dr.

Signature: Ralph K Justice Date: 4-12-2022



Samuel H. Moore
355 Linklea Dr.
Duncanville, TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
20 APR 2022 PM 3 L



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

75138-028080

RECEIVED 04/21/22 L. Romero

The following form may be filled out and mailed to:

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

**Case No. 2022-07** Stuart and Ruth Carlson, Applicants, representing Lydia W Carson, Owner, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, 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 May 3, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

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

*My reasons are as follows:*

1). I don't want a weekend party house next door,

2). will probably make my property hard to sell.

3).

Printed Name: Samuel H. Moore Address: 355 Linklea Dr.

Signature: Samuel H Moore Date: 4/20/22

**Leonard Skinner**
359 Linklea Dr
Duncanville, TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
20 APR 2022 PM 2 L




Planning and Zoning Commission
City of Duncanville
Attn: Public Works Department
P.O. Box 380280
Duncanville TX 75138-0280

75138-028080

3

RECEIVED 04/21/22 L Romero

The following form may be filled out and mailed to:

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

**Case No. 2022-07** Stuart and Ruth Carlson, Applicants, representing Lydia W Carson, Owner, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, 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 May 3, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

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

*My reasons are as follows:*

1). A SPECIAL USE PERMIT FOR 350 LINKLEA DRIVE WOULD ALLOW THE APPLICANTS, REPRESENTING THE OWNER, TO OPERATE A MOTEL-TYPE BUSINESS AT ONE PARTICULAR LOCATION IN A RESIDENTIAL STREET. SUCH FREQUENT CHANGES OF OCCUPANTS IS UNSETTLING AND MAKES A LESS THAN STABLE NEIGHBORHOOD.

2). SAFETY IS AN ISSUE. LINKLEA DRIVE IS ONE BLOCK LONG. THE STREET IS NARROW, HAS NO CURBS OR SIDEWALKS. IT IS CLOSE TO ALEXANDER ELEMENTARY SCHOOL. CHILDREN, OTHER PEDESTRIANS BICYCLISTS AND SCHOOL BUS USE IS FREQUENT. RESIDENTS ARE AWARE BUT TAKE CARE. SHORT TERM OCCUPANTS MAY NOT.

3). THE PURPOSE OF A SHORT-TERM RENTAL, IF ALLOWED BY THIS SPECIAL USE PERMIT, IS TO GENERATE BUSINESS INCOME FOR THE APPLICANTS REPRESENTING THE OWNER.

Printed Name: LEONARD E SKINNER Address: 359 LINKLEA DR, DVILLE 75137

Signature: Leonard E Skinner Date: APRIL 20, 2022

*3 cont.) ADDITIONAL TAX MONEY WHICH MAY BE REQUIRED BY THE CITY OF DUNCANVILLE, COMES AT THE EXPENSE OF, AND TO THE DETRIMENT OF THE OWNERS AND OTHER RESIDENTS OF THE NEIGHBORHOOD.

4

The following form may be filled out and mailed to:

RECEIVED
05.03.2022

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

**Case No. 2022-07** Stuart and Ruth Carlson, Applicants, representing Lydia W Carson, Owner, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, in the City of Duncanville, Dallas County, Texas. This is the second of two public hearings that have been scheduled to receive more information about the requested zoning change.

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

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If you oppose the zoning change, however, the attached survey must be completed and returned by May 17, 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). Property value

2). noise - late night partys

3). Parking

Printed Name: Donald OTOOLE Address: 362 Linklea Dr Duncanville

Signature: Donald OToole Date: 4/25/22

Mr. Donald O'Toole
134 Creek Dr.
Whitney Texas 76692

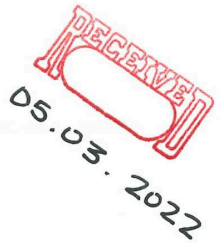
NORTH TEXAS TX P&DC
DALLAS TX 750
25 APR 2022 PM 10 L




Planning and Zoning Commission
City of Duncanville
Attn: Public Works Department
P.O. Box 380280
Duncanville Tx 75138-0280

75138-028080

5




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*Please check one:*

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

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

*My reasons are as follows:*

1). I do not want a "Motel" two doors down from my home

2). I don't want my property value to decrease

3). I don't want a ~~retu~~ revolving door of strangers, traffic or more parking issues than we already have on our street.

Printed Name: Ralph Justice Address: 358 Linklea Dr.

Signature: [signature] Date: 4-29-22

R. Justice
358 Linklea DR.
Duncanville Tx.
75137

NORTH TEXAS TX 750
29 APR 2022 PM 9 L




Planning and Zoning Commission
City of Duncanville
Attn: Public Works Department
P.O. Box 380280
Duncanville, Tx. 75138-0280

75138-028080

6

**From:** Pamela Juarez
**To:** Lynette Romero
**Subject:** Zoning File: 2022-07 - Opposing Position
**Date:** Monday, May 2, 2022 5:36:35 PM

Good afternoon,

I am a resident of 342 Linkcrest Dr, Duncanville, TX 75137. I have received the letter regarding the rezoning near my property.

I am not in favor of granting the zoning request.
My reasonings behind this decision are as follows:

1. This is a quiet and friendly neighborhood, and upon further reading, the rezoning can cause more traffic and population increases which can cause more disruptions.
2. Having schools very nearby we worry about the children that commute to and from school. With more traffic, there could lead to more risks with children walking or even playing outside.
3. Lastly, seeing as this zone may become “industrial” our last main concern is the reduction of value of our property. Something that we would prefer not to do.

Best,
Residents Alberta and Pablo Juarez
342 Linkcrest Dr, Duncanville, TX 75137
214-533-8928

Wooddell
366 Linklea Dr.
Duncanville, Tx 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
2 MAY 2022 PM 4 L




Planning + Zoning Commission
City of Duncanville
Attn: Public Works Dept.
P.O. Box 380280
Duncanville, Tx 75138-0280

75138-028080

7

RECEIVED
05.05.2022
LRamero

The following form may be filled out and mailed to:

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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*Please check one:*

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

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

*My reasons are as follows:*

1). CONCERNS OF LOWERING PROPERTY VALUE
2). Renters not having reguard for neighbors } Ex.- multiple visitors, loud music PARTIES
3). Unusual traffic, vehicles + people in neighborhood

Printed Name: Gary D. + Kandis Wooddell Address: 346 Linklea Dr.

Signature: Gary D Wooddell Date: 04-10-22

Kandis Wooddell

Wooddell
366 Linklea Dr.
Duncanville, Tx 75137




Planning & Zoning Commission
City of Duncanville
Attn: Public Works Dept.
P.O. Box 380280
Duncanville, Tx 75138-0280

8

The following form may be filled out and mailed to:

RECEIVED 05.09.2022

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

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*Please check one:*

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

__✓__ ***Not in favor** of granting the zoning request.*

*My reasons are as follows:*

1). Concerns of lowering Property Value
2). Persons visiting having no regard for neighbors.
3). Unusual traffic, vehicles and persons in neighborhood.

Printed Name: Gary D. + Kandis Wooddell Address: 366 Linklea Dr.

Signature: Gary D Wooddell Date: 04-30-22

Kandis Wooddell

SKINNER
359 LINKLEA DR
DUNCANVILLE TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
10 MAY 2022 PM 7 L




PLANNING AND ZONING COMMISSION
CITY OF DUNCANVILLE
ATTENTION: PUBLIC WORKS DEPARTMENT
P.O. Box 380280
DUNCANVILLE TX 75138-0280

75138-028080

**RECEIVED**
**By Lynette Romero at 1:55 pm, May 16, 2022**

The following form may be filled out and mailed to:

9

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

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*Please check one:*

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

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

*My reasons are as follows:*

1). CAN CAUSE INSTABILITY IN NEIGHBORHOOD DUE TO FREQUENT CHANGES IN OCCUPANCY. THIS CAN AFFECT DESIRED "NEIGHBORHOOD PRESERVATION".
2). SAFETY IS A CONCERN. THIS IS A NARROW STREET WITH NO CURBS OR SIDEWALKS. MANY CARS PRESENT ALREADY & CLOSE TO ALEXANDER ELEMENTARY SCHOOL. PEDESTRIANS, BICYCLES, CHILDREN IN STREET.
3). THIS IS A MONEY-MAKING BUSINESS — A MOTEL-TYPE OPERATION IN A RESIDENTIAL AREA. APPLICANTS HAVE OTHER SIMILAR REQUESTS FOR (X) SHORT TERM RENTALS IN RESIDENTIAL AREAS.

Printed Name: MARLENE SKINNER Address: 359 LINKLEA DR, DVILLE TX 75137

Signature: Marlene Skinner Date: 10 MAY 2022

**RECEIVED**
**By Lynette Romero at 1:55 pm, May 16, 2022**

The following form may be filled out and mailed to:

10

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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*Please check one:*

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

__✓__ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). THERE ARE NO VENUES NEAR THAT WOULD WARRANT SHORT TERM RENTALS.

2). PARKING AND STRANGE VEHICLES WILL BE A SAFETY CONCERN FOR NEIGHBORS AND SCHOOL CHILDREN.

3). PROPERTY VALUES WILL BE DEVALUED AND UPKEEP WOULD BE A CONCERN.

Printed Name: BARBARA DAVIS EATON Address: 354 LINK MEADOW DR.

Signature: Barbara D. Eaton Date: 5/13/2022

EATON
354 LINKMEADOW DR.
DUNCANVILLE, TX. 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
14 MAY 2022 PM 4 L




JEREMY TENNANT
1.N.I. SECRETARY - PLANNING & ZONING
P.O. BOX 380280
DUNCANVILLE, TX 75138-0280

75138-028080

**RECEIVED**
*By Lynette Romero at 1:55 pm, May 16, 2022*



4-29-2022

Jeremy Tennant
Interium Secretary of the
Planning and Zoning Commission

Case #2022-07

Mr. Tennant,

We are strongly opposed to the special use permit for Short Term Rental at 350 Linklea Dr. Duncanville, Tx. 75137.

We have learned from watching the local news what nightmares short term rentals can bring to a neighbor-hood.

Traffic issues; parking situations; Patrons of the rental urinating in neighbors yards and shrubs; Noise issues; trash being left for home owners to deal with and last but not least the shootings and fights. that have occurred.

We have a relatively quiet neighborhood. Several residents have lived in their HOMES more than twenty years or longer. Why would we want to invite any of the above mentioned issues to our neighborhood.

The Carlsons who are requesting the permit don't live here. The house at 350 Linklea Dr. has been a rental since we moved here thirty years ago. Long term renters have the potential to be good friends and neighbors.

We don't want to take the chance of having short term renters come to our neighborhood and cause any kind of chaos.

We especially don't want our property values to decrease because we have a "Motel" in the middle of our neighborhood.

We appreciate your consideration,

Ralph Justice
Janice Justice

R. v J. Justice
358 Linklea DR.
Duncanville, Tx.
75137

NORTH TEXAS TX 750
29 APR 2022 PM 8 L




Jeremy Tennant
Interium Secretary of the
Planning and Zoning Commission
P.O. Box 380280
Duncanville, Texas 75138-0280
75138-028080

**RECEIVED**
**By Lynette Romero at 1:55 pm, May 16, 2022**

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*City of Duncanville*
*Attn: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

12

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*Please check one:*

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

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

*My reasons are as follows:*

1). For Safety Reasons

2).

3).

Printed Name: OSCAR MATLOCK Address: 357 Linklea Dr, Duncanville, TX 75137

Signature: [signature] Date: 05/02/2022

Duncanville
City of Champions

Development Services
203 E. Wheatland Rd.
Duncanville, TX 75116

NORTH TEXAS TX 750
22 APR 2022 PM 6 L

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Jeremy

MATLOCK OSCAR &

354 LINKLEA DR

DUNCANVILLE, TEXAS 751374312

75137-4342

**RECEIVED**
**By Lynette Romero at 2:04 pm, May 16, 2022**

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*City of Duncanville*
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*Duncanville, TX 75138-0280*

13

**Case No. 2022-06** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive, 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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____ ***In favor*** *of granting the zoning request.*

_✓_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). Traffic & parking on the street

2). Zoned single family residential. Not for business

3). Short term rentals do nothing to enhance the value of properties in the neighborhood.

Printed Name: FRANCES Paduch Address: 326 N. Capri

Signature: Frances Paduch Date: 5-14-2022

**RECEIVED**
*By Lynette Romero at 2:04 pm, May 16, 2022*

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*P.O. Box 380280*
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14

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

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

*My reasons are as follows:*

1). I CONSIDER MORE SAFE, WITH OUT THE CHANGE

2). DON'T LIKE THE IDEA, PEOPLE COMMING IN, THAT I DON'T KNOW

3). COULD CAUSE A TRAFFIC PROBLEM

Printed Name: Arnoldo Rodriguez Address: 322 N. CAPRI DR

Signature: ARNOLDO RODRIGUEZ Date: 5-14-22

**RECEIVED**
**By Lynette Romero at 2:04 pm, May 16, 2022**

The following form may be filled out and mailed to:

15

*Planning and Zoning Commission*
*City of Duncanville*
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____ ***In favor*** *of granting the zoning request.*

_✓_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). There is a single-family residential area - not for businesses

2). Noise issues of multiple families party to held

3). Traffic issues

Printed Name: Rosemary R. Trei Address: 307 N Capri Dr Duncanville 76

Signature: Rosemary R. Trei Date: May 14, 2022

**RECEIVED**
*By Lynette Romero at 2:04 pm, May 16, 2022*

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16

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*Please check one:*

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

_✓_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). This is a single family residential Area, Not for Business

2). Concern for traffic and noise issues

3). Traditionally, these vacation rental properties result in loud and unruly parties.

Printed Name: Charles A. Trei, Jr Address: 307 N. Capri Dr. Duncanville

Signature: Charles A. Trei, J Date: 14 May '22

**RECEIVED**
*By Lynette Romero at 2:04 pm, May 16, 2022*

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17

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*City of Duncanville*
*Attn: Public Works Department*
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____ ***In favor*** *of granting the zoning request.*

_✓_ ***Not in favor*** *of granting the zoning request.*

*My reasons are as follows:*

1). Parking and traffic with Domino's delivery drivers would get worse.
2). Neighborhood is residential not business. Does the whole neighborhood get a percentage of profit?
3). Short term rentals do not add value to neighborhood.

Printed Name: Robert Rubio Jr. Address: 303 N Capri Dr.

Signature: [signature] Date: 5.15.22

**RECEIVED**
*By Lynette Romero at 2:04 pm, May 16, 2022*

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*City of Duncanville*
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12

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**The Planning and Zoning Commission will hold a public hearing on Monday, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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). Parking and traffic with Domino's delivery drivers would get worse.
2). Neighborhood is residential not business. Does the whole neighborhood get a percentage of profit?
3). Short term rentals do not add value to neighborhood.

Printed Name: Robert Rubio Jr. Address: 303 N Capri Dr.

Signature: [signature] Date: 5.15.22

Rafael Manraquin
358 Link Meadow
Duncanville 75137




Jeremy Tennant
Interim Secretary of The Planning
and Zoning Commission.
P.O Box 380280
Duncanville, Texas 75138-0280

75138$0280 B003

13

RECEIVED
05. 19. 2022

The following form may be filled out and mailed to:

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

**Case No. 2022-07** Stuart and Ruth Carlson, Applicants, representing Lydia W Carson, Owner, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive, in the City of Duncanville, Dallas County, Texas. This is the second of two public hearings that have been scheduled to receive more information about 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.**

**City Council will hold a public hearing on May 17, 2022, at 7:00 p.m., at the City of Duncanville Council Chambers, 203 E. Wheatland Road.** The public hearing is held to allow interested persons the opportunity to state their opinion directly to City Council either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by May 17, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

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

*My reasons are as follows:*

*1).*

*2).* attached note

*3).*

Printed Name: Rafael Marroquin Address: 358 Linkmeadow 75137

Signature: [signature] Date: 5/5/2022

1. Because tourists go on vacation to have a good time and party, they may affect the quality of life for permanent residents. Complaints regarding litter, illegal parking, and noise disturbances are often higher in communities with Airbnb-style rentals

2. Your neighbors might see strangers wandering about with no idea who they are or why they are in your building or next door.

3. Disturbances due to alcohol use or possible drug use and distribution or any other illegal activity

4. Our neighborhood is known for being a peaceful and quite neighborhood where lots or retirees feel safe and enjoy our homes because neighbors are friendly and take care of each other, that will not be the same if we have Airbnb-style rentals where strangers come and go on regular basis .

Rafael Marroquin
358 Link Meadow
Duncanville TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
23 JUN 2022 PM 5 L




Kristin Downs
Interim Secretary of The planning and Zoning
Comission.
PO Box 380280 Duncanville TX.
75138-0280

75138-028080

The following form may be filled out and mailed to:

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

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If you oppose the zoning change, however, the attached survey must be completed and returned by June 21, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

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

RECEIVED 6.28.22

*My reasons are as follows:*

*1).* page attached

*2).*

*3).*

Printed Name: Rafael Marroquin Address: 358 Linklea Meadow Duncanville 75137

Signature: [signature] Date: 06/22/2022

1. Because tourists go on vacation to have a good time and party, they may affect the quality of life for permanent residents. Complaints regarding litter, illegal parking, and noise disturbances are often higher in communities with Airbnb-style rentals.

2. Your neighbors might see strangers wandering about with no idea who they are or why they are in your building or next door.

3. Disturbances due to alcohol use or possible drug use and distribution or any other illegal activity.

4. Our neighborhood is known for being a peaceful and quite neighborhood where lots or retirees feel safe and enjoy our homes because neighbors are friendly and take care of each other, that will not be the same if we have Airbnb-style rentals where strangers come and go on regular basis.

RECEIVED
JUN. 21. 2022

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*City of Duncanville*
*Attn: Planning and Zoning*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

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If you oppose the zoning change, however, the attached survey must be completed and returned by June 21, 2022, to fulfill legal requirements for a written formal protest.

*Please check one:*

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

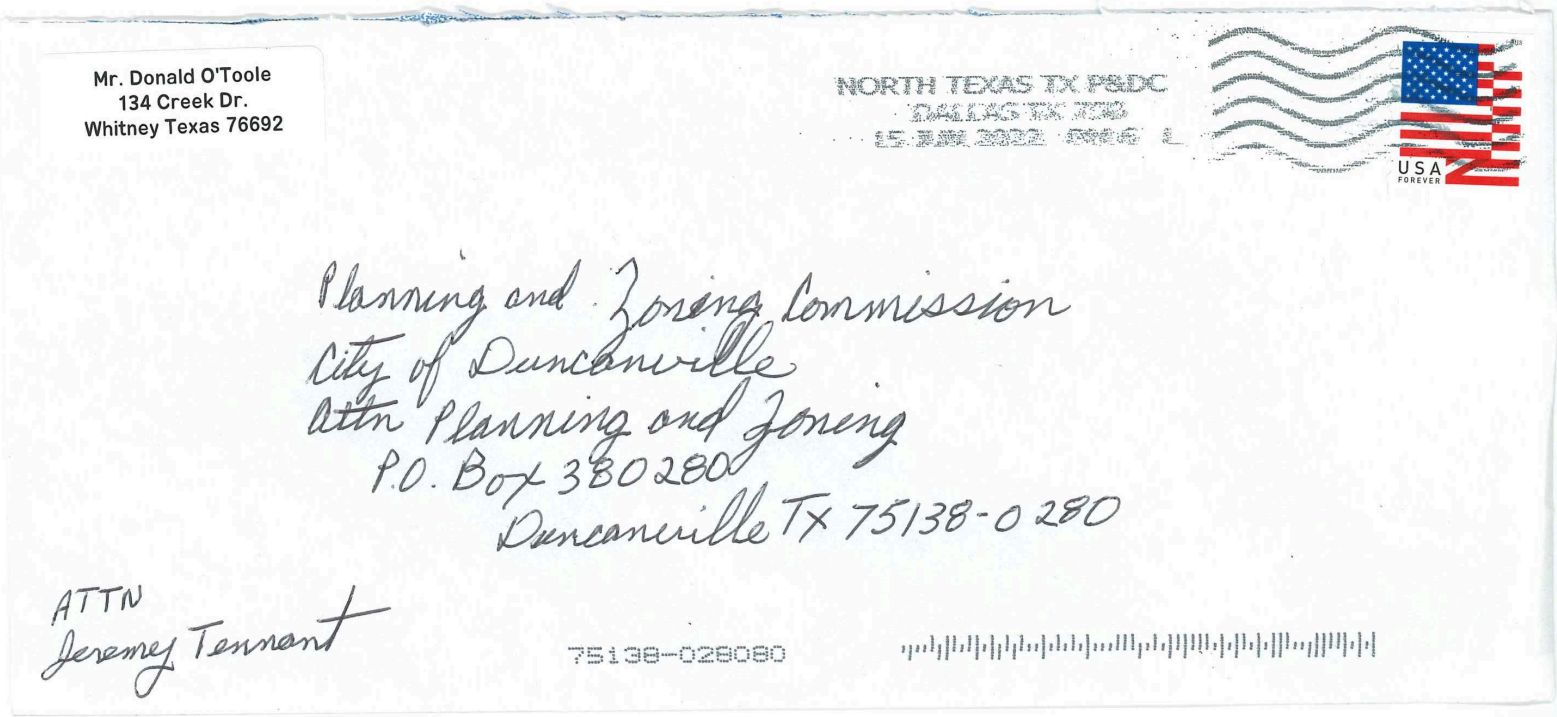
__✓__ ***Not in favor** of granting the zoning request.*

*My reasons are as follows:*

1). Property Valve would go down. My property taxes are going up by 26.50% this yr.
2). Parteys, noise, gabage
3). Parking - There is a small driveway, maybe enough for two vehicles + one on the street. Im concered that people will park on the lawn

Printed Name: DONALD OTOOLE Address: 362 Linklea DR Duncanville TX

Signature: Donald OToole Date: 6/15/22



Mr. Donald O'Toole
134 Creek Dr.
Whitney Texas 76692

NORTH TEXAS TX P&DC
DALLAS TX 750
[illegible]

USA FOREVER

Planning and Zoning Commission
City of Duncanville
Attn Planning and Zoning
P.O. Box 380280
Duncanville Tx 75138-0280

ATTN
Jeremy Tennant

75138-028080

The following form may be filled out and mailed to:




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

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If you oppose the zoning change, however, the attached survey must be completed and returned by June 21, 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: Rolfo Lopez-Flores Address: 351 Linklea Dr.

