Duncanville City Council Meeting Agenda

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

Tuesday, December 21, 2021
6:00 P.M. - Work Session/Briefing
7:00 P.M. - Regular Session
or immediately following the 6:00 pm Work Session/Briefing

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

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

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

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, December 21, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

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

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 21, 2021, email citysecretary@duncanville.com and title the email "Public Comment – December 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 camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:

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

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

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

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 receive direction on uses of the Coronavirus Local Fiscal Recovery funds provided through the American Rescue Plan Act (ARPA) — 6 - 10
Coronavirus Local Fiscal Recovery

B. Review of the City's Fund Balance for the Utility Operating Fund. — 11 - 13
Review of the City's Fund Balance

C. Receive a follow-up presentation concerning the City of Duncanville's current "loud and raucous noise" ordinance (Ordinance 1794 § 1), relating to citizen quality of life, and provide the City Council recommended revisions for adoption. — 14 - 18
Noise Ordinance Follow-up

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. Recognition of the Mayor's City Champion.

3. CITIZENS' INPUT

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

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

To speak in person or by video conference during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 21, 2021, email citysecretary@duncanville.com and title the email "Public Comment – December 21st. You will need to register with the link below and attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow attendance in person access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise or unable to attend in person.

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

4. CONSENT AGENDA

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

A. Consider the Minutes for the: 19 - 83

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

2021-08-14 - Town Hall - City Council - Minutes - UNAPPROVED
2021-08-17 - City Council - Minutes - UNAPPROVED
2021-08-24 - Special Meeting - City Council - Minutes - UNAPPROVED
2021-09-07 - City Council - Minutes - UNAPPROVED
2021-09-21 - City Council - Minutes - UNAPPROV3ED
2021-10-14 - Special Meeting - City Council - Minutes - UNAPPROVED
2021-11-08 - Special Meeting - City Council - Minutes - UNAPPROVED
2021-11-11-12-13 - Special Meeting - City Council Retreat - Minutes - UNAPPROVED
2021-11-16 - City Council - Minutes - UNAPPROVED
2021-11-30 - Special Meeting - City Council - Minutes - UNAPPROVED

B. Consider a Resolution authorizing a Cooperative Purchasing Agreement with Vortex Companies Vortex, LLC using The Interlocal Purchasing System (TIPS), Contract 20110401 Wastewater Improvements - Pipebursting wastewater mains on Briarmeade Drive, East Fairmeadows Drive, Fairmeadows Circle, and various streets in the Forest Hill Addition for the Public Works Department, with an estimated expenditure amount of $999,996.25 and an appropriation of $99,999.63 for a contingency equaling ten (10) percent of the original contract price. 84 - 134

FY22 Pipebursting - Vortex TIPS 20110401

C. Consider a Resolution authorizing the third option to renew for an additional one-year period beginning November 27, 2021, and ending November 26, 2022, for IFB-19-001, Traffic Signal Maintenance Services, with Siemens Mobility, Inc., with an estimated amount up to $156,610.00. 135 - 140

Siemens Traffic Signal Maintenance Services Third Renewal

D. Consider a Resolution authorizing the purchase of Traffic Operations Equipment, Maintenance, and Supplies from Consolidated Traffic Control, Inc., using the Houston-Galveston Area Council of Governments (HGAC) Cooperative Contract #PE-05-21, in the amount up to $85,376.00. 141 - 146

FY22 Consolidated Traffic Control Traffic Operations Equipment, Maintenance & Supplies

E. Consider a Resolution authorizing the purchase of Traffic Operations Equipment and Supplies from Paradigm Traffic Systems using BuyBoard Cooperative Purchasing Agreement #603-20, in the amount up to $91,800.00. 147 - 151

FY22 Paradigm Traffic Signal Equipment, Maintenance & Supplies

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider an Ordinance amending Chapter 5 (Buildings and General Building Regulations); by adding Article VIII (Short-Term Rental Registration Regulations). 152 - 165

Short-Term Rental Registration Regulations

B. Receive and Consider approving the DCEDC FY22 Strategic Plan. 166 - 201

DCEDC FY22 Strategic Plan

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

6. STAFF AND BOARD REPORTS

A. Receive the Economic Development Department Quarterly Report.

B. Receive the Public Works Quarterly Report.

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Duncanville City Hall, a place convenient and

readily accessible to the general public, as well as to the City's website www.duncanville.com and said Notice was posted on the following date and time: **Thursday, December 16, 2021 at 5:30 P.M.** and remained posted for at least two hours after said meeting was convened.