Signature: [signature] Date: 6/12/22

R. Lopez
351 Linklear Dr.
Duncanville TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
14 JUN 2022 PM 3 L




Planning and Zoning Commission
City of Duncanville
ATTN: Planning and Zoning
PO Box 380280
Duncanville Tx 75138-0280

75138-028080

# Attachment 6

JUAREZ PABLO
342 LINKCREST DR
DUNCANVILLE, TEXAS 751374308

BARKER VICTORIA A
346 LINKCREST DR
DUNCANVILLE, TEXAS 751374308

RODRIGUEZ FRANCISCO ESPINOZA
350 LINKCREST DR
DUNCANVILLE, TEXAS 751374308

AUGER MARK
354 LINKCREST DR
DUNCANVILLE, TEXAS 751374308

KENNEDY KATHY A
358 LINKCREST DR
DUNCANVILLE, TEXAS 751374308

BRODNAX JENNILEA KIRK
PO BOX 382753
DUNCANVILLE, TEXAS 751382753

PEREZ ARJENA
363 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

SHAW DEBBIE R
359 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

SEMBRANO PAULINA &
355 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

BENCOMO JESUS G &
351 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

GONZALEZ ESEQUIEL
347 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

REYARANDA LLC
4350 MAPLE AVE
DALLAS, TEXAS 752192409

MARIN FLAVIO
339 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

ROJAS SALVADOR G
335 LINKCREST DR
DUNCANVILLE, TEXAS 751374307

SERRANO ARMANDO
220 BUCKSKIN DR
WAXAHACHIE, TEXAS 751674837

GARCIA JUANITA
338 LINKLEA DR
DUNCANVILLE, TEXAS 751374312

ALVARADO MAINOR RIVAS
342 LINKLEA DR
DUNCANVILLE, TEXAS 751374312

MORENO MARCO A
346 LINKLEA DR
DUNCANVILLE, TEXAS 751374312

CARLSON LYDIA W
7500 W CAMP WISDOM RD # G02
DALLAS, TEXAS 752365629

MATLOCK OSCAR &
354 LINKLEA DR
DUNCANVILLE, TEXAS 751374312

JUSTICE RALPH RICHARD &
358 LINKLEA DR
DUNCANVILLE, TEXAS 751374312

MILLER CINDY L
134 CREEK DR
WHITNEY, TEXAS 766927536

WOODDELL GARY D &
366 LINKLEA DR
DUNCANVILLE, TEXAS 751374312

GARZA MARTINA R
367 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

VILLALTA RAFAEL E
363 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

SKINNER LEONARD E
359 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

MOORE SAMUEL & JANE
355 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

LOPEZ RODOLFO
351 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

RESICAP TEXAS OWNER II LLC
3630 PEACHTREE RD NE
ATLANTA, GEORGIA 303260000

ARANJO MISAEL JAMIE &
343 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

DEAN RONNIE &
2528 RICHLAND AVE
FARMERS BRANCH, TEXAS 752344732

RUIZ GREGORIO
335 LINKLEA DR
DUNCANVILLE, TEXAS 751374311

ALLISON LALIYA
342 LINKMEADOW DR
DUNCANVILLE, TEXAS 751374314

GONZALES J G TR &
346 LINKMEADOW DR
DUNCANVILLE, TEXAS 751374314

PARKER BOBBY RAY &
350 LINKMEADOW DR
DUNCANVILLE, TEXAS 751374314

DAVIS BARBARA J
354 LINKMEADOW DR
DUNCANVILLE, TEXAS 751374314

MARROQUIN RAFAEL A
117 W SCHRIEBER ST
GARLAND, TEXAS 750408806

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, APRIL 11, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, April 11, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

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

Staff present:
Jeremy Tennant, Interim Planning Secretary
Lynette Romero, Planning Technician

The meeting was called to order at 7:00 p.m. by Chairman Culbreath.

Item No. 1 – Receive Public Comments

No public comments were made.

Item No. 2 – Approval of meeting minutes for the regular meeting on March 28, 2022.

Commissioner Rodriguez made a motion as seconded by Commissioner McBroom to approve the minutes. The vote was unanimous 5-0 in favor with Commissioner Stith absent.

Item No. 3 – Consider a request for approval of a replat by Matthew Williamson, applicant, representing Italy Family Pharmacy, Inc., owner, to replat Hopco Wedge, more commonly known as 102 East Danieldale Road, Duncanville, Dallas County, Texas.

Jeremy Tennant presented background information regarding the proposed request for replat.

The applicant was present. The applicant did not have anything to comment regarding his request.

Chairman McBroom made a motion as seconded by Commissioner Pena to approve the request for replat. The vote was unanimous 5-0 in favor with Commissioner Stith absent.

Before introducing the next item, Chairman Culbreath explained to the audience what a Specific Use Permit is and its purpose. She also explained to the audience that the City recently passed an ordinance in December of 2021 for the regulation of short-term rentals, and that prior to this ordinance being passed there were no rules or regulations set for the operation of short-term rentals within the City of Duncanville.

Item No. 4 – Conduct a public hearing (2022-06) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.

Jeremy Tennant presented background information regarding the proposed SUP.

Chairman Culbreath opened the public hearing.

Stuart Carlson, applicant and owner, spoke in favor of his request.

Chairman Culbreath opened the floor for comments.

There were two residents that spoke in opposition of the request.

1. Leesha Bateman of 907 Huntington Drive, Duncanville, Texas 75116
2. Charles Bateman of 907 Huntington Drive, Duncanville, Texas 75116

There were four people that spoke in favor of the request.

1. Pamela Miller of 126 County Road 2980, Alba, TX 75410
2. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
3. Lorenzo Aytes – did not provide address
4. Alla Wilkins of 234 Walnut Circle, Duncanville, Texas 75116

Three citizen public comment cards were submitted in support of the request, however; the residents chose not to speak during the hearing.

Ruth Carlson, applicant and owner, provided a response to the Commission regarding the resident's items of opposition.

Commissioner McBroom made a motion to close the public hearing with motion seconded by Commissioner Avery.

Commissioner Avery made a comment that the Commission decides with the whole city in mind and not district by district. He stated that the main controversy of short-term rentals are property values. Commissioner Avery stated he believes in property owners utilizing their property as they choose to the extent that that the law allows; however, as it pertains to the City of Duncanville, he feels that he must be consistent with previous decisions made, and due to that he would deny the request.

Commissioner McBroom made a motion to approve the request for SUP as seconded by Chairman Culbreath. The vote was 2-3 in favor, with Commissioner Avery, Commissioner Rodriguez and Commissioner Pena in opposition and Commissioner Stith absent.

Item No. 5 – Conduct a public hearing (2022-07) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants, representing Lydia W. Carlson, owner, to include a Specific Use Permit "SUP" for Short-Term Rental on River Oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.

Jeremy Tennant presented background information regarding the proposed request for SUP.

Chairman Culbreath opened the public hearing.

Stuart Carlson, applicant, spoke in favor of the request.

One resident, Marlene Skinner of 359 Linklea Drive, Duncanville, Texas 75137, spoke in opposition of the request.

Chairman Culbreath made a comment that all people have the right to have an opinion, but do not have a right to oppose others' opinions. She stated that she found it interesting how the applicants have been operating for quite some time, and all who had spoken had never made a complaint about these specific properties until today. She went on to state that neighborhood services have not received any complaints regarding these properties ever since they have been in operation.

There were three residents that spoke in favor of the request.

1. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
2. Caroline Carlson of 710 Markwood Drive, Duncanville, Texas 75116
3. Paul Carlson of 710 Markwood Drive, Duncanville, Texas 75116

Four citizen public comment cards were submitted in support of the request, however; the residents chose not to speak during the hearing.

In between these individuals speaking, the commission made comments regarding the company Airbnb and their own personal experiences with the company. Commissioner Rodriguez also addressed the audience concerning the commission reviewing each case separately and its obligation in determining what is best for the City.

Commissioner McBroom made a motion to close the public hearing as seconded by Commissioner Pena.

Commissioner McBroom made a motion to approve the request for SUP, seconded by Chairman Culbreath. The vote was 2-3 in favor with Commissioner Avery, Commissioner Rodriguez and Commissioner Pena in opposition and Commissioner Stith absent.

Item No. 6 – Conduct a public hearing (2022-08) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include 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.

Jeremy Tennant presented background information regarding the proposed request for SUP.

Chairman Culbreath opened the public hearing.
Mr. Carlson, applicant and owner, did not speak on this case.

Chairman Culbreath opened the floor for comments. She also stated that there was a letter received by resident Judith Reed of 935 Green Rock Drive, Duncanville, Texas, 75137, in support of the request. Three citizen public comment cards were also submitted in support of the request, however; the residents chose not to speak during the hearing.

There were five people who spoke in favor of the request.

1. Pamela Miller of 126 County Road 2980, Alba, Texas 75410
2. Peter D'Amato of 211 North Casa Grande Circle, Duncanville, Texas 75116
3. Evelyn Kirby of 822 Sherrill Boulevard, Duncanville, Texas 75116
4. Elaine Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
5. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116

Chairman Culbreath commented that these properties were in operation prior to the ordinance going into effect, and that the property owners have not received any code complaints and have been doing a very good job. She stated that street parking issues are not related to Airbnb, and that recently, an ordinance was passed that prohibits overparking in all single-family residential districts. She went on to state that maybe residents need to bring these issues to City Council.

Commissioner McBroom asked the applicant, Mr. Carlson, questions pertaining to the living situation at this property. Mr. Carlson stated that this property is operated in the same manner as his other two properties with the only difference being that he resides at this property.

Commissioner Rodriguez made a comment that he would support the approval of the request for SUP for this case because the owner resides at the property, and he seems to have a good history of the management process.

Commissioner Avery made a comment that his position on short-term rentals does not change. He went on to state to those who spoke that even though a precedent has been set that it does not mean it is not possible for it to change, and that compelling arguments bring forth change, which is what those who spoke demonstrated during this hearing. He commented to the audience to keep in mind that these cases must still move forward to City Council for final decision.

Commissioner McBroom made a motion to close the public hearing as seconded by Commissioner Pena.

Commissioner McBroom made a motion to approve the request for SUP as seconded by Commissioner Pena. The vote was 4-1 in favor with Commissioner Avery in opposition and Commissioner Stith

absent.

After voting was completed, various members of the audience asked questions pertaining to the process to take place after the first hearing. The commission responded to their questions.

There were three citizen public comment cards submitted in support all checked not to speak. These three comment cards did not have an agenda item number or topic listed.

The three citizens listed on these public comment cards were:

1. Joe Leszko of 822 Sherrill Boulevard, Duncanville, Texas 75116
2. Steve Landtroop of 1315 Heather Glen Street, Duncanville, Texas 75116
3. Elaine Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116

Item No. 7 – Continue discussion pertaining to the five-year Comprehensive Plan update. Analyze the FLUP Map and determine which areas need minor revisions and which areas need significant modification.
Jeremy Tennant asked the Commission if they had been able to review chapters 1 and 2 of the Comprehensive Plan, and if so, were there any sections they believed required minor revisions or major modifications.

The commission responded that they would need some time to review the chapters. The commission decided to form a small group consisting of Commissioner Avery, Commissioner Rodriguez, and Commissioner Pena. The selected commissioners will review chapters 1 and 2 and present their findings at the next Planning and Zoning Meeting. The commission will discuss the findings before moving onto next chapters.

Item No. 8 – The meeting adjourned at 8:28 p.m.

Jeremy Tennant, Interim Planning Secretary

Betty Culbreath, Chairman

# 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.

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 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.

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***

***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.

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 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.*

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.}

{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

- 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***

***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

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.

**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

**ORDINANCE NO. 2433**

**AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, 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, 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-7 Single-Family Residential District zoning to grant a Specific Use Permit “SUP” to allow for Short-Term Rental on real property located on River Oaks, Block K, Lot 5, Cit more commonly known as 350 Linklea Drive, in the 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:

- 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 owner shall comply with Short-Term Rental registration ordinance as provided in the Code of Ordinances.

- 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.
- Continue operation of a Short-Term rental without permit or violation of this 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 Dollar s ($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 20th day of September, 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 all of an approximately 0.174-acre lot, tract, or parcel of land recorded as Block K, Lot 5, River Oaks, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Conduct a Public Hearing for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include 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.

**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:**
**Nathan Warren, Senior Planner**

**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.

Staff believes this request, as it relates to compatibility with the Comprehensive Plan, is dependent on the manner in which the single-family residential structure is utilized for the purpose of a short-term rental. If the structure is intended to be constantly rented out much the same as a hotel room, staff would not believe the request is compatible with the Comprehensive Plan. However, if the structure

was intended to be lived-in by the property owner throughout the majority of the year and rented out for a select number of weekends, staff feels such a request may be viewed to be more in-line with the Comprehensive Plan.

Project Scope
The applicants are 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 3,567 square feet in size with attached garage. Exterior features include existing trees and front drive.

Surrounding Land Use and Zoning
The subject property is surrounded by existing single-family residences zoned SF-10 Single-Family Residential District.

Zoning and Land Use
Section 6.05. (Specific Use Permits) of the Zoning Ordinance, states the in considering an application for a SUP, the Planning and Zoning Commission and the City Council shall consider that the proposed use is:

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

Recommendation
Staff recommends the Commission consider the bullet items contained in Section 6.05 of the Zoning Ordinance and make an appropriate recommendation to City Council.

**POLICY EXPLANATION:**
Notification
Seventeen (17) notices were sent out for this public hearing. As of this writing, one (1) response has been received in opposition and six (6) in favor of the request. Letters will be received until Tuesday,

September 20, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, September 20, 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 for Public Hearing
Attachment 2 - Area of Request Maps
Attachment 3 - Site Plan & Applicant Exhibits
Attachment 4 -Letter From Applicant-Property Owner
Attachment 5 - Letter to Property Owners Within 200' Buffer & Responses
Attachment 6 - List of Property Owners Within 200' Buffer
Attachment 7 - 2022-04-11 - PZ Minutes
Attachment 8 - 2022-06-21 - City Council - Minutes
Attachment 9 - Ordinance No. - 2434 - SUP - 822 Sherrill Boulevard

# Attachment 1

Advertise 1 time - By March 30

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-08

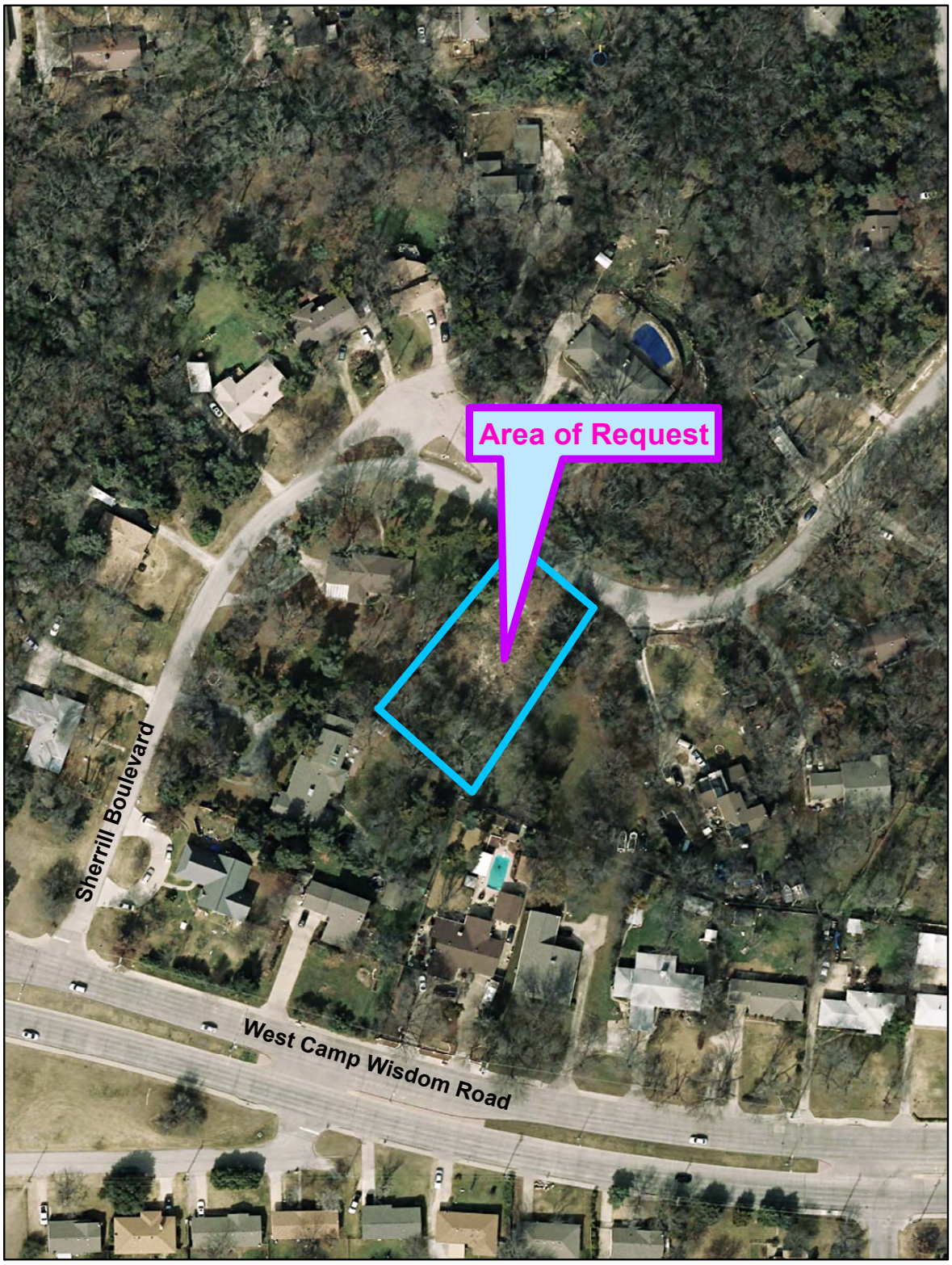
A public hearing will be held before the Planning & Zoning Commission on Monday, April 11, 2022 at 7:00 p.m., and before City Council on Tuesday, May 3, 2022, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Rd, Duncanville, Texas, to hear a request of the City of Duncanville for a Specific Use Permit to allow for the use of Short-Term Rental, on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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 the City Secretary or to Skye Thibodeaux, Interim Secretary of the Planning and Zoning Commission, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

Skye Thibodeaux,
City Planner

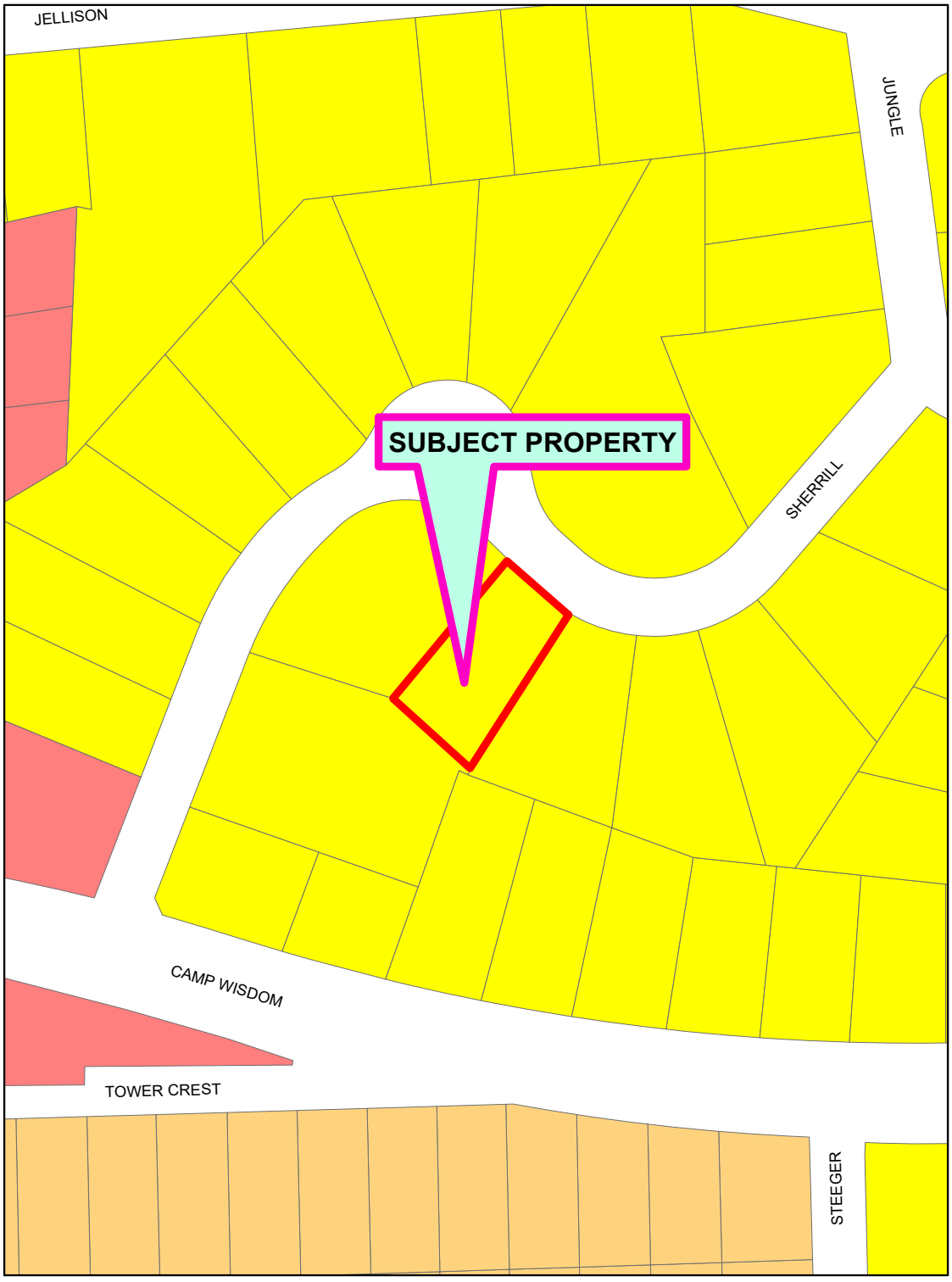
Attachment 2




Duncanville
City of Champions

**Proposed Zoning Change**
**Aerial Location**
**822 Sherrill Boulevard**

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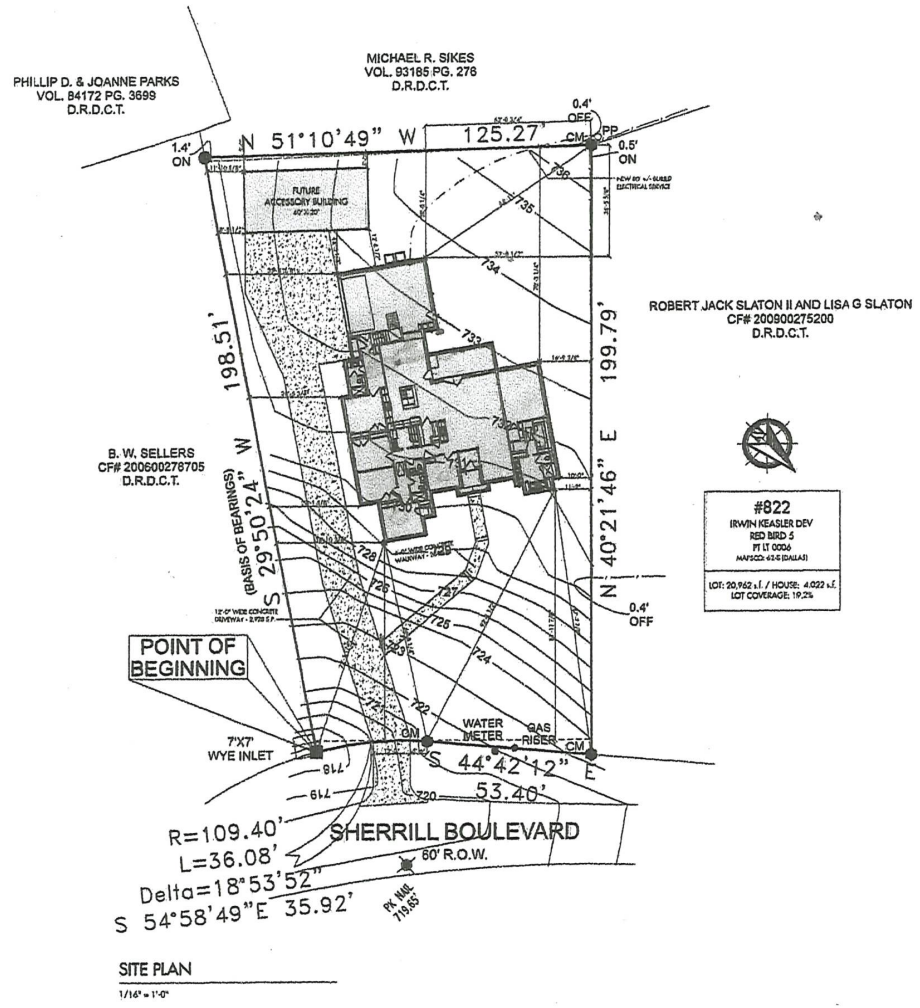



Duncanville
City of Champions

**Zoning Case 2022-08**
**SUP Request for**
**Short-Term Rental**

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# Attachment 3




SITE PLAN
1/16" = 1'-0"

## SHEET INDEX


SP - SITE PLAN
A1 - FLOOR PLAN
A2 - ELECTRICAL PLAN
A3 - NORTH & EAST ELEVATIONS
A4 - SOUTH & WEST ELEVATIONS
A5 - ROOF PLAN
A6 - SCHEDULES & DETAILS


| REVISION | BY |
|---|---|
| 04.14.17 | CHJ |

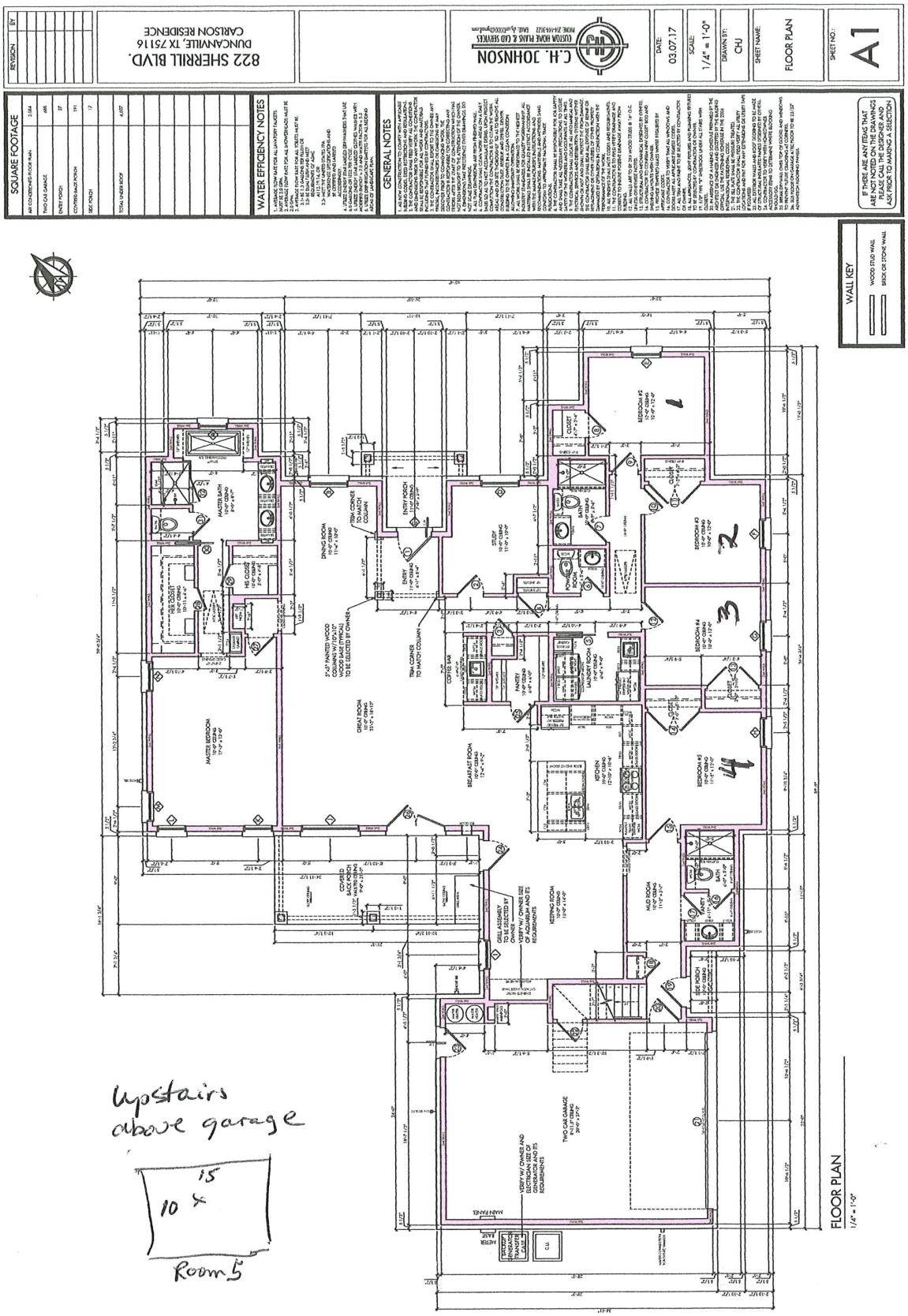
822 SHERRILL BLVD.
DUNCANVILLE, TX 75116
CARLSON RESIDENCE

C.H. JOHNSON
CUSTOM HOME PLANS & CAD SERVICES

DATE: 03.07.17
SCALE: 1/16" = 1'-0"
DRAWN BY: CHJ
SHEET NAME: SITE PLAN
SHEET NO.: SP

## SITE NOTES

1. ALL NEW CONSTRUCTION TO COMPLY WITH APPLICABLE BUILDING CODES, DEED RESTRICTIONS AND REGULATIONS.
2. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
3. CONTRACTOR TO MAINTAIN POSITIVE DRAINAGE AWAY FROM SLAB.
4. THE CONTRACTOR IS TO FIELD VERIFY DRAINAGE AND CONDUCT TO ENSURE POSITIVE DRAINAGE AWAY FROM BUILDING.
5. THE CONTRACTOR SHALL VERIFY EXISTING DRAINAGE AROUND THE SITE PRIOR TO CONSTRUCTION AND ENSURE THAT NO PONDING AND POSITIVE DRAINAGE OCCURS AFTER CONSTRUCTION. THE CONTRACTOR SHALL PERFORM MONTHLY VISUAL INSPECTIONS TO ENSURE THAT PROPER DRAINAGE OCCURS.
6. TREE REMOVAL AS REQUIRED. FIELD VERIFY AND DISCUSS WITH HOMEOWNER PRIOR TO CUTTING ANY TREES.
7. THE CONTRACTOR SHALL PROVIDE A POST-A-POSTS ON SITE WHEN ANY CONSTRUCTION STARTS AND DISCUSS WITH THE HOMEOWNER THE LOCATION.
8. CONTRACTOR TO VERIFY INSTALLATION OF NEW AEROBIC SEPTIC SYSTEM WITH OWNER AND PLUMBER.


REVISION
BY
822 SHERRILL BLVD.
DUNCANVILLE, TX 75116
CARLSON RESIDENCE
C.H. JOHNSON
CUSTOM HOME PLANS & CAD SERVICES
DATE:
03.07.17
SCALE:
1/4" = 1'-0"
DRAWN BY:
CHJ
SHEET NAME:
FLOOR PLAN
SHEET NO:
A1
SQUARE FOOTAGE
WATER EFFICIENCY NOTES
GENERAL NOTES
IF THERE ARE ANY ITEMS THAT ARE NOT CONSTRUCTED ON THESE DRAWINGS PLEASE CALL THE DESIGNER AND ASK PRIOR TO MARKING A SELECTION
WALL KEY
WOOD STUD WALL
BRICK OR STONE WALL
FLOOR PLAN
1/4" = 1'-0"
Upstairs above garage
10 x 15
Room 5

# Attachment 4

Stuart and Ruth Carlson
822 Sherrill Blvd
Duncanville, Texas 75116
February 22, 2022

To the City of Duncanville:

We are applying for a special use permit to use our residence as a place to welcome people to our city - people such as traveling nurses, students, and other folks who need a transitional place to stay until they get their feet under them. Most of our guests stay with us for more than a full month, but our most common time period to host a guest is from 3 to 6 months.

There are times, however, when a guest is just traveling through town and needs a place for a night or two; or perhaps a mother has come to town to visit her son who is attending college. While we do not seek to have short term guests, we do try to accommodate them if the need arises. Last year we hosted short term guests in our home about 1% of the time, and this is why we are applying for a short term rental permit.

We love sharing our home with our guests! Our set up is reminiscent of a tiny hotel, but much better. Each guest has the privacy and security afforded by a keyed door to their bedroom; but they have access to and use of all the common areas: the living room, kitchen, dining room, bathrooms, laundry room, patio, and back and front yards. Some of our guests work night shifts, others during the day, some work from home, and others work on site. Some of our guests have been able to save enough money while living with us to buy their own homes here in Duncanville. Many enduring relationships have been created, and a good number of our guests have become part of our family.

We believe we are bringing much richness to Duncanville: good people are able to work at Charlton Methodist and other businesses; shopping and use of Uber, Lyft, and UberEats is increased, giving more of our citizens opportunities to make money serving our guests; and because of the welcome and care our guests receive, a positive image of this city is being fostered.

Our home is not a party home. Although many of our guests come to us through the Airbnb platform, none of our guests have ever come to vacation and party, but rather to work and/or study. Our home is quiet, very organized, clean, and safe, and we have had no complaints.

Thank you for your care for Duncanville. We understand how important it is to make sure that neighborhoods remain peaceful, clean, and safe, and we assure you that we are doing our part to create a great atmosphere in Duncanville.

Sincerely,

Stuart and Ruth Carlson

Attachment 5

City of Duncanville Planning Division
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878; (f) 972-780-6426
(e) lromero@duncanville.com

March 30, 2022

Zoning File: 2022-08

Dear Property Owner:

Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 2022, to fulfill legal requirements for a written formal protest.

As an interested citizen, you may submit public comments to either the City Secretary or to Skye Thibodeaux, Secretary of the Planning and Zoning Commission, 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,

Skye Thibodeaux
Secretary, Planning and Zoning Commission

Enclosures

City of Duncanville Planning Division
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-707-3878; (f) 972-780-6426
(e) lromero@duncanville.com

Marzo 30, 2022

Archivo de zonificación: 2022-08

Estimado propietario:

Stuart y Ruth Carlson, solicitantes y propietarios, están solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Alquileres a Corto Plazo en Irwin Keasler Dev Red Bird 5, PT Lot 0006, más comúnmente conocido como 822 Sherrill Boulevard, 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 11 de Abril de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo de 2022, para cumplir con los requisitos legales para una protesta formal por escrito.

Como ciudadano interesado, puede enviar comentarios públicos al Secretario de la Ciudad o a Skye Thibodeaux, Secretario de la Comisión de Planificación y Zonificación, 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

Skye Thibodeaux
Secretario de la Comisión de Planificación y Zonificación

Recintos

The following form may be filled out and mailed to:

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

**Case No. 2022-08** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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: Public Works Department*
*P.O. Box 380280*
*Duncanville, TX 75138-0280*

**Caso No. 2022-08** Stuart y Ruth Carlson, Solicitantes y Propietarios, están solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Alquiler a Corto Plazo en Irwin Keasler Dev Red Bird 5, PT Lot 0006, comúnmente conocido como 822 Sherrill Boulevard, 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 11 de Abril 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 3 de Mayo 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 3 de Mayo 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:*

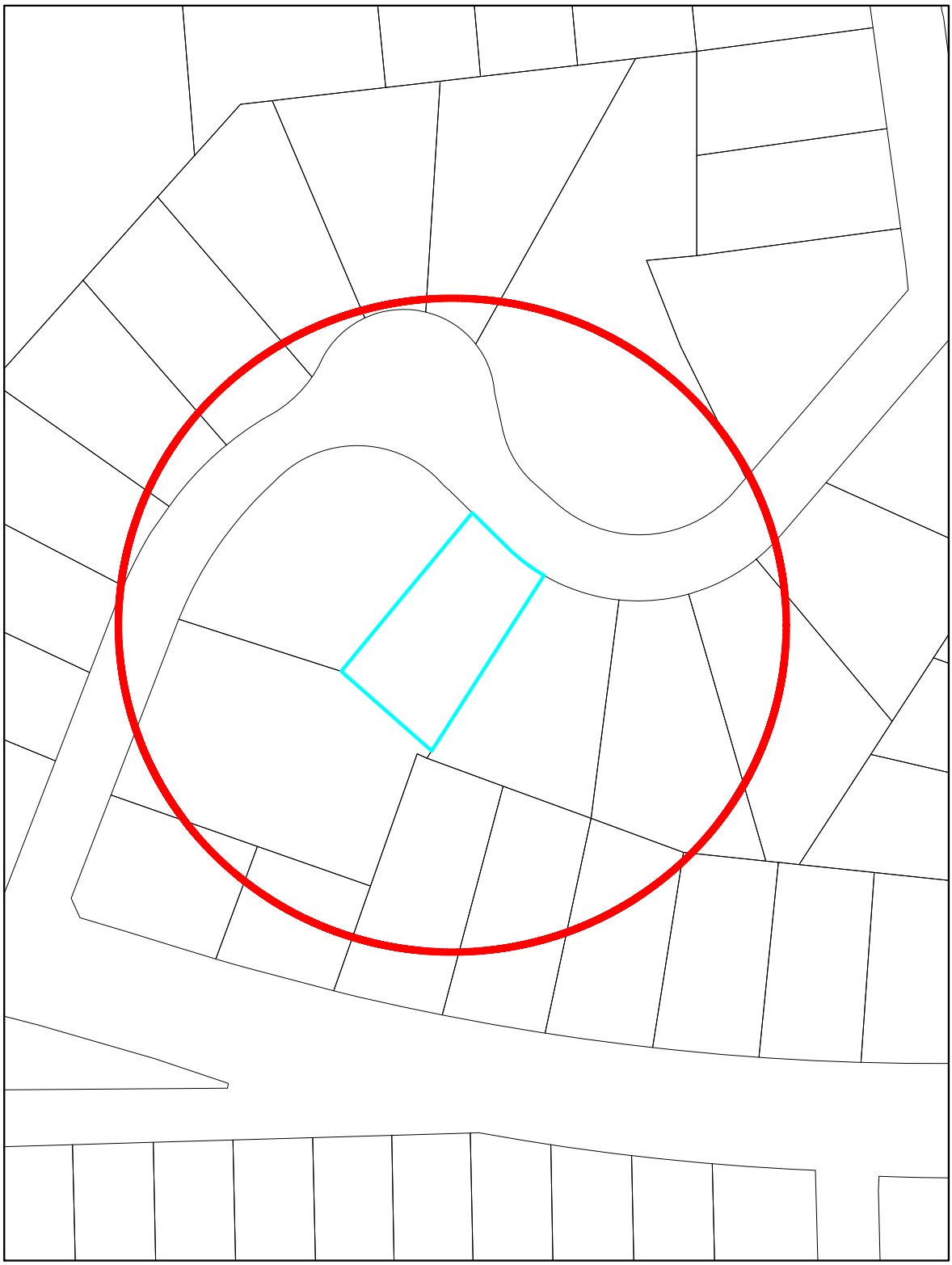
*1).*

*2).*

*3).*

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: _____



The following form may be filled out and mailed to:




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

**Case No. 2022-08** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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). they are good people

2). they are quiet people

3).

Printed Name: B.W. Sellers Address: 830 Sherrill

Signature: B.W. Sellers Date: 4-4-22

Sellers
830 Sherrill
Duncanville, TX 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
4 APR 2022 PM 3 L




Planning & Zoning Committee
City of Duncanville
Attn Public Works Dept
P.O. Box 380280
Duncanville, TX 75138-0280

75138-028080

RECEIVED 04/11/22 L Romero

The following form may be filled out and mailed to:

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

**Case No. 2022-08** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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: Phil & Renee McNeely Address: 839 Sherrill Blvd.

Signature: Renee McNeely Date: 4-6-2022

Phil McNeely

McNeily
839 Sherrill Blvd.
Duncanville, Tx 75116

NORTH TEXAS TX P&DC
DALLAS TX 750
6 APR 2022 PM 3 L

FOREVER / USA

City of Duncanville / Attn. Public Works Dept.
Planning & Zoning Commission
P.O. Box 380280
Duncanville, Tx 75138-0280

75138-028080

**From:** Becky Morrison
**To:** Lynette Romero
**Subject:** Short Term Rentals
**Date:** Monday, April 11, 2022 3:32:38 PM

Dear Ms. Romero and Chamber,

I am writing to tell you my story and advocate for the need for short term rentals in the form of an Air BNB. I live in Houston, Texas, but I was hired in August of 2021 to teach at Dallas Baptist University. Because my husband's job is in Houston and we own a home there, I needed something that was reasonable, in a safe neighborhood, and that had someone who would know my coming and going. Stuart and Ruth Carlson's Air BNB offered all those things to me. At a reasonable rate, I was able to have a private bedroom, access to washer/dryer, and a small kitchenette for warming up frozen meals, or meals I had purchased. I lived at 822 Sherrill for seven (7) months. Stuart and Ruth were wonderful! The home was very quiet, the other guests were very courteous and there was enough parking for each guest without encroaching on the street. It was the perfect scenario for me and my needs.

Not only did the Air BNB meet my needs, but it met the needs of several other guest during my tenure. Each person was a hard-working professional that just needed some temporary housing without being locked into a lease or paying large deposits and fees. I appreciated the hospitality of the Carlson's and their process for choosing their guests. I believe this type of arrangement meets needs that have long been ignored without any kind of reasonable, affordable solution. The Air BNB industry is a great help and I hope they will continue to be a viable option for people like me.

Thank you for your time.

Gratefully,

Becky L. Morrison, DMA
Associate Professor of Music, Music Education
Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, TX 75211
[redacted]
www.dbu.edu

**From:** Noah Hughes
**To:** Lynette Romero
**Subject:** Re:
**Date:** Monday, April 11, 2022 4:25:23 PM

822 Sherrill Blvd, Duncanville, TX 75116

On Mon, Apr 11, 2022 at 4:10 PM Lynette Romero <lromero@duncanville.com> wrote:

> Thank you for your response. Could you please tell me what address this is for?
>
> Lynette Romero
> Planning Technician
>
> 203 E. Wheatland Road
> Duncanville,
> TX 75116
>
> 972-707-3878 P
> www.duncanville.com
>
> OPEN RECORDS NOTICE: In accordance with the Texas Public Information Act (Chapter 552, Texas Government Code) this email and all responses may be subject to disclosure, in part or full, as public information upon request. Please respond accordingly.
>
> **From:** Noah Hughes <[redacted]>
> **Sent:** Monday, April 11, 2022 3:06 PM
> **To:** Lynette Romero <lromero@duncanville.com>
> **Subject:**
>
> I am reaching out to provide my thoughts on the value of the AirBnB provided by Ruth and Stuart Carlson in Duncanville. The AirBnB they provide is a wonderful experience. I stayed

with them a little more than a year, and was able to meet so many wonderful people and explore a town I never knew existed. I will forever be thankful for my time with them, and the kindness they have to open their house for strangers like me.

The following form may be filled out and mailed to:

RECEIVED 04/11/2022 L. Romero

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

**Case No. 2022-08** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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). We run quiet Air bnb homes, These are our homes; We take care of them ourselves. We do not use a mangent company.
2). We provide a service that is in demand in this area. Duncanville benifits from this service.
3).

Printed Name: Stuart Carlson Address: 822 Sherrill Blvd

Signature: [signature] Date: 4-11-2022

Part of our learning curve was letting someone book a whole house for a "birthday party". Clean up cost us more than they paid for the weekend.

The following form may be filled out and mailed to:




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

**Case No. 2022-08** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, 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, April 11, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, May 3, 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 May 3, 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: Santiago Maria Torres Address: 838 Sherrill Blvd Duncanville Tx 75116

Signature: Santiago Torres maria Torres Date: 04-25-2022

**RECEIVED**
**By Lynette Romero at 1:58 pm, May 16, 2022**

The following form may be filled out and mailed to:

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

**Case No. 2022-08** Stuart and Ruth Carlson, Applicants and Owners, are requesting approval of a Specific Use Permit (SUP) to allow for the use of Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, in the City of Duncanville, Dallas County, Texas. This is the second 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.**

**City Council will hold a public hearing on Tuesday, May 17, 2022, at 7:00 p.m., 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 City Council either for or against the proposed zoning change.

If you oppose the zoning change, however, the attached survey must be completed and returned by May 17, 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). I love the idea of having a cheap place near by for family to stay when they come.

2).

3). I know the family and they would make sure that their place is a safe place.

Printed Name: Susan Mortimer Address: 731 W. Camp Wisdom Rd

Signature: Susan Mortimer Date: 5/2/22

S. Mortimer
737 W Camp Wisdom Rd
Duncanville, TX 75116

NORTH TEXAS TX PROC
DALLAS TX 750
10 MAY 2022 PM 1 L




Planning and Zoning Commission
City of Duncanville
Att: Public Works Department
P.O. Box 380280
Duncanville, TX 75138-0280

75138-028080

## Attachment 6

SIKES MICHAEL R &
810 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

MORTIMER GREGORY M &
731 W CAMP WISDOM RD
DUNCANVILLE, TEXAS 751162546

PARKS PHILLIP D & JOANNE
727 W CAMP WISDOM RD
DUNCANVILLE, TEXAS 751162546

WALTON JANICE A
723 W CAMP WISDOM RD
DUNCANVILLE, TEXAS 751162546

TORRES MARIA DEL CARMEN &
719 W CAMP WISDOM RD
DUNCANVILLE, TEXAS 751162546

RUIZ ALBERT
804 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

TORRES SANTIAGO & MARIA
838 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

BROWN LINDA M
834 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

SELLERS B W
830 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

SELLERS B W
830 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

CARLSON STUART & RUTH
822 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

SLATON ROBERT JACK II & LISA G
818 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162540

MCNEELY PHILLIP L & C RENEE
839 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162539

FRIESEN MARK ET AL
739 N MERRILL AVE
DUNCANVILLE, TEXAS 751163522

ALVARADO ERICK
831 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162539

MEEKER TERRY L &
827 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162539

SALAZ ANA L & ERIC Z
823 SHERRILL BLVD
DUNCANVILLE, TEXAS 751162539

PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY HALL
203 E WHEATLAND ROAD
MONDAY, APRIL 11, 2022 @ 7:00 P.M.

A meeting for the Planning and Zoning Commission was held on Monday, April 11, 2022, at 7:00 p.m. with the following present:

Planning and Zoning Commission Members:

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

Staff present:
Jeremy Tennant, Interim Planning Secretary
Lynette Romero, Planning Technician

The meeting was called to order at 7:00 p.m. by Chairman Culbreath.

Item No. 1 – Receive Public Comments

No public comments were made.

Item No. 2 – Approval of meeting minutes for the regular meeting on March 28, 2022.