"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 - 21 Dec 2021

TITLE:
Discuss and receive direction on uses of the Coronavirus Local Fiscal Recovery funds provided through the American Rescue Plan Act (ARPA)

FY 2021 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

STAFF RESPONSIBLE:
Aretha Ferrell-Benavides

BACKGROUND/HISTORY:
The American Rescue Plan Act was signed into law on March 11, 2021. Out of the $1.9 trillion dollars allocated, $65.1 billion was dedicated to cities. The City of Duncanville has been allocated $9.6 million to use for eligible project expenses. On October 14, 2021, at the special meeting of the City Council, staff provided a summary of ARPA funding, eligible uses, and project ideas.

POLICY EXPLANATION:
Staff requests feedback from Council on ARPA eligible items and projects.

It is the staff's recommendation to proceed with urgent, eligible expenses at this time. The following items are in urgent need with the winter weather season approaching. These items would be covered under the revenue loss calculation, eligible use # 3.

1. Generator for City Hall/Police - $225,000
2. Generator for Fire Station 2 - $25,000 (Eligible Grant for remaining amount)
3. Generators for Fire Station 1, Service Center, 103 E. Wheatland Rd., - $600,000
4. Adverse Weather Equipment - $13,673 (total for 2 stations).

Additionally, staff recommends the following items to be considered at this time:

- Premium Pay - Essential Workers - $500,000
- Body Cameras/Vests for Fire Marshal Office, Neighborhood Services, Health Inspection - 9 employees x $2042 apiece = $18,378

FUNDING SOURCE:

ORG and Object Number
N/A

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

ATTACHMENTS:
ARPA Funding - Project IDeas

ARPA Funding Ideas

	ITEM	QTY	Unit Cost	Total	Department	COMMENTS / Descriptions	ELIGIBLE USES	Expenditure Category - Justification	NOTES
1	Air Purification for Fire Apparatus and MICU	9	2,200.00	$ **19,800**	FIRE	ACTIVELY NEUTRALIZES HARMFUL VOLATILE ORGANIC COMPOUNDS (VOC'S), VIRUSES, BACTERIA, AND STERILIZES MOLD. THE SENTINEL SYSTEM DELIVERS A CLEANER CAB BY ACTIVELY REDUCING HARMFUL CONTAMINATES IN EMERGENCY VEHICLES. Efficacy testing has shown effective on COVID 19 virus. Machine that would be installed in each of the frontline fire and reserve apparatus and MICUs.	1	**EC 1.7 -** Mitigation of COVID	
2	Ultra Sonic SCBA Facepiece Cleaner	2	5,293.00	$ **10,586**	FIRE	MACHINE THAT THOROUGHLY CLEANS SCBA FACEPIECES TO REMOVE CARCINOGENS, DIRT AND OTHER RESIDUE ON THE FACEPIECE. THIS MACHINE WILL ALSO CLEAN FIREFIGHTING AND EMS TOOLS. THIS REQUEST WOULD BE FOR TWO MACHINES. One unit at each fire station to clean facepieces and associated parts of carcinogens, dirt, and other residue. These units will also clean other EMS equipment prior to disinfecting.	1	**EC 1.8 -** Mitigation of COVID	
3	Library - Tutoring Programs, Digital Literacy Training			$ **50,000**	LIBRARY	The cost provided is a reserved amount for the library. They are unable to quanitify at this time but the cost would cover program and teachers for tutoring and digital literacy training. See section on Addressing Educational Disparities in the Interim Rules	1	**EC 3.5 -** Educational programs and technology. From FAQs 6.6. For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training? Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.	
4	Small Business Grants			$ **350,000**	EDC	Assistance to small businesses (grants for lost revenue, payroll and benefits, COVID-19 mitigation techniques such as business sanitation, social distancing, barriers/partitions). •Some communities are using this as an opportunity to develop their main streets and downtowns and support economic development by creating marketing plans (catalyst areas, small area plans, golden plate, etc??) and place-activation efforts (such as markets and festivals – food truck events / Ladd property festival?). According to Brookings, the Treasury identifies business districts as an impacted industry, so maybe this would open the door for us to use AFP monies for redevelopment in areas of town we could prove were negatively impacted by COVID?	1	**EC 2.9** - Section on Impacts on Businesses. Section on Small Businesses and Non-profits: uses of funds.	
5	Library - replace remaining Carrels	5	5,300.00	$ **26,500**	LIBRARY	Replace remaining Carrels. Library started replacing carrels with Cares Act funds in order to support distance learning for the community.	1	**EC - 1.4-** Mitigation of Covid and educational programs	
6	Outdoor fitness replacement in Redbird Park			$ **100,000**	PARKS/REC	Install fitness equipment around the park. Redbird Park is located in a QCT zone (lower income zone). Covered under Public Health Outcomes and Disparties	1	**EC - 3.13 -** Eligible Uses to address dispartities in Public Health Outcomes - located in a QCT zone 2.18 of FAQs (Page 11)	
7	HVAC Improvements - Fieldhouse			$ **750,000**	PARKS/REC	Replace the HVAC system in the building - Partial replacement. Current units installed 2009. Not functioning correctly to keep humidity low.	1	**EC 1.4 -** Mitigation of Covid - ventilation improvements in congregate areas	
	HVAC Improvements - EON Building			$ **80,000**	PARKS/REC	Replace the HVAC system in the building - could be covered under renovation quote? Full replacement needed. Original unit in 2003.			
8	No-touch bathroom fixtures			**TBD**	PARKS/REC	Replace fixtures in public facilities (not including park bathrooms) to be no touch. Still researching cost	1	Mitigation of COVID	
	No-touch cleaning systems for bathrooms	8	7,000.00	$ **56,000**	PARKS/REC	https://kaivac.com/products/cleaning-machines/clean-restrooms-no-touch-cleaning/	1	**EC - 1.7 -** Mitigation of COVID	
9	Officer and Clinician for Regional Mental Health Response team			$ **180,000**	POLICE	Allows for either current position, or additional position police officer and a clinician to be part of a regional mental health team beyond the one year of granting currently offered which addresses needs of those individuals adversely effected, psychologically, by the pandemic. Regional Partnership. Amount quoted is for both Officer and Clinician. **Recurring cost.**	1	**EC - 1.10 & 7.3 -** Please refer to Treasury's Interim Final Rule for additional information. 4.9. May recipients pool funds for regional projects? [7/14] Yes, provided that the project is itself an eligible use of funds and that recipients can track the use of funds in line with the reporting and compliance requirements of the CSFRF/CLFRF. In general, when pooling funds for regional projects, recipients may expend funds directly on the project or transfer funds to another government that is undertaking the project on behalf of multiple recipients. To the extent recipients undertake regional projects via transfer to another government, recipients would need to comply with the rules on transfers specified in the Interim Final Rule, Section V. A recipient may transfer funds to a government outside its boundaries (e.g., county transfers to a neighboring county), provided that the recipient can document that its jurisdiction receives a benefit proportionate to the amount contributed.	
10	ESRI Spatial Anlaytics Tool - License			$ **2,500**	POLICE / FIRE	This software will help the fire department locate areas of the city that have higher rates of COVID patients. This information will also be used by PD for the same reason when responding to addresses/areas that have been identified using this system. The other benefit to this software is the ability for the FD and PD to create Heat Maps that will pinpoint areas of the city that we respond to for different types of incidents. This will give us the ability to shift/add resources to areas that have higher rates of incidents. The FD is looking at adding a third ambulance to be in service and this software will allow us to better locate the response area. Stacy Trevino would be the person in charge of the software and running the stats for both departments.	1	**EC - 1.12**	