Commissioner Rodriguez made a motion as seconded by Commissioner McBroom to approve the minutes. The vote was unanimous 5-0 in favor with Commissioner Stith absent.

Item No. 3 – Consider a request for approval of a replat by Matthew Williamson, applicant, representing Italy Family Pharmacy, Inc., owner, to replat Hopco Wedge, more commonly known as 102 East Danieldale Road, Duncanville, Dallas County, Texas.

Jeremy Tennant presented background information regarding the proposed request for replat.

The applicant was present. The applicant did not have anything to comment regarding his request.

Chairman McBroom made a motion as seconded by Commissioner Pena to approve the request for replat. The vote was unanimous 5-0 in favor with Commissioner Stith absent.

Before introducing the next item, Chairman Culbreath explained to the audience what a Specific Use Permit is and its purpose. She also explained to the audience that the City recently passed an ordinance in December of 2021 for the regulation of short-term rentals, and that prior to this ordinance being passed there were no rules or regulations set for the operation of short-term rentals within the City of Duncanville.

Item No. 4 – Conduct a public hearing (2022-06) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.

Jeremy Tennant presented background information regarding the proposed SUP.

Chairman Culbreath opened the public hearing.

Stuart Carlson, applicant and owner, spoke in favor of his request.

Chairman Culbreath opened the floor for comments.

There were two residents that spoke in opposition of the request.

1. Leesha Bateman of 907 Huntington Drive, Duncanville, Texas 75116
2. Charles Bateman of 907 Huntington Drive, Duncanville, Texas 75116

There were four people that spoke in favor of the request.

1. Pamela Miller of 126 County Road 2980, Alba, TX 75410
2. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
3. Lorenzo Aytes – did not provide address
4. Alla Wilkins of 234 Walnut Circle, Duncanville, Texas 75116

Three citizen public comment cards were submitted in support of the request, however; the residents chose not to speak during the hearing.

Ruth Carlson, applicant and owner, provided a response to the Commission regarding the resident's items of opposition.

Commissioner McBroom made a motion to close the public hearing with motion seconded by Commissioner Avery.

Commissioner Avery made a comment that the Commission decides with the whole city in mind and not district by district. He stated that the main controversy of short-term rentals are property values. Commissioner Avery stated he believes in property owners utilizing their property as they choose to the extent that that the law allows; however, as it pertains to the City of Duncanville, he feels that he must be consistent with previous decisions made, and due to that he would deny the request.

Commissioner McBroom made a motion to approve the request for SUP as seconded by Chairman Culbreath. The vote was 2-3 in favor, with Commissioner Avery, Commissioner Rodriguez and Commissioner Pena in opposition and Commissioner Stith absent.

Item No. 5 – Conduct a public hearing (2022-07) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants, representing Lydia W. Carlson, owner, to include a Specific Use Permit "SUP" for Short-Term Rental on River Oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.

Jeremy Tennant presented background information regarding the proposed request for SUP.

Chairman Culbreath opened the public hearing.

Stuart Carlson, applicant, spoke in favor of the request.

One resident, Marlene Skinner of 359 Linklea Drive, Duncanville, Texas 75137, spoke in opposition of the request.

Chairman Culbreath made a comment that all people have the right to have an opinion, but do not have a right to oppose others' opinions. She stated that she found it interesting how the applicants have been operating for quite some time, and all who had spoken had never made a complaint about these specific properties until today. She went on to state that neighborhood services have not received any complaints regarding these properties ever since they have been in operation.

There were three residents that spoke in favor of the request.

1. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
2. Caroline Carlson of 710 Markwood Drive, Duncanville, Texas 75116
3. Paul Carlson of 710 Markwood Drive, Duncanville, Texas 75116

Four citizen public comment cards were submitted in support of the request, however; the residents chose not to speak during the hearing.

In between these individuals speaking, the commission made comments regarding the company Airbnb and their own personal experiences with the company. Commissioner Rodriguez also addressed the audience concerning the commission reviewing each case separately and its obligation in determining what is best for the City.

Commissioner McBroom made a motion to close the public hearing as seconded by Commissioner Pena.

Commissioner McBroom made a motion to approve the request for SUP, seconded by Chairman Culbreath. The vote was 2-3 in favor with Commissioner Avery, Commissioner Rodriguez and Commissioner Pena in opposition and Commissioner Stith absent.

Item No. 6 – Conduct a public hearing (2022-08) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include 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.

Jeremy Tennant presented background information regarding the proposed request for SUP.

Chairman Culbreath opened the public hearing.
Mr. Carlson, applicant and owner, did not speak on this case.

Chairman Culbreath opened the floor for comments. She also stated that there was a letter received by resident Judith Reed of 935 Green Rock Drive, Duncanville, Texas, 75137, in support of the request. Three citizen public comment cards were also submitted in support of the request, however; the residents chose not to speak during the hearing.

There were five people who spoke in favor of the request.

1. Pamela Miller of 126 County Road 2980, Alba, Texas 75410
2. Peter D'Amato of 211 North Casa Grande Circle, Duncanville, Texas 75116
3. Evelyn Kirby of 822 Sherrill Boulevard, Duncanville, Texas 75116
4. Elaine Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116
5. Michael Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116

Chairman Culbreath commented that these properties were in operation prior to the ordinance going into effect, and that the property owners have not received any code complaints and have been doing a very good job. She stated that street parking issues are not related to Airbnb, and that recently, an ordinance was passed that prohibits overparking in all single-family residential districts. She went on to state that maybe residents need to bring these issues to City Council.

Commissioner McBroom asked the applicant, Mr. Carlson, questions pertaining to the living situation at this property. Mr. Carlson stated that this property is operated in the same manner as his other two properties with the only difference being that he resides at this property.

Commissioner Rodriguez made a comment that he would support the approval of the request for SUP for this case because the owner resides at the property, and he seems to have a good history of the management process.

Commissioner Avery made a comment that his position on short-term rentals does not change. He went on to state to those who spoke that even though a precedent has been set that it does not mean it is not possible for it to change, and that compelling arguments bring forth change, which is what those who spoke demonstrated during this hearing. He commented to the audience to keep in mind that these cases must still move forward to City Council for final decision.

Commissioner McBroom made a motion to close the public hearing as seconded by Commissioner Pena.

Commissioner McBroom made a motion to approve the request for SUP as seconded by Commissioner Pena. The vote was 4-1 in favor with Commissioner Avery in opposition and Commissioner Stith

absent.

After voting was completed, various members of the audience asked questions pertaining to the process to take place after the first hearing. The commission responded to their questions.

There were three citizen public comment cards submitted in support all checked not to speak. These three comment cards did not have an agenda item number or topic listed.

The three citizens listed on these public comment cards were:

1. Joe Leszko of 822 Sherrill Boulevard, Duncanville, Texas 75116
2. Steve Landtroop of 1315 Heather Glen Street, Duncanville, Texas 75116
3. Elaine Sikes of 810 Sherrill Boulevard, Duncanville, Texas 75116

Item No. 7 – Continue discussion pertaining to the five-year Comprehensive Plan update. Analyze the FLUP Map and determine which areas need minor revisions and which areas need significant modification.
Jeremy Tennant asked the Commission if they had been able to review chapters 1 and 2 of the Comprehensive Plan, and if so, were there any sections they believed required minor revisions or major modifications.

The commission responded that they would need some time to review the chapters. The commission decided to form a small group consisting of Commissioner Avery, Commissioner Rodriguez, and Commissioner Pena. The selected commissioners will review chapters 1 and 2 and present their findings at the next Planning and Zoning Meeting. The commission will discuss the findings before moving onto next chapters.

Item No. 8 – The meeting adjourned at 8:28 p.m.

Jeremy Tennant, Interim Planning Secretary

Betty Culbreath, Chairman

# 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.

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 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.

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***

***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.

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 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.*

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.}

{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

- 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***

***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

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.

**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

**ORDINANCE NO. 2434**

**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 IRWIN KEASLER DEV RED BIRD 5, PT LOT 0006, MORE COMMONLY KNOWN AS 822 SHERRILL BOULEVARD, 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 Irwin Keasler Dev Red Bird 5, PT Lot 0006, more commonly known as 822 Sherrill Boulevard, in the 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:

- 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 owner shall comply with Short-Term Rental registration ordinance as provided in the Code of Ordinances.

- 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.
- Continue operation of a Short-Term rental without permit or violation of this 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 Dollar s ($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 20th day of September, 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 all of an approximately 0.45-acre lot, tract, or parcel of land recorded as PT Lot 0006, Irwin Keasler Dev Red Bird 5, Duncanville, Dallas County, Texas, more commonly known as 822 Sherrill Boulevard.

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Conduct a Public Hearing for consideration and action regarding the request of Deborah Cantwell, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, 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:**

- **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.**
- **Promote: Innovative Ideas for Development and Re-development**
  - **Pursue a diverse and robust economy through various business, housing, and employment opportunities that encourage forward-thinking community and economic development.**
- **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:**
**Nathan Warren, Senior Planner**

**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
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.

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
The subject property is surrounded by existing single-family residences zoned SF-10, Single-Family Residential District on all sides.

Recommendation
Staff recommends that the Planning & Zoning Commission consider the applicant’s request and make an appropriate recommendation to City Council.

**POLICY EXPLANATION:**

Notification
Eighteen (18) notices were sent out for this public hearing. As of this writing, two (2) responses have been received in favor. Letters will be received until Tuesday, September 20, 2022, to fulfill legal requirements for a written formal protest to City Council. The request is tentatively scheduled to proceed to the Tuesday, September 20, 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 - Specification Sheet
Attachment 6 - Letter of Intent
Attachment 7 - Letter to Property Owners with 200' Buffer & Responses
Attachment 8 - List of Property Owners
Attachment 9 - Ordinance No. - 2453 - SUP for Carport @ 1607 Sparta Drive

Attachment 1

Advertise 1 time - By August 11

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE #2022-25

A public hearing will be held before the Planning & Zoning Commission on Monday, August 22, 2022, at 7:00 p.m., and before City Council on Tuesday, September 20, 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 Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, 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 Nathan Warren, Senior City Planner, P.O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Kristin Downs
City Secretary

Nathan Warren,
Senior City Planner

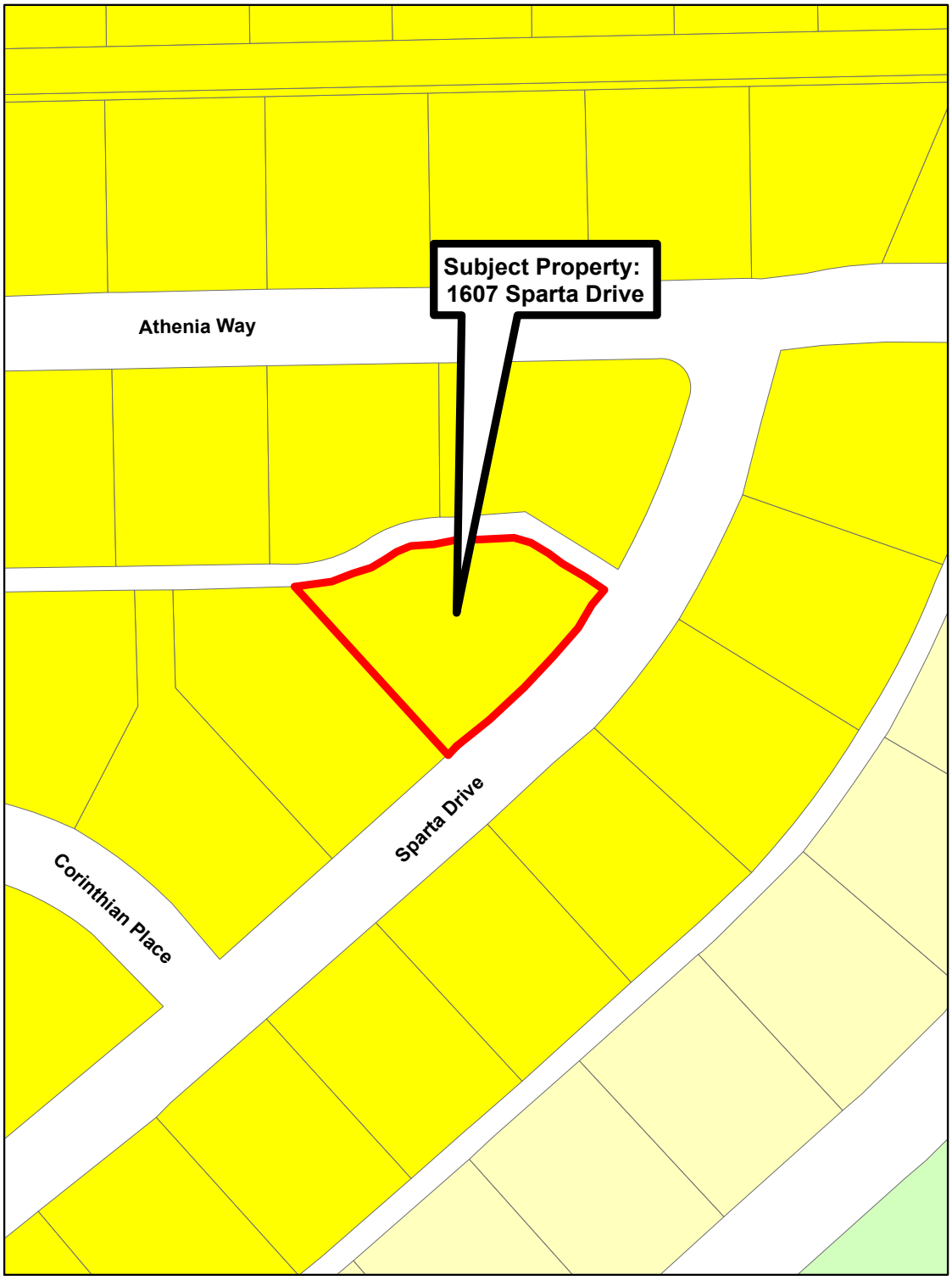
Attachment 2




Duncanville
City of Champions

**SUP Request for Carport**
**Case 2022-25**
**1607 Sparta Drive**

N
W E
S




Duncanville
City of Champions

**SUP Request for Carport**
**Case 2022-25**
**1607 Sparta drive**

N
W E
S

Attachment 3

Duncanville
City of Champions

Development Services
Planning Division
203 E. Wheatland Rd.
P.O. Box 380280
Duncanville, TX 75138
972-707-3878

# ZONING CHANGE APPLICATION

**CONTACT INFORMATION**

**Applicant/ Agent** Deborah Cantwell **Contact:** [redacted]

☐ **Engineer** ☐ **Architect** ☐ **Surveyor** ☑ **Owner** ☐ **Other**

**Applicant/Agent Address:** 1607 Sparta Dr. **City:** Duncanville **State:** TX **Zip:** 75137

**Agent Email:** [redacted] **Telephone:** [redacted] **(Fax)** N/A

Property Owner: DEBORAH CANTWELL Contact: Deborah Cantwell

Owner Address 1607 SPARTA DR City: DUNCANVILLE State: TX Zip: 75137

Owner Email: [redacted] Telephone: [redacted] (Fax) N/A

REQUIRED

**PROPERTY INFORMATION**

Property Address: 1607 SPARTA DR, DUNCANVILLE, TX 75137

Legal Description of Property: SKYVIEW ESTATES NO. 1

Lot No. 14 Block No. 3 Acreage: 15,346 sf Existing Zoning District: SF-10

REQUIRED

**REQUEST TYPE**

☐ Specific Use Permit - Commercial
For _____

☑ Specific Use Permit - Residential
For Carport

☐ Change in Zoning
From _____ To _____

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

REQUIRED

**SUBMITTAL DOCUMENTS**

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

REQUIRED

## 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.**

Deborah Cantwell — Signature of Current Property Owner

7/27/22 — Date

**Notarization**

BEFORE ME, Jessica Rankins, on this day personally appeared Deborah Cantwell, known to or proved to me on the oath of _____ or through Driver License (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 July, 2022.

(Seal)

JESSICA RANKINS
Notary Public, State of Texas
Comm. Expires 11-15-2025
Notary ID 133447439

Jessica Rankins
Notary Public in and for the State of Texas
My Commission Expires: 11-15-2025

2

## 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 property survey |

### 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

Randy Goucher spoke w/ 9)793-8805 9)780-5042

Deborah Cantwell [redacted]

Duncanville
City of Champions

# Application for Accessory Building Permit

☑ Residential ☐ Commercial Value: 14,520

Job Site Address: 1607 Sparta Dr.

Class of Work: ☑ Addition ☐ New

| | | |
|---|---|---|
| Owner Deborah Cantwell<br>Paul | Address<br>1607 Sparta Dr. | Phone #<br>[redacted] |
| Construction Contractor<br>Custom Fence & Pergolas<br>Blake Lepper | Address<br>3230 McCarver CT<br>Midlothian TX<br>76065 | Phone #<br>469-337-9335 |
| Concrete Contractor | Address | Phone # |
| Electrical Contractor | Address | 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 am the owner of the above property or his/her duly authorized agent and as such hereby agree to comply with all property restrictions. Permission is hereby granted to enter premises and make all necessary inspections. I understand that if the information in this application is not correct or complete, any permit may be invalid and I may be required to modify or remove the accessory building at my own expense. A permit shall not be valid until 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.*

Applicant's Signature Blake Lepper Date 7/27/22

Applicant's Name (Print) Blake Lepper Phone # 469-337-9335

## FOR DEPARTMENT USE ONLY

Approval _____ Date _____

Total Fee Due _____ Permit # _____

Revised 07/2020

# ACCESSORY BUILDING QUESTIONNAIRE

## PRE-EXISTING ACCESSORY BUILDINGS

*(Not to include the building covered by this permit application.)*

**Do you currently have accessory buildings at this location?** yes

**If yes,**

**How many buildings are present?** 2

**What is the usage?** Stg sheds

**What are the dimensions?** 8'x20' & 8'x12'

## PROPOSED NEW ACCESSORY BUILDING

**Size of proposed structure:** 22 **feet x** 30 **feet =** 660 **sq.** **height** 12' **ft.**

**ACCESSORY BUILDING CANNOT EXCEED 16 FEET IN HEIGHT**

**Check one that applies:**

- ☐ **Anchored to a concrete slab 3" thick reinforced with #3 rebar**
- ☐ **Anchored to all corners via 12" x 12" x 18 concrete piers**
- ☒ **Other (Please specify):** 4"x4" post set 36" deep w/ concrete

**Will the building be provided with electrical or plumbing system?** N/A

**If yes, provide description:** N/A

**What exterior wall covering will this building have?** N/A

**What roofing material will this building have?** Alum 26°

*(Minimum 26-gauge steel or aluminum)*

**Will the building have a door large enough for a vehicle to enter?** N/A

**What is the intended use of the building?**

- ☐ **Domestic Storage**
- ☐ **Living Quarters**
- ☒ **Carport Only – No Side Walls**
- ☐ **Other (Please Specify):** _____

**Location of proposed portable/accessory structure:**

**Lot size:** Appx 22,000 ft²

**Distance from side property lines:** 40' **feet and** 31' **feet**

**Distance from rear property lines:** 22' **feet**

**Distance from any other structure on the property:** 21' **feet**

Revised 09/2021

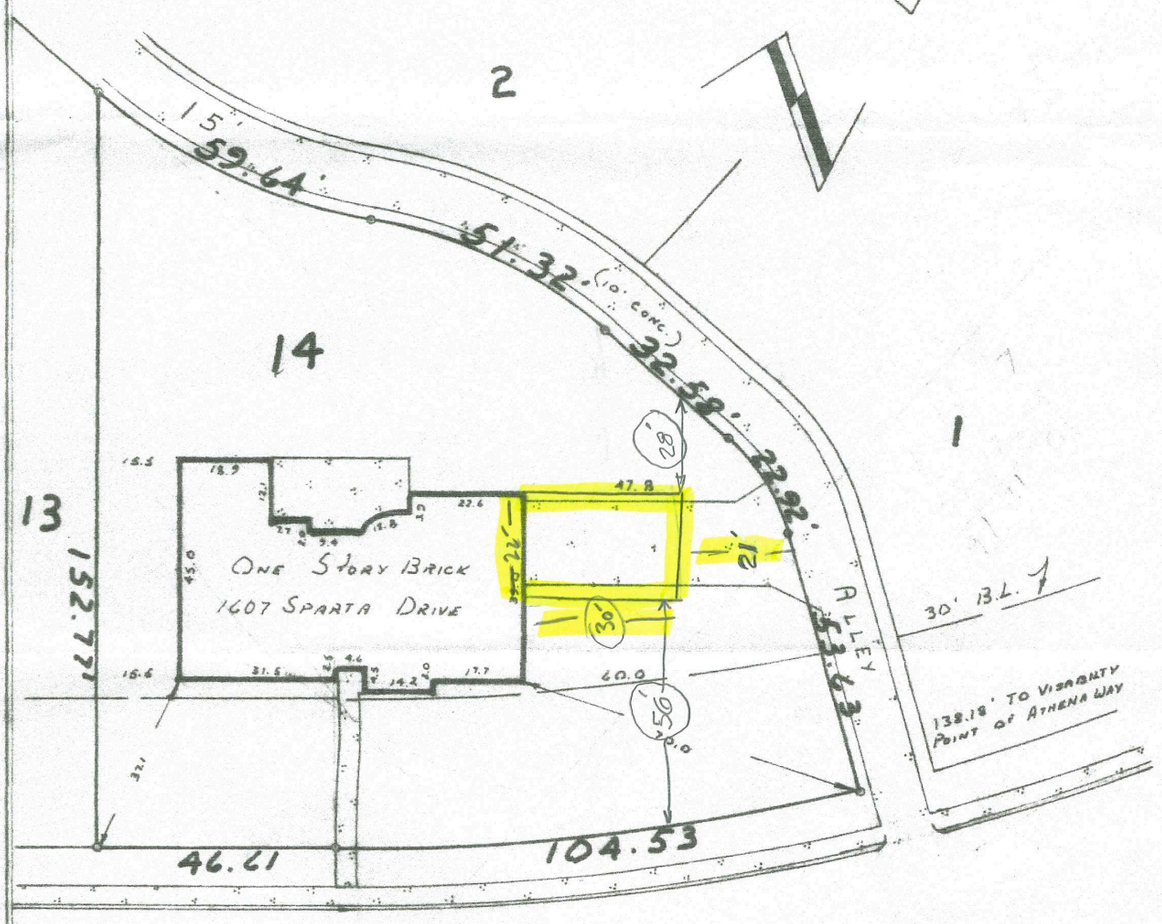
Attachment 4

# SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1607 SPARTA DRIVE, in the city of DUNCANVILLE, TEXAS.

Lot No. 14, Block No. 13 City Block No. _____
of SKYVIEW ESTATES No. 1 Addition, an addition to the City of DUNCANVILLE, Texas, according to the _____ plat recorded in Volume 77201 at page 1013 of the Map Records of DALLAS COUNTY, TEXAS, AND AS SHOWN BY CERTIFICATE OF CORRECTION BY ROBERT E. ACRY PROFESIONAL ENGINEER DATED 12-5-77 VOL. 77235 PAGE 802 D.R.D.C.T.




SPARTA DRIVE (50' R.O.W.)

The plat hereon is a true, correct, and accurate representation of the property as determined by 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, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS.

Scale 1" = 30

Date 7-17-79

STATE OF TEXAS
JIMMY W. POGUE
1722
REGISTERED PUBLIC SURVEYOR

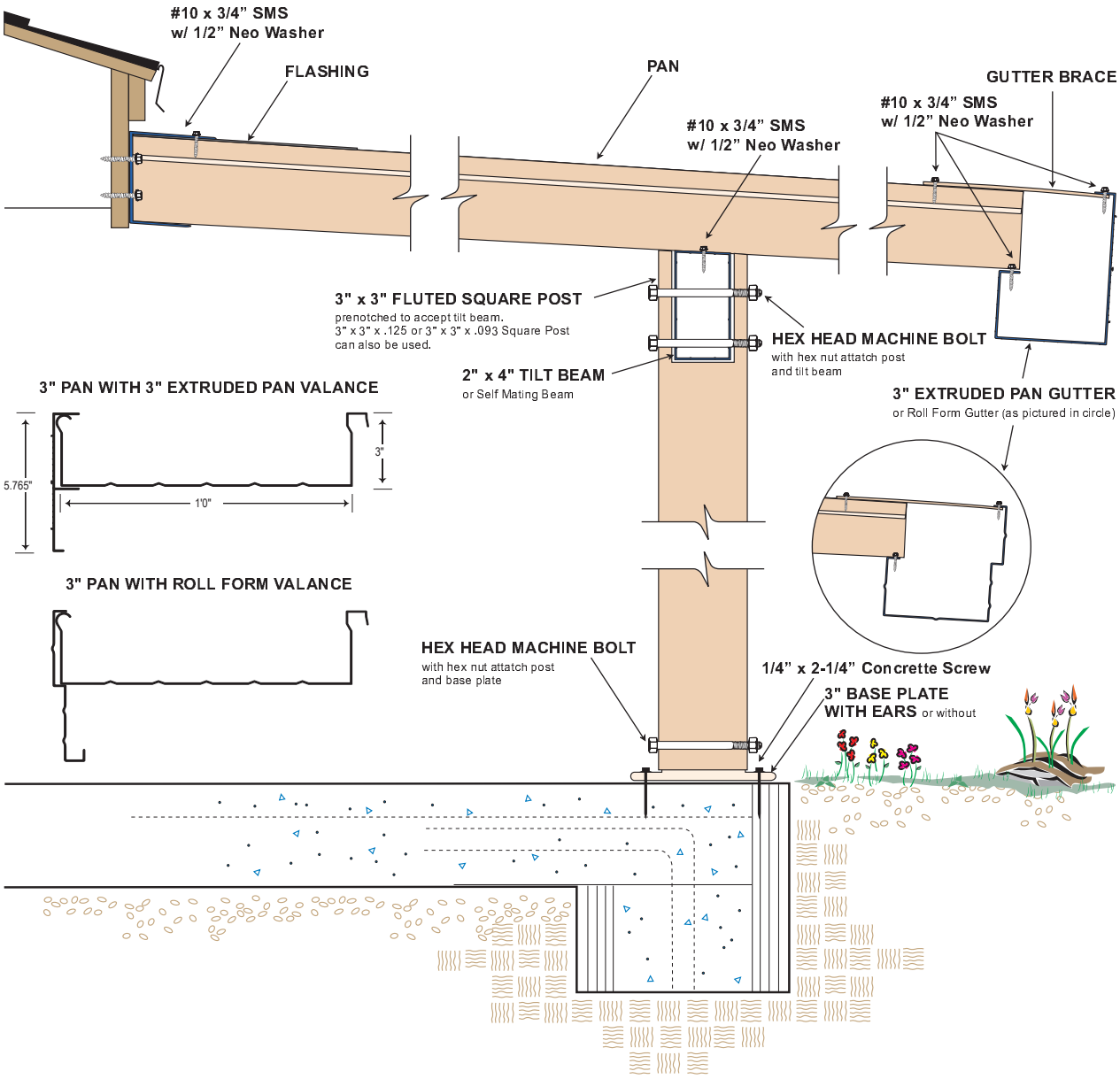
Jimmy W. Pogue

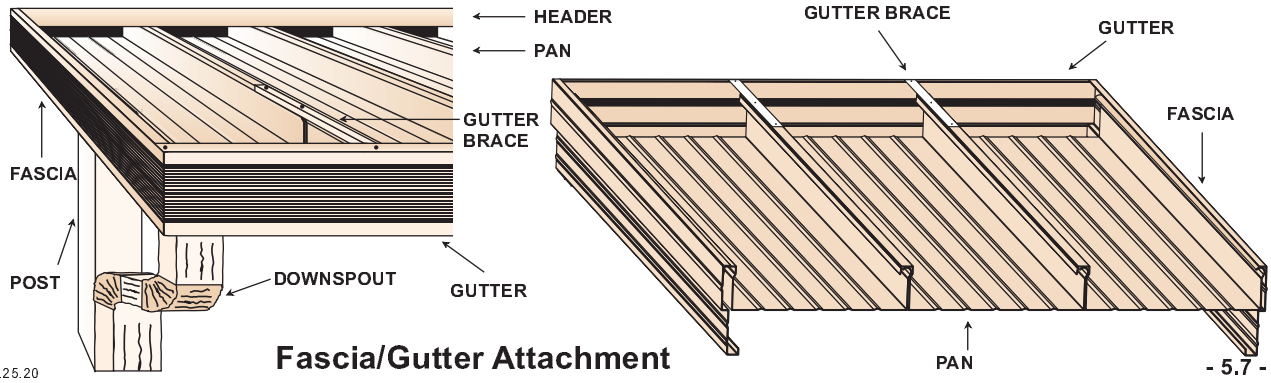
Registered Public Surveyor # 1722

Attachment 5

ROLL-FORMED PRODUCTS

# Typical End Elevation




## Fascia/Gutter Attachment

2.25.20

Attachment 6

Deborah Cantwell
1607 Sparta Dr.
Duncanville, TX 75137

To the Duncanville City Council,

My husband and I are in the process of purchasing an Airstream Travel Trailer. Unfortunately, both our trailer and truck are too large to fit in our garage. We would like to have a carport cover installed to protect the trailer and our pickup truck from all types of weather especially hail damage. Thank you for your consideration of our request for a permit for a carport.

Sincerely,

Deborah Cantwell

Deborah Cantwell

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

Duncanville
City of Champions

August 11, 2022

Zoning File: 2022-25

Dear Property Owner:

Deborah Cantwell, Applicant and Owner, is requesting approval of a Specific Use Permit to allow for the use of Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, 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, August 22, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, September 20, 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 **September 20, 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 Senior City Planner, Nathan Warren, 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,

*Nathan Warren*

Nathan Warren
Senior City Planner

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

August 11, 2022

Archivo de zonificación: 2022-25

Estimado propietario:

Deborah Cantwell, solicitante y propietaria, está solicitando la aprobación de un Permiso de Uso Específico para permitir el uso de Cochera en Skyview Estates Inst 1, Block B, Lot 14 más comúnmente conocido como 1607 Sparta Drive, 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 22 de Agosto de 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 20 de Septiembre 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 **20 de Septiembre 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 Planificador de la Cuidad, Nathan Warren, 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

*Nathan Warren*

Nathan Warren
Planificador de la Cuidad

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. 2022-25** Deborah Cantwell, Applicant and Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, 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, August 22, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, September 20, 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 **September 20, 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. 2022-25** Deborah Cantwell, Solicitante y Propietaria, está solicitando la aprobación de un Permiso de Uso Específico (SUP) para permitir el uso de Cochera en Skyview Estates Inst 1, Block B, Lot 14, mas comúnmente conocido como 1607 Sparta Drive, 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 22 de Agosto 2022, a las 7:00 p.m., y la audiencia pública del Concejo Municipal se llevará a cabo el Martes 20 de Septiembre 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 **20 de Septiembre 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:*

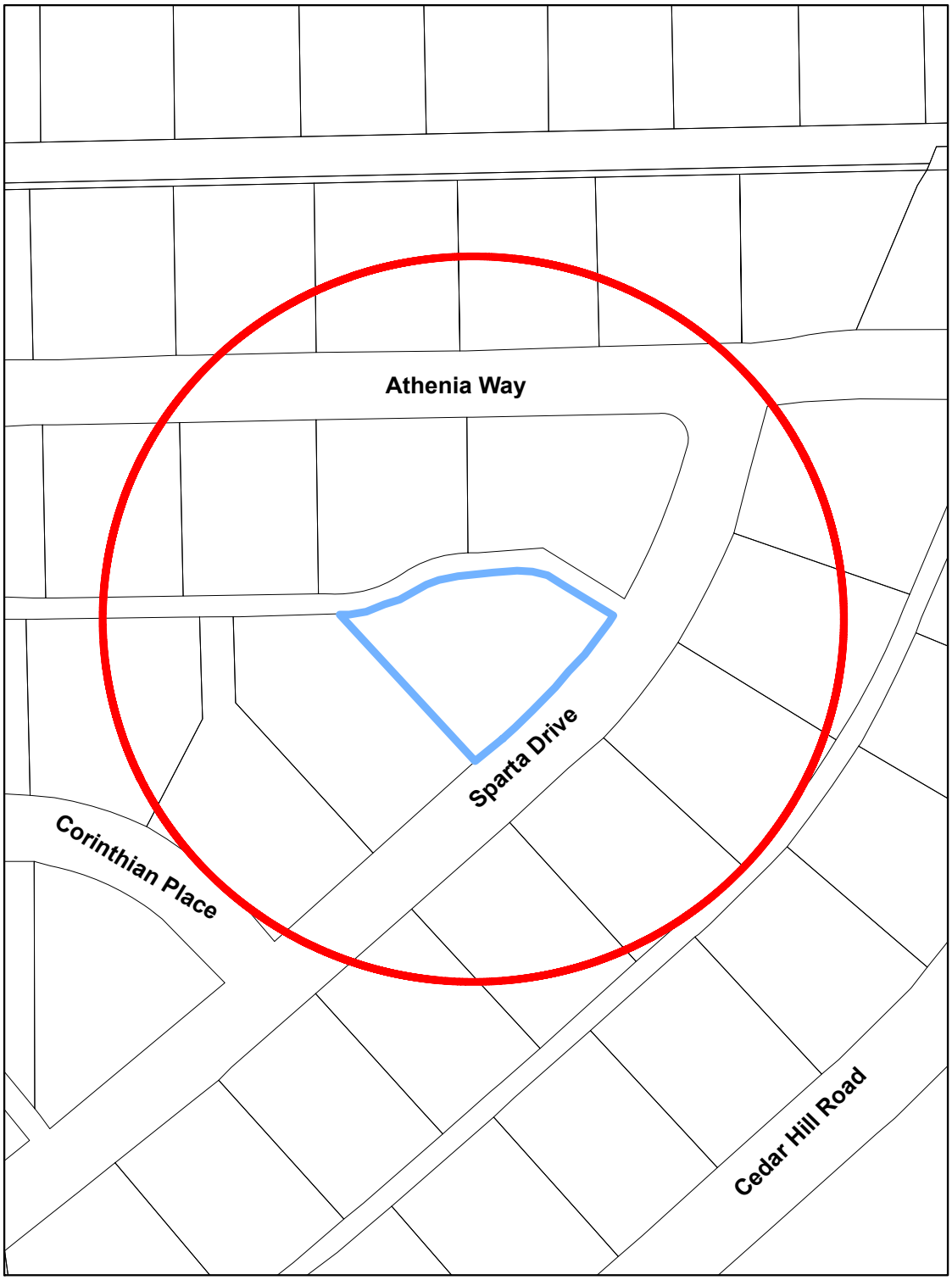
*1).*

*2).*

*3).*

Nombre impreso: _____ Dirección: _____

Firma: _____ Fecha: ___


Athenia Way
Sparta Drive
Corinthian Place
Cedar Hill Road

William T. & Sandra L. Popham
1610 Sparta Dr
Duncanville, TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
18 AUG 2022 PM 1 L




**Planning and Zoning Commission**
**City of Duncanville**
**P.O. Box 380280**
**Duncanville, TX 75138-0280**

75138-028080

RECEIVED
08.24.2022

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. 2022-25** Deborah Cantwell, Applicant and Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, 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, August 22, 2022, at 7:00 p.m., and the City Council public hearing will be held on Tuesday, September 20, 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 **September 20, 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: SANDRA PEPHAM Address: 1610 Sparta Dr.

Signature: Sandra Pepham Date: 8/17/2022

Ms. Kay Overstreet
1622 Sparta Dr.
Duncanville, TX 75137

NORTH TEXAS TX P&DC
DALLAS TX 750
23 AUG 2022 PM 5 L

Planning and Zoning Commission
City of Duncanville
P.O. Box 380280
Duncanville, TX 75138-0280

75138-028080

Received 08-26-2022

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. 2022-25** Deborah Cantwell, Applicant and Owner, is requesting approval of a Specific Use Permit (SUP) to allow for the use of Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, 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 **September 20, 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). I see no reason why this zoning request should not be granted.

2).

3).

Printed Name: Kay Overstreet  Address: 1622 Sparta Dr.

Signature: Kay Overstreet  Date: 8-19-22

Attachment 8

OVERSTREET KAY
1622 SPARTA DR
DUNCANVILLE, TEXAS 751373816

OLIVAREZ EFRAIN &
1618 SPARTA DR
DUNCANVILLE, TEXAS 751373816

LUNA ROBERTO & BAUDELIA A
1614 SPARTA DR
DUNCANVILLE, TEXAS 751373816

POPHAM WILLIAM T & SANDRA
1610 SPARTA DR
DUNCANVILLE, TEXAS 751373816

DANIEL HENRY B JR & PATRICIA S
1606 SPARTA DR
DUNCANVILLE, TEXAS 751373816

PINA MELINDA RENEE
1602 SPARTA
DUNCANVILLE, TEXAS 751373816

CANTWELL DEBORAH ANN
PO BOX 382775
DUNCANVILLE, TEXAS 751382775

BIRDWELL CHELBIE & KERRY B JR
1611 SPARTA
DUNCANVILLE, TEXAS 751373815

RIOS ANGEL M
1615 SPARTA DR
DUNCANVILLE, TEXAS 751373815

SCHWOCH REGINALD E ETAL
703 CORINTHIAN PL
DUNCANVILLE, TEXAS 751373813

HAYMON JAMES R
622 ATHENIA WAY
DUNCANVILLE, TEXAS 751373802

FARMER JIMMIE & ZETA
3301 CRYSTAL SPRING DR
NORMAN, OKLAHOMA 730721317

BERNABE JAVIER ALTAMIRANO &
614 ATHENIA WAY
DUNCANVILLE, TEXAS 751373802

ROBBINS JACK
4925 GREENVILLE AVE STE 680
DALLAS, TEXAS 752064087

HANKINS ANTHONY TODD &
623 ATHENIA WAY
DUNCANVILLE, TEXAS 751373801

BOLLES JOCELYN
619 ATHENIA WAY
DUNCANVILLE, TEXAS 751373801

WILLIAMS JIMMY &
615 ATHENIA WAY
DUNCANVILLE, TEXAS 751373801

MCGUFFEY CHARLES E
1626 S GREENSTONE LN
DUNCANVILLE, TEXAS 751373615

18 total

**ORDINANCE NO. 2453**

**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-10) TO GRANT A SPECIFIC USE PERMIT "SUP" FOR A CARPORT ON REAL PROPERTY DESCRIBED AS LOT 14, BLOCK B, MORE COMMONLY KNOWN AS 1607 SPARTA DRIVE, DUNCANVILLE, DALLAS COUNTY, TEXAS, EXHIBIT A; PROVIDING FOR SPECIAL CONDITIONS; 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-10) to grant a Specific Use Permit "SUP" for a carport on real property described as Lot 14, Block B, more commonly known as 1607 Sparta Drive, 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 this Ordinance, Comprehensive Zoning Ordinance of the City of Duncanville, as heretofore amended, and in conformance with this Ordinance and the amended Site Plan, Exhibit B, which is attached hereto and incorporated herein as special conditions and subject to the following additional special condition(s):

a. That the carport structure shall be no greater than 660 square feet and located in the rear yard of the property; and said structure width, height and roof pitch shall conform to Exhibit B, which is attached hereto and incorporated herein.
b. That the carport shall not be enclosed on the north, east and south sides of the structure.
c. That the carport shall be constructed in conformity with the City building codes.

d. That the structure with the materials and elements to match the current primary structure and conform with the Comprehensive Zoning Ordinance and applicable building codes.

**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 20th day of September, 2022.

**APPROVED:**

_____
Barry L. Gordon, Mayor

**ATTEST:**

_____
Kristin Downs, City Secretary

**APPROVED AS TO FORM:**

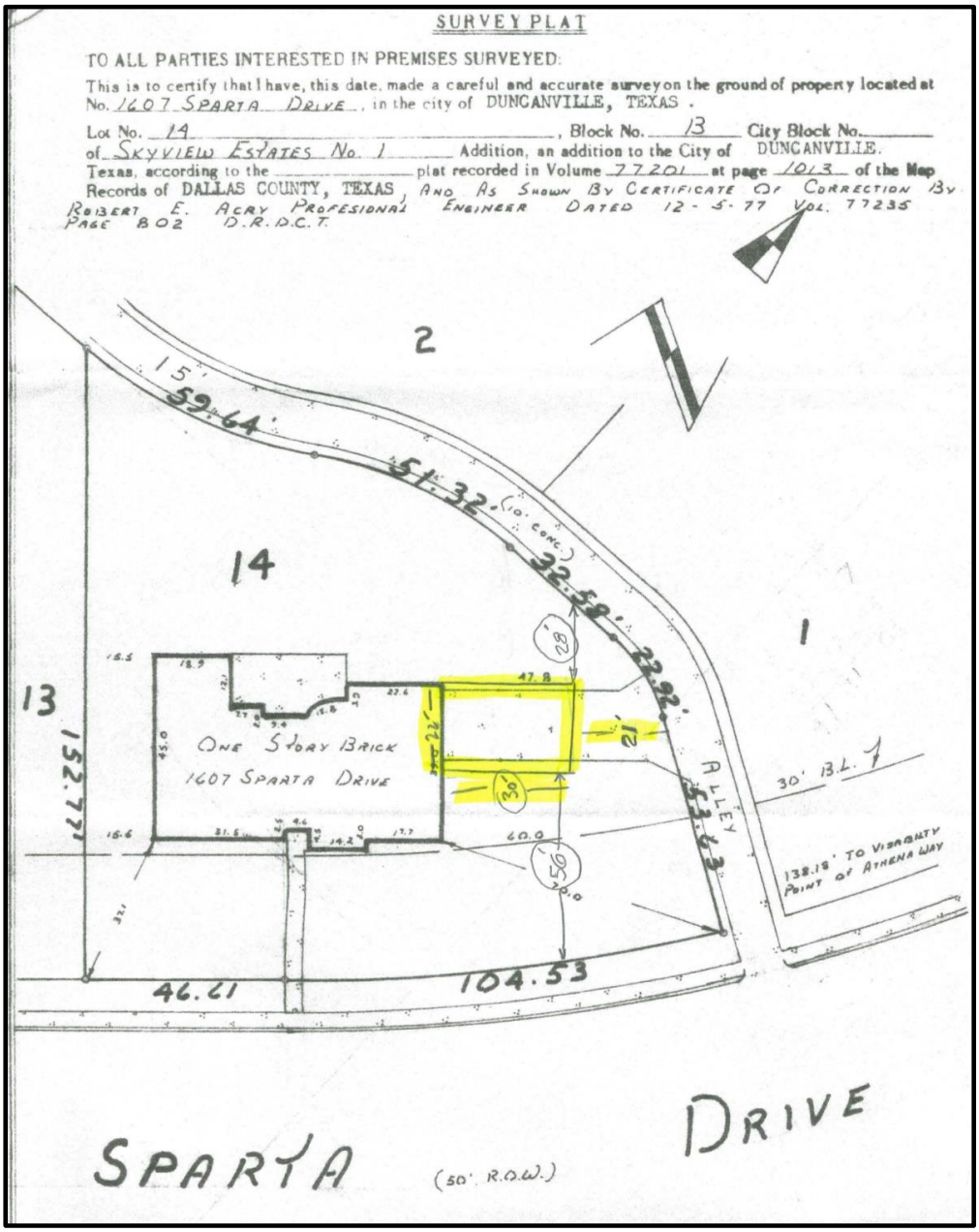
_____
Robert E. Hager, City Attorney

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Being Lot 14, Block B, on Skyview Estates 1st Inst in the City of Duncanville, Dallas County, Texas and more commonly referred to as 1607 Sparta Drive, Duncanville,

**EXHIBIT B**
**SITE PLAN**



# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Consider an Ordinance amending the Code of Ordinances by amending Chapter 2 'Administration', by repealing Article I. 'In General' Sections 2-1, 2-2, 2-3 and 2-4 and reserve for future use; by adding new Article v 'Boards and Commissions' to provide for list of different boards, appointments, qualifications, establishment, membership and other duties.

**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:**
On July 21, 2022 City Council held a Special Meeting to discuss all the Boards and Commissions. City Council recommended changes on training, board reductions, creation of new boards, and Ordinance guidelines.

**POLICY EXPLANATION:**
See Attachment 1, Ordinance 2454.

**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:**
Ordinance No. - 2454 - Boards and Commissions - Administration - Repeal and Replace Article 1 - Pdf

**ORDINANCE NO. 2454**

**AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2 'ADMINISTRATION', BY REPEALING ARTICLE I. 'IN GENERAL' SECTIONS 2-1, 2-2, 2-3 AND 2-4 AND RESERVE FOR FUTURE USE; BY ADDING NEW ARTICLE V 'BOARDS AND COMMISSIONS' TO PROVIDE FOR LIST OF DIFFERENT BOARDS, APPOINTMENTS, QUALIFICATIONS, ESTABLISHMENT, MEMBERSHIP AND OTHER DUTIES; PROVIDING A PENALTY CLAUSE; AND PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES.**

**WHEREAS,** the City of Duncanville, Texas (the "City") desires to amend their Administration of different boards; and

**WHEREAS,** the City Council finds that it is necessary to amend the current provisions for the administration of the boards of the City of Duncanville.

**NOW, THEREFORE, BE IT ORDAINED 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 and amends the Code of Ordinances, Chapter 2 "Administration", by repealing Article I "In General", Sections 2-1, 2-2, 2-3 and 2-4 and reserve for future use to hereinafter read as follows:

**"CHAPTER 2 – ADMINISTRATION**

**ARTICLE I. – RESERVED**

**Sec. 2-1. through 2-4 (Reserved)"**

**SECTION 2.** That the City Council of the City of Duncanville, Texas hereby approves and amends the Code of Ordinances, Chapter 2 "Administration", by adding Article V. Boards and Commission, to hereinafter read as follows:

**"CHAPTER 2 – ADMINISTRATION**

**ARTICLE I. – RESERVED**

**. . . . .**

**ARTICLE V. BOARDS AND COMMISSIONS**

**Sec. 2-100. Arts Commission**

**a) Organization**

The Arts Commission of the City of Duncanville shall consist of nine (9) regular members appointed by the City Council, who shall serve three-year terms, and shall be organized and shall exercise such powers and responsibilities as prescribed by all City Council Ordinances relating to the Duncanville Arts Commission.