	ITEM	QTY	Unit Cost	Total	Department	COMMENTS / Descriptions	ELIGIBLE USES	Expenditure Category - Justification	NOTES
11	Premium Pay - Employees			$ 500,000		Tiered approach - ARPA emphasizes the dispartities in lower income fields. Tiered approach to give more to the lower incomes positions. But ensures all employees who worked during the pandemic receive 1x premium pay.	2	**EC - 4.1-** Premium Pay	
12	IT Master Plan			**$ 50,000**	IT	Creating a 5 year plan for planning, procuring, implementing, and managing current and future technology investments, as well as resources related to operational technology and information technology service delivery. The IT plan, though broader in nature to plan the future needs for the city as a whole, the expense could possibiliy justified as an eligible expense under ARPA use #4 with broadband infrastructure. If the city wants to pursue investing in broadband infrastructure to assist the underserved in our city, a master plan will be beneficial in planning and executing the program.	4	**EC - 5.17** In conjunction with broadband infrastructure?	
13	Cellular Units for Pump Stations	12	2,000.00	**$ 24,000**	UTILITIES	WE UTILIZE 12 CELLULAR UNITS TO TRANSMIT AND RECEIVE INFORMATION TO AND FROM EACH WATER STORAGE FACILITY TO SCADA, SOME OF WHICH ARE REDUNDANT UNITS THAT TRANSMIT AND RECEIVE DATA DIRECTLY FROM SITE TO SITE IN THE EVENT SCADA GOES DOWN. THESE UNITS WERE ASSEMBLED AND INSTALLED IN 2015 AND HAVE EXCEEDED THEIR USEFUL LIFE. THIS MONEY WOULD BE USED TO REPLACE AND REINSTALL NEW UNITS FOR THE FUTURE. A functional connection to SCADA from the storage untis are integral to the stability of our water distribution system.	4	**EC 5.15** -In conjunction with water/wastewater upgrades	
14	SCADA - Server Room upgrade (W/ Reno) Dedicated Battery Backup - 8 hours, 3000 Watt Internet Service, fiber installation Relocation of Data Systems Reallocate Fiber Cabling **SCADA - Server Room upgrade (W/ Reno)**			 15,400 13,600 16,250 14,000 **$ 59,250**	UTILITIES	SCADA office will be moved with Service Center renovation. Servers moved to Service Center from City Hall.	4	**EC 5.15 -** In conjunction with water/wastewater upgrades	
15	IT Broadband - move to Eon - renovate			**$ 3,000,000**	IT / PARKSREC	This is a high estimate. It will include renovation of the EON building to move certain departments, such as IT, and make it functional for their operations. The EON building would serve as the network operations center for the broadband infrastracture - plan to be a source for citizens for broadband services. Under the ARPA fund uses - Broadband infrastructure will supply connectivity to the citizens that are unserved or underserved. While running this fiber throughout the city, it will allow the city to run our own private fiber to serve city buildings and using water/wastewater infrastructure improvements portion of ARPA funds, the city would also run fiber to the water towers for direct connectivity.	4	**EC - 5.17** In conjunction with broadband installation	
16	WR/WW along Cockrell Hill Rd.			**$ 1,200,000**	UTILITIES	Water/Wastewater infrastructure project currently on the CIP plan.	4	**EC 5.11 -** Water and Wastewater Infrastructure	
17	Residential Service Line Lead/Copper 50/50 Prgrm			**$ 200,000**	UTILITIES	Start up funding to fund a 50% citizen with 50% City match to cover residential service line replacement of lead and copper lines.	4	**EC 5.12 -** Water and Wastewater Infrastructure	
18	Residential Septic to Sewer 50/50 Program			**$ 200,000**	UTILITIES	Start up funding to fund a 50% citizen with 50% City match to cover current residential septic systems conversation to City sewer	4	**EC 5.3 -** Water and Wastewater Infrastructure	
19	WR/WW project TBD (to free up Utility Fund)			**$ 1,000,000**	UTILITIES	Water/Wastewater infrastructure project	4	**EC - 5.11** - Water and Wastewater Infrastructure	
20	Automated Meter Infrastructure			**$ 5,000,000**	UTILITIES	To install automated metereing infrastructure.	4	**EC - 5.11** Water and Wastewater Infrastructure - Eligible project under DWSRF.	
21	Revenue Loss Calculation			**$ 944,104**	VARIES	This amount is the initial calculated amount of revenue loss. Using the GFOA calculator worksheet, revenues were entered during a base year (FY19) and a growth rate of 4.1% applied. The difference between actual collection as of 12/31/2020 and the estimated revenue without pandemic is the calcualated revenue loss amount that can be applied for eligible use #3. Eligible projects are broader.	3	**EC 6.1 -** Revenue Loss Calculation	