**b) Officers**

A Chairperson and Vice Chairperson shall be elected annually from among the Commission's membership at the first meeting in October and at such times as these offices become vacant. In the absence of both the Chairperson and the Vice Chairperson, the Commission shall elect an Acting Chairperson. A secretary shall be appointed from staff personnel assigned by the City's chief executive officer.

**c) Duties and Powers**

1. (aa) The Commission shall solicit applications for arts events, review and hear requests for funding, schedule interviews, and adopt guidelines and criteria for applicants requesting funding. The Commission will advise the City Council on the expenditure of the hotel/motel tax allocation for the arts. The Arts Commission Chairman, or an alternate representative as designated by the chairman, shall attend all City Council workshops and meetings at which Arts Commission issues are discussed or considered.

   (bb) The Commission may also seek and administer funding by state, federal, and private grants, gifts, and admission fees as provided herein. They may also decline acceptance of any state, federal, private grant, donation or gift which is subject to terms or conditions which are not acceptable to or performable by the Commission.

   (cc) The Commission may itself produce and promote a cultural/arts event or projects in addition to and apart from its role as a funding source for Arts Commissions Grants to other groups and individuals. Events or projects may also include a public permanent art component.

2. The Chairperson shall preside at all meetings. The Chairperson shall decide on all points of order or procedure in accordance with these rules and regulations and the Scott, Foresman Roberts Rules of Order, the most current edition. All letters of transmittal from the Commission to the City Council shall be over the signature of the Chairperson.

3. The secretary shall be the custodian of the minutes and other official records, shall attend to the correspondence of the Commission, and shall cause such notices to be given as are required and in the manner prescribed by law.

4. The Committee shall submit their Annual Advisory Report along with a presentation to the City Council prior to Council's budget consideration, every June of each year.

5. The Arts Commission will keep the City Council informed of all activities throughout the year.

**d) Mission Statement**

The Mission of the Arts Commission of the City of Duncanville shall advise City Council to consider:

1. To develop community arts program that will enhance tourism and hotel/motel use, through the arts;

2. To encourage an increase in quality arts programs available to the citizens of the City of Duncanville;

3. To stimulate an interest in the local arts of all cultures and minority groups especially ensuring access for seniors and disabled citizens;

4. To encourage exposure to the arts for school-age citizens;

5. To preserve and develop the arts and to maximize the quality of the arts and their contributions to our City's culture;

6. To recommend the equitable distribution of resources from the public and private sectors necessary to accomplish the mission; and

7. To produce and promote activities which accomplish this mission.

**Sec. 2-101. Animal Control/Tri-Cities Animal Shelter Board**

The City of Duncanville entered into an interlocal agreement by and among City of Desoto and Cedar Hill for the use of the Tri-City Animal Shelter. The City Council shall appoint one (1) member of the Tri-City Animal Shelter Board to serve a two-year term. The duties of the board are established by the Interlocal Agreement and shall govern its proceedings herein.

**Sec. 2-102. Community Engagement Advisory Board**

a) The Community Engagement Advisory Board consists of residents and community stakeholders collaborating to advise and create opportunities to strengthen our community. The Board recommends policies, procedures and practices that support the City of Duncanville.

b) That the Community Engagement Advisory Board shall consist of seven (7) members, appointed for two-year. Board members must be residents or stakeholders in the City of Duncanville.

c) Continuance of membership on the Board shall be contingent upon regular attendance at Board meetings. If as many as three meetings are missed in one calendar year without valid reason, the member shall be automatically divested of membership on the Community Engagement Advisory Board, and a vacancy declared, to be filled for the remainder of the term by appointment of the City Council.

d) The Communications and Marketing Administrator or Specialist shall act as Board liaisons, who shall serve as an ex-officio member and secretary. Members of the Board may be reelected if they remain on the Board.

e) This Board shall establish a time and date for Board meetings and adopt procedures for these meetings. The Board can hold as many meetings as necessary to complete its purpose but shall hold at least six meetings per year.

f) The secretary shall keep an accurate record of proceedings of the meetings. Minutes of the meeting shall be approved at the next following meeting. Copies of the minutes shall be provided to the City Council.

g) A President shall preside over meetings of the Board, and shall represent the Board before the City Council or City Administration on matters which have majority vote approval of the Board. The President shall also establish such committees as are necessary for the conduct of the Board's business.

h) The Vice President shall assist the President in directing the affairs of the Board.

**Sec. 2-103. Library Board**

a. The Library Board consists of residents and community stakeholders collaborating to advise and create opportunities to strengthen our community. The Board recommends policies, procedures and practices that support the City of Duncanville.

b. That the Library Board shall consist of seven (7) members, appointed for two-year. Board members must be residents or stakeholders in the City of Duncanville.

c. Continuance of membership on the Board shall be contingent upon regular attendance at Board meetings. If as many as three meetings are missed in one calendar year without valid reason, the member shall be automatically divested of membership on the Library Board, and a vacancy declared, to be filled for the remainder of the term by appointment of the City Council.

d. The Library Director or designee shall act as Board liaisons, who shall serve as an ex-officio member and secretary. Members of the Board may be reelected if they remain on the Board.

e. This Board shall establish a time and date for Board meetings and adopt procedures for these meetings. The Board can hold as many meetings as necessary to complete its purpose but shall hold at least six meetings per year.

f. The secretary shall keep an accurate record of proceedings of the meetings. Minutes of the meeting shall be approved at the next following meeting. Copies of the minutes shall be provided to the City Council.

g. A President shall preside over meetings of the Board, and shall represent the Board before the City Council or City Administration on matters which have majority vote approval of the Board. The President shall also establish such committees as are necessary for the conduct of the Board's business.

h. The Vice President shall assist the President in directing the affairs of the Board.

**Sec. 2-104. Parks and Recreation Board**

a. The Parks and Recreation Board consists of residents and community stakeholders collaborating to advise and create opportunities to strengthen our community. The Board recommends policies, procedures and practices that support the City of Duncanville.

b. That the Parks and Recreation Board shall consist of seven (7) members, appointed for two-year terms. Board members must be residents or stakeholders in the City of Duncanville.

c. Continuance of membership on the Board shall be contingent upon regular attendance at Board meetings. If as many as three meetings are missed in one calendar year without valid reason, the member shall be automatically divested of membership on the Parks and Recreation Board, and a vacancy declared, to be filled for the remainder of the term by appointment of the City Council.

d. The Parks and Recreation Director or designee shall act as Board liaisons, who shall serve as an ex-officio member and secretary. Members of the Board may be reelected if they remain on the Board.

e. This Board shall establish a time and date for Board meetings and adopt procedures for these meetings. The Board can hold as many meetings as necessary to complete its purpose but shall hold at least six meetings per year.

f. The secretary shall keep an accurate record of proceedings of the meetings. Minutes of the meeting shall be approved at the next following meeting. Copies of the minutes shall be provided to the City Council.

g. A President shall preside over meetings of the Board, and shall represent the Board before the City Council or City Administration on matters which have majority vote approval of the Board. The President shall also establish such committees as are necessary for the conduct of the Board's business.

h. The Vice President shall assist the President in directing the affairs of the Board.

**Sec. 2-105. Planning and Zoning Commission**

a) There is hereby created a city planning and zoning commission consisting of seven regular members, each of which is appointed by the City Council and serves for a term of two years.
b) The city council may remove a commission member for cause on a written charge after a public hearing. A vacancy on the commission shall be filled for the unexpired term.
c) The planning and zoning commission, which shall also be known as the city plan commission, shall exercise the powers authorized by chapter 211 of the Local Government Code and by appendix A, the zoning ordinance, to this Code.
d) In connection with the adoption of amendments to the comprehensive zoning ordinance and zoning map, when directed by the City Council by resolution duly adopted by the City Council, the city planning and zoning commission and City Council may hold a joint hearing, or hearings, as authorized by V.T.C.A. Local Government Code, § 211.007(b). All notices required to be given by section 211.006(a) and section 211.007(c) shall be given and provided for prior to such public hearing or hearings.
The city council shall not take action until it has received the final report of the city plan commission.

**Sec. 2-106. Zoning Board of Adjustment**

See Chapter 23, Article 5, Section 5.03 City of Duncanville Code of Ordinances which govern the establishment, membership, vacancies and authority of the board**.**

**Sec. 2-107. Neighborhood Vitality**

Reserved.

**Sec. 2-108. Keep Duncanville Beautiful**

a) The Keep Duncanville Beautiful Board consists of residents and community stakeholders collaborating to advise and create opportunities to strengthen our

community. The Board recommends policies, procedures and practices that support the City of Duncanville.

b) That the Keep Duncanville Beautiful Board shall consist of seven (7) members, appointed for two-year. Board members must be residents or stakeholders in the City of Duncanville.

c) Continuance of membership on the Board shall be contingent upon regular attendance at Board meetings. If as many as three meetings are missed in one calendar year without valid reason, the member shall be automatically divested of membership, and a vacancy declared, to be filled for the remainder of the term by appointment of the City Council.

d) The Parks and Recreation Superintendent or designee shall act as Board liaisons, who shall serve as an ex-officio member and secretary. Members of the Board may be reelected if they remain on the Board.

e) This Board shall establish a time and date for Board meetings and adopt procedures for these meetings. The Board can hold as many meetings as necessary to complete its purpose but shall hold at least six meetings per year.

f) The secretary shall keep an accurate record of proceedings of the meetings. Minutes of the meeting shall be approved at the next following meeting. Copies of the minutes shall be provided to the City Council.

g) A President shall preside over meetings of the Board and shall represent the Board before the City Council or City Administration on matters which have majority vote approval of the Board. The President shall also establish such committees as are necessary for the conduct of the Board's business.

h) The Vice President shall assist the President in directing the affairs of the Board.

**Sec. 2-109. Sign Board**

(a) Creation. There is hereby established a *sign* control *board* consisting of seven members.

(b) Qualifications. Members shall be residents of the city and/or business or property owners, and registered voters.

(c) Term. Members shall be appointed by the City Council for a period of two years. A member shall be eligible for reappointment but may not serve in excess of six consecutive years unless a longer term is approved by the City Council. In the event of a vacancy, the City Council shall appoint a member to serve the unexpired term. In the event a replacement or reappointment has not been made at the end of a member's designated term, said member will continue to serve until reappointed or replaced. Members may be removed for cause by the City Council.

(d) Compensation. Members shall serve without compensation.

(e) Quorum. A majority of members, which is four members, shall constitute a quorum. In the event of the absence of the chairman and vice-chairman, the four members constituting the quorum shall elect for that meeting a member to preside as acting chairman and assume the duties of chairman.

(f) Voting. All motions shall be decided by a simple majority of the members present. A tie vote shall constitute failure of the motion.

(g) Meetings. All meetings shall be open to the public. The *board* shall establish the dates, time and place of meetings.

(h) Records. All proceedings of the *sign* control *board* shall be recorded in minutes of meetings and such minutes approved and made a matter of public record.

(i) Powers and duties. The *sign* control *board* shall have the following powers and perform the following duties:

(1) The City Council authorizes the *sign* control *board* to sit as a *board* of appeals in public hearings with regard to this chapter. In considering requests for variances from this chapter, the *sign* control *board* shall have the following powers and perform the following duties:

a. Consider, but not limited to:

1. The degree of variance,

2. Reason(s) for variance,

3. Location of variance,

4. Duration of variance,

5. Effect of the variance on public safety,

6. Protection of neighborhood property,

7. Degree of hardship or injustice involved,

8. Proximity of existing nonconforming *signs* to the location of the requested variance, as well as the height and area of such *signs*, and

9. The effect of the variance on the general plan for signage within the city.

b. The *sign* control *board* shall:

1. Grant the variance requested, or

2. Grant a variance of lesser nature than requested, or

3. Deny the variance requested.

(2) All action on variance requests shall be submitted to the City Council for review, and such decisions of the *board* shall become final unless reversed or modified by the City Council at the second regular City Council meeting following the *sign* control *board* meeting at which formal action was taken by the *board*. In reviewing the action of the *board*, or variance requests, the City Council shall consider the records made at the hearing before the *sign* control *board*.

(3) The *sign* control *board* may conduct continuing studies of *sign* ordinances in neighboring municipalities as well as other cities where such study will assist in upgrading the function of signage within the city and make recommendations to the City Council where appropriate.

(4) The *sign* control *board* may conduct a review of all nonconforming *signs* and variances granted and determine their desirability and effects upon the neighborhood and city and make recommendations to the City Council where appropriate.

(5) The *sign* control *board* may evaluate the benefits and disadvantages of new *signing* techniques.

(6) The *sign* control *board* may discuss the planning of signage in new or existing developments upon request of the developer.

(7) The *sign* control *board* shall conduct studies and prepare opinions or general plans as requested by the city council.

(8) The *sign* control *board* shall perform any duties specified elsewhere in this chapter.

(9) The *sign* control *board* may, from time to time, recommend to the City Council any changes or amendments to this chapter.

(10) Requests for placement of permanent *signs* on property owned by the city may only be considered by the City Council.

(11) In any case in which a permitted *sign* has been erected and is found by the building official to be unacceptable with regard to its construction or appearance, the building official may refer the matter to the *sign* control *board*, which shall determine whether the *sign* may remain as erected, must be changed, or must be removed.

**Sec. 2-110. Duncanville Community and Economic Development Corporation**

**Reserved.**

**Sec. 2-111. Duncanville Civil Service Commission**

The Civil Service Commission of the City of Duncanville shall consist of three (3) regular members appointed by the City Manager and confirmed by the City Council, who shall serve three-year terms, and shall be organized and shall exercise such powers and responsibilities as prescribed by Chapter 43, Sections 143.001 et seq of the Texas Local Government Code.

**Sec. 2-112. Multicultural Commission**

a. There is hereby created the Multicultural Commission to be an advisory committee created to provide the community citizen participation and engagement

b. That the Multicultural Commission will be created for the purpose of establishing a partnership with the community to have the most engaged citizenry in America; developing an image as a family-oriented community locally and regionally; developing a brand for the community focusing on the goal creating a sustainable multicultural community to enhance sports, tourism and community cooperation and developing ways to encourage all citizens to become more engaged in Duncanville; promote citizen participation and engagement in government; and to foster cooperative relationships among citizens in order to fulfill the needs and desires of Duncanville's diverse community.

c. That the Multicultural Commission shall consist of twelve (12) members, appointed for staggered two-year terms. Board members must be residents of the City of Duncanville which shall have a minimum of three African American, three Latinx and three women. The twelve-member board shall serve staggered two-year terms; the City Council shall appoint five two-year terms and four one-year terms; thereafter all members shall be appointed to two-year terms.

d. Continuance of membership on the Partnership shall be contingent upon regular attendance at Partnership meetings as provided by the Code of Ordinances.

e. Each year at the first meeting after newly named appointees have been seated on the Multicultural Commission the Board shall elect a president and a vice-president among its membership. The City Manager shall designate a staff member as Partnership liaison, who shall serve as an ex-officio member and secretary. Officers may be reelected as long as they remain on the Board.

f. This Partnership shall establish a time and date for Partnership meetings and adopt procedures for these meetings. The Partnership can hold as many meetings as

necessary to complete its purpose, but shall hold at least six meetings per year. The members of the Board may meet as an executive committee of three members to focus on issues for the African American, Latinx and woman on specific project and/or issues for recommendations to the Board or City Council.

g. The President shall preside over meetings of the Board, and shall represent the Partnership before the City Council or City Administration on matters which have majority vote approval of the Partnership. The President shall also establish such committees as are necessary for the conduct of the Partnership's business.

h. The Vice President shall assist the President in directing the affairs of the Partnership. In the absence of the President, the Vice President shall assume the duties of the President.

**Sec. 2-113 through 2-149 Reserved**

**Sec. 2-150. Appointments to all boards and commissions.**

Members and alternate members of the Arts Commission, Animal Control/Tri-Cities Animal Shelter Board, the Community Engagement Advisory Board, Library Board, Parks and Recreation Board, Planning and Zoning Commission, Zoning Board of Adjustment, Neighborhood Vitality, Keep Duncanville Beautiful, Sign Board, Duncanville Community and Economic Development Corporation, Duncanville Civil Service Commission, and the Multicultural Commission shall be appointed and serve in accordance with the following procedures:

A. Members and alternate members shall be appointed by the City Council for a term of two years with an effective date of September 1.
B. Each member of a board or commission shall serve until the appointment of a successor member of such board or commission by the City Council, or until the City Council accepts his/her resignation. A vacancy in an unexpired term shall be filled by the City Council for the remainder of the term.
C. No member or alternate member of such boards or commissions shall be eligible to serve for more than three consecutive two-year terms. Service of a partial term shall not disqualify a person from serving three consecutive two-year terms. The City Council, by unanimous vote, may waive the three successive full-term limitation.
D. At the request of any member of the City Council, candidates may be interviewed by members of the City Council at a workshop meeting specially called for such purpose. Board and commission interview guidelines will be established by resolution of the City Council. Upon completion of the interviews, the City Council will meet and discuss applications.
E. Once board and commission appointments have been completed the City Council will meet with each board and commission to discuss goals and objectives.

**Sec. 2-151 Qualifications for service on all boards and commissions.**

The following requirements are hereby established for service on a board or commission:

A. Members of the planning and zoning commission, board of adjustment, park and recreation advisory board, library advisory board, and Duncanville Community and Economic Development Corporation (4B board) shall be residents of the city and registered voters.
B. Members of the sign control board and Keep Duncanville Beautiful Board shall be residents of the city and/or business or property owners, and registered voters.
C. Members of the regional animal shelter board shall be registered voters.
D. Members of all boards and commissions shall not be delinquent in the payment of ad valorem taxes, except for the duration of a timely protest in accordance with law, and shall not be delinquent in the payment of any fine owing to the city.
E. Council shall strive to appoint a board or commission member from each district and at-large council place."

**SECTION 3.** *Severability.* If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** *Amendment of Ordinances*. That all provisions of the Ordinances of the City of Duncanville, Texas, conflicting with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5**. *Savings Clause.* All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting dangerous and substandard buildings within the City which are pending or have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts. Any persons serving on any boards or commission provided in this Ordinance shall continue to service until their respective terms expire, they resign and their replacement and appointment.

**SECTION 6.** *Effective Date.* This Ordinance shall become effective from and after its date of passage in accordance with law.

**SECTION 7.** *Open Meeting.* It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**DULY ORDAINED AND ADOPTED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 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 - 20 Sep 2022**

**TITLE:**
Consider an Ordinance creating Classified Positions under Civil Service in the Police and Fire Departments; providing for a Pay Scale under Civil Service; repealing all Ordinances in conflict herewith; and, providing a severability clause; providing a repealing clause.

**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**
**Mark LiVigni, Police Chief**
**Sam Rohde, Fire Chief**

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

Change # 1: The step pay plan has been adjusted, as proposed in the FY 22-23 budget.
Change # 2: Addition of a second Assistant Police Chief (Appointed) position.
Change #3: Addition of a Fire Captain – Fire Prevention position.

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

**FUNDING SOURCE:**

**ORG and Object Number**
N/A

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

**ACTION ALTERNATIVES:**

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

**ATTACHMENTS:**
Ordinance No. - 2451 - Pay Scale - Police and Fire - Pdf

**AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS**

**ORDINANCE NO. 2451**

**AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, CREATING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE POLICE AND FIRE DEPARTMENTS; PROVIDING FOR A PAY SCALE UNDER CIVIL SERVICE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**. The classified positions under Civil Service in the Police Department shall be as follows:

| | | |
|---|---|---|
| P1 | Assistant Chief (appointed) | 2 |
| P2 | Police Lieutenant | 5 |
| P3 | Police Sergeant | 6 |
| P4 | Police Patrol Officer | 50 |

**Section 2.** The classified positions under Civil Service in the Fire Department shall be as follows:

| | | |
|---|---|---|
| F1 | Assistant Fire Chief (appointed) | 1 |
| F2 | Division Chief – EMS | 1 |
| F3 | Battalion Chief | 3 |
| F3 | Fire Marshal/Battalion Chief | 1 |
| F4 | Fire Captain | 6 |
| F4 | Deputy Fire Marshal | 1 |
| F5 | Fire Engineer | 6 |
| F6 | Fire Fighter | 33 |

**Section 3.** The annual pay scale for each of the above-captioned classified positions shall be as follows:

**POLICE DEPARTMENT**

**Time in Position with Duncanville**

| | | START | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6 YR |
|---|---|---|---|---|---|---|---|---|
| P1 | Assistant Police Chief | $ 124,110 | $ 129,284 | $ 134,458 | $ 139,631 | | | |
| P2 | Police Lieutenant | $ 101,264 | $ 105,176 | $ 109,088 | $ 112,999 | | | |
| P3 | Police Sergeant | $ 88,474 | $ 90,414 | $ 94,468 | $ 97,462 | | | |
| P4 | Police Officer (No Previous Experience) | $ 63,418 | $ 65,980 | $ 68,536 | $ 71,094 | $ 73,652 | $ 76209 | $ 81,144 |
| P4 | Police Officer (1 year Credited Previous Experience) | $ 65,980 | $ 65,980 | $ 68,536 | $ 71,094 | $ 73,652 | $ 76209 | $ 81,144 |
| P4 | Police Officer (2 year Credited Previous Experience) | $ 68,536 | $ 68,536 | $ 68,536 | $ 71,094 | $ 73,652 | $ 76209 | $ 81,144 |
| P4 | Police Officer (3 year Credited Previous Experience) | $ 71,094 | $ 71,094 | $ 71,094 | $ 71,094 | $ 73,652 | $ 76209 | $ 81,144 |
| P4 | Police Officer (4 year Credited Previous Experience) | $ 73,652 | $ 73,652 | $ 73,652 | $ 73,652 | $ 73,652 | $ 76209 | $ 81,144 |
| P4 | Police Officer (5 year Credited Previous Experience) | $ 76209 | $ 76209 | $ 76209 | $ 76209 | $ 76209 | $ 76209 | $ 81,144 |

Credited Previous Experience shall be defined as one year of credited experience for every full year actively employed as a full-time law enforcement officer in a municipality with a population of 30,000 or more, a county with a population of 125,000 or more or a state law enforcement agency, not to exceed five years of Credited Previous Experience.

Credited Previous Experience shall also be defined as one year of credited experience for every two full years actively employed as a full-time law enforcement officer in a municipality with a population of less than 30,000 or a county with a population of less than 125,000, not to exceed five years of Credited Previous Experience.

Credited Previous Experience shall also be defined as one year of credited experience for every two full years actively employed as a full-time law enforcement officer with any TCOLE certified organization other than a municipal police organization or a county sheriff's office

Police applicants with a minimum of one year full-time prior service as a police officer must possess a TCOLE license and/or have taken and passed the TCOLE state licensing exam to qualify for Credited Previous Experience and be placed in the current pay grade of the Duncanville Police Department compensation plan.

Credited Previous Experience will not apply if more than three years have passed since the most recent qualifying employment.

Population figures shall be based on current information from the UTSA Texas State Data Center or the latest United States census information if outside Texas.

## FIRE DEPARTMENT

### Time in Position with Duncanville

| | | START | 1 YR | 2 YR | 3 YR | 4 YR | 5 YR | 6 YR |
|---|---|---|---|---|---|---|---|---|
| F1 | Assistant Fire Chief | $ 126,058 | $ 130,442 | $ 134,826 | $ 139,212 | | | |
| F2 | Division Chief - EMS | $ 117,690 | $ 122,388 | | | | | |
| F3 | Battalion Chief | $ 103,050 | $ 106,783 | $ 110,518 | $ 114,251 | | | |
| F3 | Fire Marshal/Battalion Chief | $ 103,050 | $ 106,783 | $ 110,518 | $ 114,251 | | | |
| F4 | Fire Captain | $ 90,155 | $ 93,427 | $ 96,698 | $ 99,971 | | | |
| F4 | Deputy Fire Marshal/Fire Captain | $ 90,155 | $ 93,427 | $ 96,698 | $ 99,971 | | | |
| F5 | Fire Engineer | $ 81,695 | $ 83,687 | $ 85,677 | $ 87,683 | | | |
| F6 | Firefighter (No Previous Experience) | $ 63,455 | $ 65,461 | $ 67,468 | $ 69,476 | $ 71,483 | $ 74,531 | $ 78,934 |
| F6 | Firefighter (1 year Credited Previous Experience) | $ 65,461 | $ 65,461 | $ 67,468 | $ 69,476 | $ 71,483 | $ 74,531 | $ 78,934 |
| F6 | Firefighter (2 year Credited Previous Experience) | $ 67,468 | $ 67,468 | $ 67,468 | $ 69,476 | $ 71,483 | $ 74,531 | $ 78,934 |
| F6 | Firefighter (3 year Credited Previous Experience) | $ 69,476 | $ 69,476 | $ 69,476 | $ 69,476 | $ 71,483 | $ 74,531 | $ 78,934 |
| F6 | Firefighter (4 year Credited Previous Experience) | $ 71,483 | $ 71,483 | $ 71,483 | $ 71,483 | $ 71,483 | $ 74,531 | $ 78,934 |
| F6 | Firefighter (5 year Credited Previous Experience) | $ 74,531 | $ 74,531 | $ 74,531 | $ 74,531 | $ 74,531 | $ 74,531 | $ 78,934 |

Credited Previous Experience shall be defined as one year of credited experience for every full year actively employed as a full-time Fire Fighter or Paramedic in a municipality or an Emergency Services District (ESD) with a population of 30,000 or more or a county with a population of 125,000 or more, not to exceed five years of Credited Previous Experience.

Credited Previous Experience shall also be defined as one year of credited experience for every two full years actively employed as a full-time Fire Fighter or Paramedic in a municipality or an Emergency Services District (ESD) with a population of less than 30,000 or a county with a population of less than 125,000, not to exceed five years of Credited Previous Experience.

Fire applicants with a minimum of one year full-time prior service as a Fire Fighter or Paramedic must be certified as a Fire Fighter with the Texas Commission on Fire Protection and/or be certified or have the ability to be certified as an EMT-Paramedic with the Texas Department of State Health Services to qualify for Credited Previous Experience and be placed in the current pay grade of the Duncanville Fire Department compensation plan.

Credited Previous Experience will not apply if more than three years have passed since the most recent qualifying employment.

Population figures shall be based on current information from the UTSA Texas State Data Center or the latest United States Census information if outside Texas.

**Section 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole."

**Section 5.** That all Ordinances of the City of Duncanville heretofore adopted which are in conflict with the provisions of the Ordinance be, and the same are hereby repealed.

**Section 6.** That this Ordinance shall take effect on the 1st day of October, 2022.

**DULY PASSED** by the City Council of the City of Duncanville, Texas, on the 20th day of September, 2022.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

# STAFF REPORT

**MEETING: City Council - 20 Sep 2022**

**TITLE:**
Receive the Monthly Financial Report as of July 31, 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. July is the first month of the fourth quarter of fiscal year 2021-2022. Revenues and expenditures are expected to approximate a budgeted target of 83% for the period ending July 31, 2022. See the attached Monthly Financial Report as of July, 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:**
July 2022 Monthly Financial Report

# CITY OF DUNCANVILLE
# MONTHLY FINANCIAL REPORT

## Fiscal Year 2021-2022
YEAR-TO-DATE OPERATIONS

## AS OF JULY 31, 2022

OCTOBER 1, 2021 TO JULY 31, 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
**9/14/2022**

Duncanville
City of Champions

# MEMORANDUM

**TO:** Aretha Ferrell-Benavides
City Manager

Robert Brown, Jr.
Assistant City Manager

**FROM:** Edena J. Atmore, CPA, CPM, CPFO
Managing Director, Fiscal Services

**DATE:** September 14, 2022

**RE:** July 2022, Monthly Financial Report for the City of Duncanville, Texas

The Duncanville Monthly Financial Report presents unaudited revenues and expenditures through July 31, 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.

July is the first month of the last quarter of fiscal year (FY) 2021-2022. We expect to collect and spend about 83.3% of the budgeted revenues and expenditures. Below are highlights of the October 2021 through July 2022 governmental financial reports.

**General Fund:**
General Fund's unaudited ending fund balance for actuals is approximately $20.06 million to date, which provides an expenditure coverage for 283 days of operations as of July 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 88.3% of the targeted budget of 83.3%. This variance is well above the targeted percentage of revenues expected to be collected in FY 2022.
  - Current property tax payments are at 99.8% 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 6 of this report.
  - Overall, sales tax revenues for this period are 6.4% above the amount collected for this same time last year. The data reflects eight 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 8 of this report.

- Franchise fee revenues are received quarterly in arrears. Payments due to the City for the fourth quarter (July thru September) of the FY will be remitted to cities in the first quarter of FY 2023. 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 78.9% of the annual budgeted amount, which is 15.3% 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 35.1% less compared to this period last year. This source is mainly comprised of recreational and event fees. The revenue budget was increased from the prior FY by almost $80,000 thus explaining the variance in collection percentage when compared to the prior fiscal year.
- In addition, attached is a detailed review of General Fund revenues by category.

- General Fund's total operating and project expenditures are 69% of the budget.
  - To date, most operating expenditure categories are less than the expenditure target of 83.3% 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 1$4.5 million, with an actual to-date fund balance of $14.1 million, providing an expenditure coverage for 354 days as of July 2022. Our expenditures exceeded our revenues for July by $376,883.

- Total utility revenues are at 77.6% 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 71% 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. 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 $4.5 million.
- **Fieldhouse** operating revenues are 89.3% of the budgeted amount compared to 92.7% last year. Operating expenditures represent 77.7% of the period's budgeted target of 83.3% 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 23 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. To date, the City has expended $1,667,745 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 JULY 31, 2022

| REVENUES and EXPENDITURES | REVISED 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 | $18,582,005 | $32,831 | 99.8% | $19,160,658 | 105.3% |
| 51 - SALES & OTHER TAXES | $8,413,523 | $6,273,795 | $2,139,728 | 74.6% | $5,725,429 | 68.2% |
| 52 - PERMITS & LICENSES | $1,395,050 | $1,100,126 | $294,925 | 78.9% | $1,351,427 | 94.2% |
| 53 - FINES & FEES | $476,730 | $240,436 | $236,294 | 50.4% | $326,391 | 67.1% |
| 54 - INTERGOV REVENUES | $165,000 | $107,949 | $57,051 | 65.4% | $83,302 | 66.6% |
| 55 - INTEREST | $150,000 | $50,271 | $99,729 | 33.5% | $111,411 | 80.2% |
| 56 - FRANCHISE FEE REV | $1,710,000 | $955,792 | $754,208 | 55.9% | $1,152,003 | 66.9% |
| 57 - CHARGES FOR SERVICES | $283,000 | $207,757 | $75,243 | 73.4% | $221,487 | 108.5% |
| 58 - TRANSFER FROM FUNDS | $2,715,194 | $2,262,660 | $452,534 | 83.3% | $2,192,833 | 83.3% |
| 59 - OTHER SOURCES | $386,600 | $532,022 | ($145,422) | 137.6% | $418,462 | 105.4% |
| **Revenue Total** | **$34,309,933** | **$30,312,813** | **$3,997,120** | **88.3%** | **$30,743,402** | **91.1%** |
| | | | | | | |
| **Expense** | | | | | | |
| 60 - SALARY AND BENEFITS | ($21,955,350) | ($17,162,478) | ($4,790,930) | 78.2% | ($16,163,266) | 75.8% |
| 72 - SUPPLIES & MATERIALS | ($1,895,050) | ($920,009) | ($499,364) | 48.5% | ($872,196) | 55.1% |
| 73 - CONTRACT & PROF SVCS | ($7,396,496) | ($3,864,531) | ($1,827,443) | 52.2% | ($4,545,071) | 63.4% |
| 74 - MAINT & REPAIR SVCS | ($753,802) | ($485,640) | ($191,558) | 64.4% | ($577,992) | 75.2% |
| 75 - UTILITIES | ($920,803) | ($520,704) | ($400,099) | 56.5% | ($613,971) | 58.0% |
| 76 - CAPITAL OUTLAY | ($182,935) | ($121,721) | ($30,422) | 66.5% | ($114,056) | 75.6% |
| 77 - DEBT SERVICES | ($60,057) | ($60,129) | $72 | 100.1% | ($200,190) | 83.3% |
| 78 - TRANSFER TO FUNDS | ($3,460,456) | ($2,056,277) | ($1,404,179) | 59.4% | ($1,636,003) | 87.4% |
| 79 - OTHER FINANCING USES | ($365,881) | ($332,317) | ($9,760) | 90.8% | ($68,327) | 26.7% |
| **Expense Total** | **($36,990,830)** | **($25,523,805)** | **($9,153,684)** | **69.0%** | **($24,791,073)** | **72.0%** |
| | | | | | | |
| **Revenues Over/(Under) Exp.** | **($2,680,897)** | **$4,789,007** | **($5,156,563)** | -178.6% | **$5,952,328** | |
| ***BEGINNING FUND BALANCE*** | **$15,268,747** | **$15,268,747** | | | | |
| **ENDING FUND BALANCE** | **$12,587,850** | **$20,057,754** | | | | |

**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** | 34.0% | 78.6% |
| **# of Days Coverage** | 123 | 283 |
| **Reserve Requirement $$ (60 days)** | **$6,165,138** | **$4,253,968** |
| **Reserve Requirement %** | **17%** | **17%** |
| **Excess Reserves** | **$6,422,711** | **$15,803,786** |




# *PROPERTY TAX COLLECTIONS*

## MONTHLY FINANCIAL REPORT

Prepared by
FINANCIAL SERVICES DEPARTMENT

**CITY OF DUNCANVILLE**
**Property Tax Collections Report**
**July 01 - 31, 2022**

| | Report Name | Base Tax Levy | Penalty & Interest | Collection Fees | Total |
|---|---|---|---|---|---|
| **Collections:** | | | | | |
| Payments Received | AC003P | $63,191.50 | $9,724.07 | $8,062.27 | $80,977.84 |
| **Adjustments to Collections:** | | | | | |
| Refunds/Levy Corrections | AC003A | ($14,248.88) | ($87.66) | ($97.22) | ($14,433.76) |
| Return Check Items | AC003A | ($168.68) | ($50.60) | ($43.85) | ($263.13) |
| Transfers/Reversals | AC003A | ($49.50) | ($48.33) | ($25.07) | ($122.90) |
| Total Adjustments to Collections | **AC003A** | **($14,467.06)** | **($186.59)** | **($166.14)** | **($14,819.79)** |
| Maintenance & Operations | AC002A | $45,515.09 | $8,843.45 | $7,896.13 | $62,254.67 |
| Interest & Sinking | AC002A | $3,209.35 | $694.03 | $0.00 | $3,903.38 |
| **Net Collections** | **AC002A** | **$48,724.44** | **$9,537.48** | **$7,896.13** | **$66,158.05** |
| Transferred Refund from Escrow | AC002A | $0.00 | | | $0.00 |
| Rendition Penalty | AC006A | ($8.32) | | | ($8.32) |
| Collections Fee | | $0.00 | | | $0.00 |
| **Total Miscellaneous Items** | | **($8.32)** | | | **($8.32)** |
| M&O Net Payment to Entity | | $45,506.77 | $8,843.45 | | $54,350.22 |
| I&S Net Payment to Entity | | $3,209.35 | $694.03 | | $3,903.38 |
| **Total Net Payment to Entity** | | **$48,716.12** | **$9,537.48** | | **$58,253.60** |
| Net Adjustment to Levy | AR006A | ($14,441.55) | | | |
| **Current Year Collection Percentage Based on Monthly Collections:** | | | | **98.33%** | |

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.

NOTARY PUBLIC STATE OF TEXAS
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 August day of 3, 2022.




# *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 | **1,055,650.56** | 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** | | **8,226,907.39** | **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 | 791,737.92 | 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 | | 6,170,180.54 | 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 | 263,912.64 | 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** | | **2,056,726.85** | **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 | 8,226,907.39 | 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 REVENUE DETAILS AS OF JULY 31, 2022

| REVENUES | 2022 FYTD ACTUALS | REVISED BUDGET | AVAILABLE BUDGET AMOUNT | % OF ANNUAL BUDGET YTD |
|---|---|---|---|---|
| **50 - PROPERTY TAXES** | | | | |
| 501101 - CURRENT TAXES | $18,371,748 | $18,324,836 | ($46,912) | 100.3% |
| 501102 - DELINQUENT TAXES | $88,258 | $150,000 | $61,742 | 58.8% |
| 501103 - PENALTIES AND INTEREST | $121,998 | $140,000 | $18,002 | 87.1% |
| **50 - PROPERTY TAXES Total** | **$18,582,005** | **$18,614,836** | **$32,831** | **99.8%** |
| | | | | |
| **51 - SALES & OTHER TAXES** | | | | |
| 501201 - STATE SALES TAX CITY PORTION | $4,129,816 | $5,558,349 | $1,428,533 | 74.3% |
| 501202 - SALES TAX PROPERTY TAX RELIEF | $2,064,908 | $2,779,174 | $714,266 | 74.3% |
| 501204 - ALCOHOLIC BEVERAGE TAX | $79,071 | $76,000 | ($3,071) | 104.0% |
| **51 - SALES & OTHER TAXES Total** | **$6,273,795** | **$8,413,523** | **$2,139,728** | **74.6%** |
| | | | | |
| **52 - PERMITS & LICENSES** | | | | |
| 502101 - BUILDING PERMITS | $270,650 | $275,000 | $4,350 | 98.4% |
| 502102 - ELECTRICAL PERMITS | $26,723 | $17,000 | ($9,723) | 157.2% |
| 502103 - SOLICITOR LICENSES | $1,425 | $1,500 | $75 | 95.0% |
| 502105 - EMERGENCY MEDICAL SERVICE | $596,069 | $850,000 | $253,931 | 70.1% |
| 502106 - SIGN PERMITS | $18,848 | $15,000 | ($3,848) | 125.7% |
| 502108 - HEALTH FOOD INSPECTION FEES | $33,981 | $70,000 | $36,019 | 48.5% |
| 502109 - PLUMBING AND AC PERMITS | $49,867 | $55,000 | $5,133 | 90.7% |
| 502111 - ZONING & SPEC USE PERMIT | $8,075 | $8,500 | $425 | 95.0% |
| 502114 - RENTAL PROPERTY REGISTRATION | $52,320 | $50,000 | ($2,320) | 104.6% |
| 502120 - ALARM PERMITS | $37,317 | $50,000 | $12,683 | 74.6% |
| 502122 - POOL OR SPA INSPECTION FEE | $4,850 | $3,000 | ($1,850) | 161.7% |
| 509607 - ANIMAL PERMITS | ($0) | $50 | $50 | 0.0% |
| **52 - PERMITS & LICENSES Total** | **$1,100,126** | **$1,395,050** | **$294,925** | **78.9%** |
| | | | | |
| **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 | $182,046 | $350,000 | $167,954 | 52.0% |
| 503102 - COURT RELATED FEES | $43,961 | $110,000 | $66,039 | 40.0% |
| 503103 - SCHOOL CROSSING FEES | $2,039 | $3,000 | $961 | 68.0% |
| 503201 - LIBRARY FINES | $5,208 | ($0) | ($5,208) | |
| 503301 - FALSE ALARM FINES | $7,147 | $10,000 | $2,853 | 71.5% |
| 509609 - RETURN CHECK FEES | $35 | $230 | $195 | 15.2% |
| **53 - FINES & FEES Total** | **$240,436** | **$476,730** | **$236,294** | **50.4%** |
| | | | | |
| **54 - INTERGOV REVENUES** | | | | |
| 504102 - DISD SCHOOL CROSSING GUARDS | $33,165 | $35,000 | $1,835 | 94.8% |
| 504103 - DALLAS COUNTY CROSSING GUARD | $27,837 | $40,000 | $12,163 | 69.6% |
| 504109 - REIMB FOR REG EMERG MANAGER | $46,946 | $90,000 | $43,054 | 52.2% |
| 508203 - INTERGOV REIMBURSEMENT-CDBG | ($0) | ($0) | ($0) | |
| **54 - INTERGOV REVENUES Total** | **$107,949** | **$165,000** | **$57,051** | **65.4%** |
| | | | | |
| **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% |
| 505106 - MONEY MARKET INTEREST | $29,191 | $60,000 | $30,809 | 48.7% |
| **55 - INTEREST Total** | **$50,271** | **$150,000** | **$99,729** | **33.5%** |

CITY OF DUNCANVILLE

# GENERAL FUND REVENUE DETAILS AS OF JULY 31, 2022

| REVENUES | 2022 FYTD ACTUALS | REVISED BUDGET | AVAILABLE BUDGET AMOUNT | % OF ANNUAL BUDGET YTD |
|---|---|---|---|---|
| **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 | $153,505 | $250,000 | $96,495 | 61.4% |
| 507104 - SENIOR CENTER ANNUAL USER FEE | $2,403 | $5,000 | $2,598 | 48.1% |
| 507107 - RECREATION CENTER CLASSES | $17,856 | $8,000 | ($9,856) | 223.2% |
| 507108 - SPECIAL EVENTS | $19,996 | $8,000 | ($11,996) | 249.9% |
| 507109 - SENIOR CLASS/TRIPS | $2,279 | $4,000 | $1,721 | 57.0% |
| 509603 - LIBRARY SERVICE FEES | $11,719 | $8,000 | ($3,719) | 146.5% |
| **57 - CHARGES FOR SERVICES Total** | **$207,757** | **$283,000** | **$75,243** | **73.4%** |
| **58 - TRANSFER FROM FUNDS** | | | | |
| 598002 - PILOT FEE TZ-CITY WWW UTILITY | $453,220 | $543,862 | $90,642 | 83.3% |
| 599002 - TRANS FROM UTILITY FUND-002 | $1,510,730 | $1,812,874 | $302,144 | 83.3% |
| 599010 - TRANS FROM HOTEL FUND-010 | $45,910 | $55,091 | $9,181 | 83.3% |
| 599012 - TRANS FROM EDC FUND-012 | $92,550 | $111,070 | $18,520 | 83.3% |
| 599019 - TRANS FROM SANITATION FND-019 | $160,250 | $192,297 | $32,047 | 83.3% |
| 599031 - TRANS FROM TRAFFIC IMP FND-031 | ($0) | ($0) | ($0) | |
| 599041 - TRANS FROM 1-TIME PROJ FND-041 | ($0) | ($0) | ($0) | |
| **58 - TRANSFER FROM FUNDS Total** | **$2,262,660** | **$2,715,194** | **$452,534** | **83.3%** |
| **59 - OTHER SOURCES** | | | | |
| 509105 - SALE OF MATERIALS | $3,000 | $1,000 | ($2,000) | 300.0% |
| 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 | $224,312 | $100,000 | ($124,312) | 224.3% |
| 509602 - CASH OVER AND SHORT | ($2,424) | ($0) | $2,424 | |
| 509604 - POLICE ACCIDENT REPORTS | $2,609 | $3,500 | $891 | 74.5% |
| 509606 - AUCTION PROCEEDS | ($0) | $5,000 | $5,000 | 0.0% |
| 509612 - CITY SERVICES REIMBURSEMENT | $39,050 | $58,000 | $18,950 | 67.3% |
| 509613 - WORKERS COMP REIMBURSEMENT | $70,043 | $20,000 | ($50,043) | 350.2% |
| 509614 - RENTAL OF TOWER | $182,463 | $194,000 | $11,537 | 94.1% |
| 509617 - LEASE INCOME | ($0) | ($0) | ($0) | |
| 509618 - GAS WELL OIL REVENUE | $12,969 | $3,000 | ($9,969) | 432.3% |
| **59 - OTHER SOURCES Total** | **$532,022** | **$386,600** | **($145,422)** | **137.6%** |
| **Total Revenues** | **$30,312,813** | **$34,309,933** | **$3,997,120** | **88.3%** |