TOTAL IDENTIFIED PROJECT IDEAS	**$ 13,802,740**	**MAXIMUM AMOUNT ALLOCATED FOR ARPA IS $9,600,000**

	ITEM	QTY	Unit Cost		Total	Department	COMMENTS / Descriptions	ELIGIBLE USES	Expenditure Category - Justification	NOTES
	POTENTIAL PROJECTS UNDER REVENUE LOSS CAPTURE						Revenue Loss is eligible use # 3 - It's a calculation of revenue loss due to pandemic and this captured loss amount can be spent on more broader projects such as roads, provision of police and fire and other public safety services.			
1	Axon - Update PD body cam hardware + storage			**$**	**757,000**	POLICE	Police is revisiting vendor with quote. The cost here is the 5 year cost for complete upgrade to the police body worn camerals and in car video system. Additionally it is cloud storage for evidence and cases. Allows for a direct link to county DA to transfer evidence and case information electronically versus the burning DVDs and having to hand deliver to DA office. This will add great efficiency to the CID function as well as the Property and Evidence Tech time. The Michael Morton Act (MMA) of 2014 and now the Richard Miles Act forces the hand of police departments to quickly gather all sources of digital media and evidence in a case. What can be submited through this portal must be done. The current vendor Watchguard has not been able to get this done so again the CID function has had to burn all of their data to DVDs for storage and disclosure. The Axon vendor is able to do this. There is some funding ($100,000) in the fleet replacement fund reserved in the schedule for replacement of the hardware.	3	provision of Public Safety - 5 year cost	
2	Police Lexipol Subscription (Recurring)			$	17,077	POLICE	Lexipol essentially is a service to keep policies up to date, utilizing the experts in policy changes, and therefore freeing up staff time updating policies. Additionally it allows for an electonic way to keep up with the changes as well as provide acknowledgments and training amoung staff. This service helps agencies address issues that create substantial risk, such as Inconsistent and outdated policies, lack of technology to easily update and issue policies and training electronically, unckecked mental health needs of staff, difficulty keeping up with new and changing legislation and practices, inability to prduce policy acknowledgment and training documentation, unfamiliarity of city legal resources with the intracacies of public safety law, and the need to secure grant funding for critical equipment, infrastructure and personnel.	3	provision of Public Safety	
	1x implementation cost			$	17,585					
	TOTAL PD COST 1 year - Lexipol			**$**	**34,662**					
	Fire Lexipol Subscription (Recurring)			$	8,417	FIRE	LEXIPOL SOLUTION IS A STATE SPECIFIC, LEGALLY DEFENSIBLE POLICIES MANUAL. THE POLICIES WILL MAINTAIN COMPLIANCE WITH CURRENT FEDERAL AND STATE LAWS AND COURT DECISIONS. IT HAS A SCENERO-BASED DAILY TRAINING TOOL ON POLICIES WITH A VERIFIABLE EMPLOYEE COMPLIANCE COMPONENT.			
	1x implementation cost			$	19,500					
	TOTAL FIRE COST 1 year			**$**	**27,917**					
	Body Camera & Vest - Health Inspector	1	2,042.00	**$**	**2,042**	PUBLIC WORKS	Body cameras and vests. - Is a part of the Axon quote above but PD is working on another quote that does not including Health Inspector and Code officers. Cost included here for information.		Provision of other public safety services	
3	Body Camera & Vest - 5 code officers	5	2,042.00	**$**	**10,210**	NEIGHBORHOOD SERVICES	Body cameras and vests. - Is a part of the Axon quote above but PD is working on another quote that does not including Health Inspector and Code officers. Cost included here for information.	3		
	Body Camera & Vest - 4 Fire Dept (Marshal, Inspector x2, backup Marshal)	4	2,042.00	**$**	**8,168**	FIRE	Body cameras and vests.			
4	ADVERSE WEATHER EQUIPMENT					FIRE	Variety of Equipment - to serve as backup if emergency generator fails during adverse weather like it did during February 2021 snowstorm. - for 2 fire stations	3	Provision of Fire services	
	9,200 W Generator	2	1,119.00	$	2,238					
	12,000 W Generator	2	2,249.00	$	4,498					
	250K BTU Heaters	4	351.88	$	1,408					
	30,000K BTU Heaters	6	194.99	$	1,170					
	Motion Sensor Lighting	100	19.88	$	1,988					
	3500L Flood lights	4	232.82	$	931					
	26,000L Flood lights	2	199.99	$	400					
	70,000L Flood Lights	2	519.99	$	1,040					
	TOTAL ADVERSE WEATHER EQUIPMENT			**$**	**13,673**					
5	Bunker Gear	48	2,200.00	**$**	**105,600**	FIRE	TO PROVIDE EACH FIREFIGHTER A SECOND SET OF BUNKER GEAR IN ACCORDANCE WITH NFPA 1971. PROVIDING A SECOND SET OF BUNKER GEAR ALLOWS A FIREFIGHTER TO CHANGE INTO A CLEAN SET OF GEAR AFTER A FIRE WHILE THE INITIAL SET IS BEING CLEANED OF CARCINOGENS.	3	Provision of Fire services	
6	Generator for City Hall/Police			**$**	**225,000**	PARKS	Backup emergency generator for City Hall/Police Station in the event of power failure. Facility does not currently have a generator.		Provision of public safety services	
7	Generator for Fire Station 2			**$**	**200,000**	PARKS	Backup emergency generator for City Hall/Police Station in the event of power failure. Facility needs to replace current generator. It failed during the winterstorm.	3	Provision of public safety services - Note: Fire Dept applied for grant funding for this item. City portion if awarded is $25,000	
8	Emergency Generator upgrades			**$**	**700,000**	PARKS	Emergency Generators for Fire Station #1, Service Center, EON building			
9	Outdoor fitness equipment			**$**	**175,000**	PARKS	Fitness Equipment at Armstrong	3		
	TOTAL IDENTIFIED PROJECT IDEAS ELIGIBLE UNDER REVENUE LOSS			**$**	**2,259,272**		**MAXIMUM PROJECTS UNDER REVENUE LOSS IS $944,104**			

STAFF REPORT

MEETING: City Council - 21 Dec 2021

TITLE:
Review of the City's Fund Balance for the Utility Operating Fund.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

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

BACKGROUND/HISTORY:
During the fiscal year 2021-22 budget process, Financial Services discovered a variance between the budget spreadsheets and the Munis financial system for the Utility Operating Fund's fund balance. Due to the variance amount found in the fund balance, a second opinion by a qualified external party was deemed prudent in determining if the reason for differences between the sources could be identified. The City also wanted to confirm a more transparent and accurate process for calculating fund balances for future budget processes.

Therefore, the City requested Gradient Solutions' assistance with analyzing spreadsheets used by the prior Finance Administration in presenting the budget and budgetary fund balance for the Utility operating fund. See attached documentation for an overview by Gradient Solutions.

POLICY EXPLANATION:
This work session item will be an overview of the results and discussions between staff and Gradient Solutions. It will also inform the Council of the approach to determine fund balance moving forward accurately.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ATTACHMENTS:
Attachment 1 - Duncanville Utility Fund Summary 11.30.2021

Utility Fund Discussion
City of Duncanville, TX
November 30, 2021
6 PM CST

I. Gradient's Limited Process

Gradient Solutions Corporation ("Gradient") was asked to assist the City of Duncanville's Finance team ("Finance") in understanding information and risks surrounding an Excel spreadsheet presenting information for the budgetary fund balance within the Utility Fund ("budgetary fund balance").

II. High-Level Steps

Gradient performed some of the following steps in less than a single day's time.

- Discussed the Finance team's concerns with the budgetary fund balance.
- Reviewed the most current and a prior budgetary fund balance spreadsheet for potential formula errors and inconsistencies.
- Attempted to agree various numbers from the budgetary fund balance spreadsheet to the online posted budget.
- Discussed the initial information gathered by the Gradient team with the Finance team.

III. Results Noted

Gradient noted some of the following items during our limited process:

- Both versions of the budgetary fund balance spreadsheets contained numerous formula errors.
- The budgetary fund balance spreadsheet numbers were not consistent with the online posted budget for fiscal year 2018-2019.
- No process documentation of the budgetary fund balance spreadsheet method was provided to Gradient.
- The prior Finance Director and Assistant Finance Director are no longer with the City.

IV. Options Available

Gradient discussed the following options with the Finance team to consider. There is no guarantee that any of the options would be the best approach or fully resolve the outstanding questions. Each option could contain some level of risk, time, and money.

- Accept the past audit(s) and budget(s) assuming the budgetary fund balance spreadsheet was not updated correctly to reflect final numbers. Start with a new method of documentation with the new Finance team. Archive the prior results.
- Assume that the budgetary fund balance spreadsheet should have been accurate (but isn't) and invest time and money to determine the issues causing the differences in order to update the budgetary fund balance spreadsheet information to match the historical audit(s) and budget(s).
- Accept that the budgetary fund balance spreadsheet is, in fact, accurate and invest time and money to determine the issues causing the differences including why the historical audit(s) and budget(s) don't match the budgetary fund balance spreadsheet.