CITY OF DUNCANVILLE

# GENERAL FUND EXPENDITURES BY DEPT/DIV- JULY 31, 2022

| OPERATING EXPENDITURES | 2022 FYTD ACTUALS | REVISED BUDGET | AVAILABLE BUDGET AMOUNT | % OF ANNUAL BUDGET YTD |
|---|---|---|---|---|
| **0101 - GENERAL GOV. SERVICES DEPT.** | | | | |
| 01011000 - MAYOR AND COUNCIL | ($102,223) | ($142,524) | ($27,571) | 71.7% |
| 01011100 - CITY ADMINISTRATION | ($579,058) | ($661,394) | ($81,111) | 87.6% |
| 01011200 - CITY SECRETARY | ($236,253) | ($313,234) | ($75,182) | 75.4% |
| 01011300 - HUMAN RESOURCES | ($305,181) | ($448,190) | ($95,082) | 68.1% |
| 01011400 - INFO TECHNOLOGY | ($767,621) | ($955,500) | ($163,736) | 80.3% |
| 01011500 - PUBLIC INFORMATION OFFICE | ($144,213) | ($166,055) | ($12,265) | 86.8% |
| 01011600 - PUBLIC LIBRARY | ($738,096) | ($949,790) | ($195,159) | 77.7% |
| 01011700 - CITY MARSHAL | ($71,949) | ($96,088) | ($23,556) | 74.9% |
| **0101 - GENERAL GOV. SERVICES DEPT. Total** | **($2,944,595)** | **($3,732,776)** | **($673,662)** | **78.9%** |
| | | | | |
| **0102 - FISCAL SERVICES DEPT.** | | | | |
| 01022000 - ACCOUNTING & REPORTING | ($465,594) | ($617,891) | ($84,736) | 75.4% |
| 01022300 - MUNICIPAL COURT | ($342,096) | ($478,658) | ($89,236) | 71.5% |
| 01022500 - PROCUREMENT OFFICE | ($137,624) | ($143,878) | $39,835 | 95.7% |
| **0102 - FISCAL SERVICES DEPT. Total** | **($945,314)** | **($1,240,427)** | **($134,136)** | **76.2%** |
| | | | | |
| **0103 - NEIGHBORHOOD & PLANNING DEPT.** | | | | |
| 01036100 - BUILDING INSPECTION | ($372,569) | ($544,511) | ($146,694) | 68.4% |
| 01036401 - PLANNING SERVICES-CURRENT | ($119,445) | ($200,578) | ($81,011) | 59.6% |
| 01036500 - NEIGHBORHOOD SERVICES | ($309,575) | ($433,146) | ($112,294) | 71.5% |
| **0103 - NEIGHBORHOOD & PLANNING DEPT. Total** | **($801,589)** | **($1,178,235)** | **($339,999)** | **68.0%** |
| | | | | |
| **0104 - PARK AND RECREATION DEPT.** | | | | |
| 01044000 - PARK & REC ADMINISTRATION | ($220,910) | ($265,878) | ($44,060) | 83.1% |
| 01044100 - REC PROGRAM ADMIN | ($283,212) | ($399,011) | ($114,609) | 71.0% |
| 01044101 - RECREATIONAL PROGRAMS | ($5,639) | ($5,682) | ($44) | 99.2% |
| 01044102 - REC PROGRAM CAMPS-closed | ($0) | ($0) | ($0) | |
| 01044200 - SPECIAL EVENTS ADMIN | ($150,746) | ($222,463) | ($56,757) | 67.8% |
| 01044300 - ATHLETIC PROGRAMMING | ($243,180) | ($393,142) | ($117,426) | 61.9% |
| 01044500 - HORTICULTURE | ($117,324) | ($179,926) | ($62,546) | 65.2% |
| 01044600 - PARK GROUNDS MAINTENANCE | ($660,592) | ($1,448,375) | ($373,290) | 45.6% |
| 01044900 - SENIOR CENTER | ($142,580) | ($200,760) | ($56,472) | 71.0% |
| 01044901 - SENIOR CENTER CLASSES | ($1,272) | ($4,600) | ($3,328) | 27.7% |
| 01044911 - SENIOR CENTER TRIPS | ($0) | ($600) | ($600) | 0.0% |
| **0104 - PARK AND RECREATION DEPT. Total** | **($1,825,454)** | **($3,120,436)** | **($829,130)** | **58.5%** |
| | | | | |
| **0105 - POLICE SERVICES DEPT.** | | | | |
| 01055000 - POLICE ADMINISTRATION | ($1,615,734) | ($1,970,056) | $133,685 | 82.0% |
| 01055100 - PATROL | ($3,864,446) | ($5,029,645) | ($1,138,958) | 76.8% |
| 01055200 - CRIMINAL INVESTIGATION | ($1,227,640) | ($1,541,763) | ($305,696) | 79.6% |
| 01055300 - ANIMAL CONTROL | ($372,789) | ($490,157) | ($31,225) | 76.1% |
| 01055400 - SCHOOL GUARDS | ($67,169) | ($85,233) | ($18,063) | 78.8% |
| 01055500 - CRIME PREVENTION | ($158,928) | ($156,189) | $4,433 | 101.8% |
| 01055700 - RECORDS | ($236,704) | ($348,265) | ($107,194) | 68.0% |
| 01055900 - POLICE SPECIAL SERVICES | ($305,348) | ($603,265) | ($296,780) | 50.6% |
| **0105 - POLICE SERVICES DEPT. Total** | **($7,848,758)** | **($10,224,572)** | **($1,759,798)** | **76.8%** |

CITY OF DUNCANVILLE

# GENERAL FUND EXPENDITURES BY DEPT/DIV- JULY 31, 2022

| OPERATING EXPENDITURES | 2022 FYTD ACTUALS | REVISED BUDGET | AVAILABLE BUDGET AMOUNT | % OF ANNUAL BUDGET YTD |
|---|---|---|---|---|
| **0106 - PUBLIC WORKS DEPT.** | | | | |
| 01066000 - PUBLIC WORKS ENGINEERING/ADMIN | ($277,945) | ($391,722) | ($109,739) | 71.0% |
| 01066200 - STREET MAINTENANCE | ($1,272,273) | ($3,596,110) | ($2,203,305) | 35.4% |
| 01066300 - TRAFFIC OPERATIONS | ($525,326) | ($980,759) | ($108,000) | 53.6% |
| 01066700 - EQUIPMENT SERVICES | ($783,126) | ($1,127,605) | ($186,272) | 69.5% |
| 01066800 - BUILDING MAINTENANCE | ($597,926) | ($897,750) | ($205,031) | 66.6% |
| **0106 - PUBLIC WORKS DEPT. Total** | **($3,456,595)** | **($6,993,946)** | **($2,812,346)** | **49.4%** |
| | | | | |
| **0107 - FIRE SERVICES DEPT.** | | | | |
| 01077000 - FIRE ADMINISTRATION | ($552,622) | ($660,907) | ($90,191) | 83.6% |
| 01077100 - FIRE PREVENTION | ($209,724) | ($338,593) | ($126,703) | 61.9% |
| 01077200 - FIRE SUPPRESSION | ($3,442,005) | ($4,425,649) | ($916,637) | 77.8% |
| 01077300 - ADVANCED LIFE SUPPORT | ($1,443,941) | ($1,817,819) | ($328,032) | 79.4% |
| 01077500 - EMERGENCY MANAGEMENT ADMIN | ($104,067) | ($133,390) | ($28,684) | 78.0% |
| **0107 - FIRE SERVICES DEPT. Total** | **($5,752,359)** | **($7,376,358)** | **($1,490,247)** | **78.0%** |
| | | | | |
| **0108 - NON-DEPARTMENTAL** | | | | |
| 01088000 - GENERAL NON DEPARTMENTAL | ($1,949,139) | ($3,124,080) | ($1,114,368) | 62.4% |
| **0108 - NON-DEPARTMENTAL Total** | **($1,949,139)** | **($3,124,080)** | **($1,114,368)** | **62.4%** |
| | | | | |
| **Total Operating Expenditures** | **($25,523,803)** | **($36,990,830)** | **($9,153,686)** | **69.0%** |

CITY OF DUNCANVILLE

# USE OF GENERAL FUND BALANCE EXPENDITURES AS OF JULY 31, 2022

| EXPENDITURES | 2022 FYTD ACTUALS | REVISED BUDGET | % OF ANNUAL BUDGET YTD |
|---|---|---|---|
| 41010001 - GEN GOVT ONE TIME PROJ | ($135,103) | ($100,000) | 135.1% |
| 41040001 - PARKS ONE TIME PROJECTS | ($0) | ($56,000) | 0.0% |
| 41050001 - POLICE ONE TIME PROJ | ($20,782) | ($2,188,003) | 0.9% |
| 41060001 - PUBLIC WORKS ONE TIME PROJECTS | ($8,800) | ($359,100) | 2.5% |
| **Total Operating Expenditures** | **($164,686)** | **($2,703,103)** | **6.1%** |

**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 JULY 31, 2022

| REVENUES and EXPENSES | REVISED 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 | $3,010 | $1,990 | 60.2% | $3,745 | 74.90% |
| 54 - INTERGOV REVENUES | $600 | $256 | $344 | 42.7% | $188 | 31.41% |
| 55 - INTEREST | $32,000 | $15,672 | $16,328 | 49.0% | $27,881 | 23.23% |
| 57 - CHARGES FOR SERVICES | $17,953,946 | $13,663,791 | $4,290,155 | 76.1% | $11,274,769 | 62.42% |
| 59 - OTHER SOURCES | $34,550 | $301,643 | ($267,093) | 873.1% | $20,965 | 60.77% |
| **Revenue Total** | **$18,026,096** | **$13,984,373** | **$4,041,723** | **77.6%** | **$11,327,549** | **62.16%** |
| | | | | | | |
| **Expense** | | | | | | |
| 60 - SALARY AND BENEFITS | ($2,300,829) | ($1,593,830) | ($706,999) | 69.3% | ($1,452,751) | 68.29% |
| 72 - SUPPLIES & MATERIALS | ($475,800) | ($213,368) | ($262,432) | 44.8% | ($227,432) | 45.59% |
| 73 - CONTRACT & PROF SVCS | ($9,430,662) | ($7,670,193) | ($1,760,470) | 81.3% | ($6,746,647) | 77.60% |
| 74 - MAINT & REPAIR SVCS | ($338,385) | ($222,035) | ($116,350) | 65.6% | ($172,482) | 46.16% |
| 75 - UTILITIES | ($121,416) | ($51,467) | ($69,949) | 42.4% | ($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 - TRANSFER TO FUNDS | ($7,527,483) | ($4,606,230) | ($2,921,253) | 61.2% | ($5,556,906) | 75.00% |
| 79 - OTHER FINANCING USES | ($19,085) | ($4,133) | ($14,952) | 21.7% | ($6,548) | 59.28% |
| **Expense Total** | **($20,235,028)** | **($14,361,255)** | **($5,873,773)** | **71.0%** | **($14,225,852)** | **73.81%** |
| | | | | | | |
| **Revenues Over/(Under) Exp.** | **($2,208,932)** | **($376,883)** | **($1,832,050)** | | **($2,898,303)** | |
| | | | | | | |
| ***BEGINNING FUND BALANCE*** | **$14,495,358** | **$14,495,358** | | | | |
| | | | | | | |
| ***ENDING FUND BALANCE*** | **$12,286,426** | **$14,118,476** | | | | |

| FUND BALANCE RESERVE REQUIREMENT POLICY | | |
|---|---|---|
| **% of Fund Balance To Exp. Ratio** | 60.7% | 98.3% |
| **# of Days Coverage** | 219 | 354 |

CITY OF DUNCANVILLE

# UTILITY CIP FUND-017 AS OF JULY 31, 2022

| REVENUES and EXPENSES | REVISED 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 | 63.4% |
| 58 - TRANSFER FROM FUNDS | $5,000,000 | $2,500,000 | $2,500,000 | 50.0% | $4,166,667 | 83.3% |
| **Revenue Total** | **$5,000,500** | **$2,500,000** | **$2,500,500** | **50.0%** | **$4,166,793** | **83.3%** |
| | | | | | | |
| **Expense** | | | | | | |
| 73 - CONTRACT & PROF SVCS | ($227,583) | ($135,394) | ($92,189) | 59.5% | ($141,960) | 29.7% |
| 76 - CAPITAL OUTLAY | ($8,106,815) | ($2,568,928) | ($5,537,887) | 31.7% | ($2,013,747) | 30.3% |
| **Expense Total** | **($8,334,398)** | **($2,704,323)** | **($5,630,076)** | **32.4%** | **($2,155,707)** | **30.3%** |
| | | | | | | |
| **Revenues Over/(Under) Exp.** | **($3,333,898)** | **($204,323)** | **($3,129,576)** | | **$2,011,086** | |
| | | | | | | |
| ***BEGINNING FUND BALANCE*** | **$846,203** | **$846,203** | | | | |
| | | | | | | |
| ***ENDING FUND BALANCE*** | **($2,487,695)** | **$641,880** | | | | |




# *OTHER MAJOR FUNDS*

## MONTHLY FINANCIAL REPORT

Prepared by
FINANCIAL SERVICES DEPARTMENT

CITY OF DUNCANVILLE

# ECONOMIC DEVELOPMENT FUND-012 AS OF JULY 31, 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 & OTHER TAXES | $2,779,174 | $2,064,908 | $714,266 | 74.3% | 1,885,432 | 67.84% |
| 55 - INTEREST | $2,000 | ($0) | $2,000 | 0.0% | 463 | 23.16% |
| 59 - OTHER SOURCES | ($0) | ($0) | ($0) | | 0 | 0.00% |
| **Revenue Total** | **$2,781,174** | **$2,064,908** | **$716,266** | **74.2%** | **1,885,895** | **67.81%** |
| | | | | | | |
| **Expense** | | | | | | |
| 60 - SALARY AND BENEFITS | ($395,007) | ($280,647) | ($114,360) | 71.0% | (131,659) | 61.89% |
| 72 - SUPPLIES & MATERIALS | ($63,748) | ($46,097) | ($17,651) | 72.3% | (19,471) | 47.20% |
| 73 - CONTRACT & PROF SVCS | ($215,474) | ($44,950) | ($112,736) | 20.9% | (28,793) | 35.50% |
| 74 - MAINT & REPAIR SVCS | ($67,600) | ($14,818) | ($6,809) | 21.9% | (35,539) | 52.57% |
| 75 - UTILITIES | ($21,100) | ($9,535) | ($11,565) | 45.2% | (6,673) | 31.62% |
| 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 - TRANSFER TO FUNDS | ($653,336) | ($611,075) | ($42,261) | 93.5% | (585,107) | 92.72% |
| 79 - OTHER FINANCING USES | ($1,837,617) | ($1,536,745) | ($300,872) | 83.6% | (206,168) | 43.00% |
| **Expense Total** | **($3,330,881)** | **($2,564,391)** | **($637,730)** | **77.0%** | **(1,500,957)** | **74.21%** |
| | | | | | | |
| **Revenues Over/(Under) Exp.** | **($549,707)** | **($499,483)** | **$78,536** | **90.9%** | **($384,938)** | |

| | | |
|---|---|---|
| ***BEGINNING FUND BALANCE*** | **$5,013,633** | **$5,013,633** |
| **ENDING FUND BALANCE** | **$4,463,926** | **$4,514,150** |

**Note:**

TRANSFERS TO OTHER FUNDS 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

CITY OF DUNCANVILLE

# FIELDHOUSE FUND-456 AT JULY 31, 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 | $1,050,511 | $155,989 | 87.1% | $950,961 | 92.2% |
| 58 - TRANSFER FROM FUNDS | $538,475 | $515,375 | $23,100 | 95.7% | $507,425 | 94.4% |
| 59 - OTHER SOURCES | $140,000 | $117,047 | $22,953 | 83.6% | $101,538 | 88.8% |
| **Revenue Total** | **$1,884,975** | **$1,682,933** | **$202,042** | **89.3%** | **$1,559,924** | **92.7%** |
| | | | | | | |
| **Expense** | | | | | | |
| 60 - SALARY AND BENEFITS | ($600,436) | ($412,821) | ($187,615) | 68.8% | ($370,748) | 73.9% |
| 72 - SUPPLIES & MATERIALS | ($210,276) | ($163,599) | ($46,677) | 77.8% | ($112,990) | 71.0% |
| 73 - CONTRACT & PROF SVCS | ($344,483) | ($241,019) | ($103,464) | 70.0% | ($227,349) | 70.1% |
| 74 - MAINT & REPAIR SVCS | ($69,634) | ($65,561) | ($4,073) | 94.2% | ($15,213) | 58.9% |
| 75 - UTILITIES | ($107,000) | ($60,814) | ($46,185) | 56.8% | ($70,467) | 58.8% |
| 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 - TRANSFER TO FUNDS | ($3,900) | ($3,250) | ($650) | 83.3% | ($3,413) | 83.3% |
| 79 - OTHER FINANCING USES | ($2,500) | ($1,099) | ($1,401) | 44.0% | ($201) | 13.4% |
| **Expense Total** | **($1,883,204)** | **($1,463,988)** | **($419,216)** | **77.7%** | **($1,308,256)** | **78.1%** |
| | | | | | | |
| **Revenues Over/(Under) Exp.** | **$1,771** | **$218,945** | **($217,174)** | 12361.7% | **$251,668** | |

| | | |
|---|---|---|
| ***BEGINNING FUND BALANCE*** | **($1,408,819)** | **($1,408,819)** |
| **ENDING FUND BALANCE** | **($1,407,048)** | **($1,189,874)** |




# *ALL OTHER FUNDS*

## MONTHLY FINANCIAL REPORT

Prepared by
FISCAL SERVICES DEPARTMENT

## SPECIAL REVENUE FUNDS AS OF JULY 31, 2022

| BEGINNING FUND BALANCE | FUND/ ACCT TYPE | FY 2022 ACTUALS | REVISED BUDGET | Available Budget | FY to Date Actual % of Budget | ENDING FUND BALANCE |
|---|---|---|---|---|---|---|
| $762,925 | 008 - COMPREHENSIVE SELF INSURANCE | | | | | |
| | Revenue | $389,680 | $468,629 | $78,949 | 83.15% | |
| | Expense | ($555,461) | ($640,000) | ($84,539) | 95.07% | |
| | **008 - COMPREHENSIVE SELF INSURANCE Total** | **($165,781)** | **($171,371)** | | | **$597,144** |
| $2,731,474 | 010 - HOTEL TAX FUND | | | | | |
| | Revenue | $707,316 | $734,550 | $27,234 | 96.29% | |
| | Expense | ($214,266) | ($739,821) | ($525,556) | 29.70% | |
| | **010 - HOTEL TAX FUND Total** | **$493,051** | **($5,271)** | | | **$3,224,525** |
| $306,890 | 013 - GRANT FUND | | | | | |
| | Revenue | $44,822 | $72,000 | $27,178 | 62.26% | |
| | Expense | ($189,732) | ($430,639) | ($65,506) | 49.62% | |
| | **013 - GRANT FUND Total** | **($144,910)** | **($358,639)** | | | **$161,980** |
| $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 | $6,175 | $1,300 | ($4,875) | 475.00% | |
| | Expense | ($54,924) | ($60,774) | ($5,850) | 90.37% | |
| | **050 - POLICE FORFEITURE/SEIZURE FUND Total** | **($48,749)** | **($59,474)** | | | **$40,126** |
| $134,567 | 051 - STATE ASSET FORFEITURE FUND | | | | | |
| | Revenue | $62,759 | $5,500 | ($57,259) | 1141.07% | |
| | Expense | ($35,134) | ($79,248) | ($37,806) | 51.10% | |
| | **051 - STATE ASSET FORFEITURE FUND Total** | **$27,625** | **($73,748)** | | | **$162,192** |

## SPECIAL REVENUE FUNDS AS OF JULY 31, 2022

| BEGINNING FUND BALANCE | FUND/ ACCT TYPE | FY 2022 ACTUALS | REVISED 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 | ($84,929) | ($94,136) | ($9,207) | 87.94% | |
| | **052 - FEDERAL ASSET FORFEITURE FUND Total** | **($80,154)** | **($64,136)** | $16,018 | 120.39% | **$57,965** |
| $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 | $6,549 | $12,000 | $5,451 | 54.58% | |
| | Expense | ($0) | ($30,366) | ($30,366) | 0.00% | |
| | **225 - COURT SECURITY FUND Total** | **$6,549** | **($18,366)** | | | **$53,967** |
| $16,943 | 230 - JUVENILE CASE MANAGER FUND | | | | | |
| | Revenue | $7,194 | $19,500 | $12,306 | 36.89% | |
| | Expense | ($20,190) | ($26,109) | ($5,918) | 88.21% | |
| | **230 - JUVENILE CASE MANAGER FUND Total** | **($12,996)** | **($6,609)** | | | **$3,947** |
| $35,002 | 235 - COURT TECHNOLOGY | | | | | |
| | Revenue | $5,690 | $12,000 | $6,310 | 47.41% | |
| | Expense | ($0) | ($970) | ($970) | 0.00% | |
| | **235 - COURT TECHNOLOGY Total** | **$5,690** | **$11,030** | | | **$40,692** |

## SPECIAL REVENUE FUNDS AS OF JULY 31, 2022

| BEGINNING FUND BALANCE | FUND/ ACCT TYPE | FY 2022 ACTUALS | REVISED 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 | ($1,667,745) | ($4,723,100) | ($2,941,506) | 37.09% | |
| | **758 - AMERICAN RESCUE PLAN Total** | **($1,663,249)** | **($4,723,100)** | | | **$3,137,950** |
| | | | | | | |

## DEBT SERVICE AND CAPITAL PROJECT/REPLACEMENT FUNDS AS OF JULY 31, 2022

| BEGINNING FUND BALANCE | FUND/ ACCT TYPE | FY 2022 ACTUALS | REVISED BUDGET | AVAILABLE BUDGET | FY to Date Actual % of Budget | ENDING FUND BALANCE |
|---|---|---|---|---|---|---|
| $1,385,475 | 005 - DEBT SERVICE FUND | | | | | |
| | Revenue | $1,263,438 | $1,410,657 | $147,219 | 89.56% | |
| | Expense | ($1,128,316) | ($1,482,357) | ($354,041) | 76.12% | |
| | **005 - DEBT SERVICE FUND Total** | **$135,122** | **($71,700)** | | | **$1,520,597** |
| $2,110,807 | 016 - FLEET/EQUIP REPR/REPLACE FUND | | | | | |
| | Revenue | $744,442 | $893,709 | $149,267 | 83.30% | |
| | Expense | ($560,197) | ($2,161,838) | ($1,015,365) | 27.96% | |
| | **016 - FLEET/EQUIP REPR/REPLACE FUND Total** | **$184,245** | **($1,268,129)** | | | **$2,295,052** |
| $195,745 | 020 - STREET/ALLEY CIP FUND | | | | | |
| | Revenue | $393,522 | $1,471,000 | $1,077,479 | 26.75% | |
| | Expense | ($146,293) | ($1,001,737) | ($697,823) | 32.61% | |
| | **020 - STREET/ALLEY CIP FUND Total** | **$247,228** | **$469,263** | | | **$442,973** |
| $21,043 | 024 - PARK CAPITAL IMPROV FUND | | | | | |
| | Revenue | ($0) | ($0) | ($0) | | |
| | Expense | ($0) | ($0) | ($0) | 0.00% | **$21,043** |
| | **024 - PARK CAPITAL IMPROV FUND Total** | **($0)** | **($0)** | **($0)** | **0.00%** | |
| $218,837 | | | | | | |
| | 025 - ALLEY IMPROVEMENT FUND | | | | | |
| | Revenue | ($0) | $150,000 | $150,000 | 0.00% | |
| | Expense | ($17,621) | ($230,591) | ($206,158) | 9.63% | **$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 | ($1,281,248) | ($10,473,316) | ($7,096,252) | 12.30% | **$18,490,300** |
| | **026 - CAPITAL IMPROVEMENT PROJ FUND Total** | **($1,251,967)** | **($10,373,316)** | | | |

## DEBT SERVICE AND CAPITAL PROJECT/REPLACEMENT FUNDS AS OF JULY 31, 2022

| BEGINNING FUND BALANCE | FUND/ ACCT TYPE | FY 2022 ACTUALS | REVISED 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 | 100.00% | **$1** |
| | **031 - TRAFFIC IMPROVEMENT & SAFETY Total** | **($243,522)** | **($0)** | | | |
| **$105,798** | | | | | | |
| | **032 - INFO TECH REPAIR/REPLACE FUND** | | | | | |
| | Revenue | $126,680 | $152,033 | $25,353 | 83.32% | |
| | Expense | ($191,964) | ($129,800) | $70,602 | 85.52% | **($86,166)** |
| | **032 - INFO TECH REPAIR/REPLACE FUND Total** | **($65,284)** | **$22,233** | | | |

## OTHER ENTERPRISE FUNDS AS OF JULY 31, 2022

| BEGINNING FUND BALANCE | FUND/ ACCT TYPE | FY 2022 ACTUALS | REVISED BUDGET | AVAILABLE BUDGET | FY to Date Actual % of Budget | ENDING FUND BALANCE |
|---|---|---|---|---|---|---|
| **$1,125,664** | **015 - DRAINAGE FUND** | | | | | |
| | Revenue | $669,474 | $841,000 | $171,526 | 84.39% | |
| | Expense | ($281,506) | ($1,933,214) | ($1,458,010) | 43.36% | |
| | **015 - DRAINAGE FUND Total** | **$387,968** | **($1,092,214)** | | | **$1,513,632** |
| | | | | | | |
| **$838,612** | **019 - SANITATION FUND** | | | | | |
| | Revenue | $3,160,769 | $4,168,500 | $1,007,731 | 83.02% | |
| | Expense | ($3,219,979) | ($4,607,839) | ($507,928) | 77.70% | |
| | **019 - SANITATION FUND Total** | **($59,210)** | **($439,339)** | | | **$779,402** |

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