V. Limitations

Gradient is not a public accounting firm. The steps performed were consultative in nature and were designed to specifically assist the Finance team to consider possible options. No procedures were performed in accordance with any authoritative body such as the American Institute of Certified Public Accountants.

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 21 Dec 2021

TITLE:
Receive a follow-up presentation concerning the City of Duncanville's current "loud and raucous noise" ordinance (Ordinance 1794 § 1), relating to citizen quality of life, and provide the City Council recommended revisions for adoption.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

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

BACKGROUND/HISTORY:
In September 2021, a council member asked about our city's noise ordinance to consider a special use permit agenda item presented by City Planner Skye Thibodeaux.

On October 19, 2021, the City Council received a briefing on our current noise ordinance and obtained direction for the possibility of revamping or amending the noise ordinance. Staff provided Southwest Regional Cities' noise ordinances as examples. Council directed staff to research other Texas city noise ordinances to determine if other cities use a specifically objective standard (measurement) in their code of ordinances or some hybrid of objective measurement and a reasonable standard.

On November 16, 2021 council was provided the additional cities noise ordinances which offered several different objective measurements and reasonable standards. Staff also briefed the city council on historical police responses to minor noise disturbances. Council asked staff to consider incorporating certain prohibitions and exceptions into the ordinance.

POLICY EXPLANATION:
Municipal ordinances governing noise within Texas are typically based on either a reasonable sensibility standard or an objective standard based on a presumptive decibel reading. Our current loud and raucous noise ordinance is based on a reasonable sensibility standard, which is a subjective standard that the courts have objectively recognized. There is a subsection of the Texas Disorderly Conduct statute, penal code 42.01(a)(5), which provides an objective standard of noise under subsection (c)(5) of the same statute. That standard is 85 decibels, a presumptive scientific measure of sound based on a variation in pressure the human ear can detect.

Both our ordinance and the referenced subsection of Texas Penal Code 42.01 are class C misdemeanors, which means both offenses are referred to municipal court for prosecution. Citizens can be held accountable by either statute.

The Police Department supervisory staff, with advice from the City Attorney's office, proposes adding sections to our ordinance for exceptions, enforcement, and habitual offenders or locations to our ordinance.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ATTACHMENTS:
Attachment 1 - Duncanville Proposed Noise Ordinance

Sec. 12-3. - Loud and raucous noise.

(a) It shall be unlawful for any person to make, cause or allow to be made any unreasonably loud or raucous noise within the city which may be offensive to a reasonable person of normal sensitivity within the area of audibility.

(b) Prohibitions - The following acts are deemed to create unreasonably loud or raucous noise, prima facially, and shall be deemed a violation of this section, but such enumeration shall not be deemed exclusive:

1) The playing of any horn, radio, musical instrument or other loud-speaking or noise-making device or attachment, or vocal shouting or outcry for purposes of selling anything, in a public or private place, in such a manner or volume as to disturb the peace, quiet, and comfort of a reasonable person of normal sensitivity. It shall be a defense to an offense charged under this subsection if the noise results from or is caused by the usual and reasonable operation of railroads, the reasonable use of automobile warning signals or horns, the reasonable ringing of church bells, or the reasonable or ordinary noises attendant upon athletic contests or lawful public or semipublic meetings, parades, celebrations, or children at play.
2) The playing of any horn, radio, musical instrument, or other loud-speaking or noise-making device or attachment on any premises under the ownership, management, or control of such person, when such premises are being used as a place of business, in such a manner or volume as to disturb the peace or to be unreasonably offensive to reasonable persons of normal sensitivity in the vicinity or occupants of other premises in the vicinity.
3) To create, make, cause, or allow to be made by any means any loud and disturbing noise, including noise from vehicle repairs or exhaust, construction or combustion engines, which may disturb a reasonable

person of normal sensitivity in the vicinity of any public or private place after 9:00 p.m. and before 7:00 a.m.

4) To be operating or in control of a motor vehicle in either a public or private place within the city while playing any sound amplifier which is part of, or connected to, the vehicle stereo system or any other similar device in the motor vehicle, in such a manner that when operated, it is audible at a distance of 30 feet from the source or causes a reasonable person of normal sensitivity to be aware of the vibration accompanying the sound at a distance of 30 feet from the source.

(c) Exceptions -

1) *Motor vehicles on city trafficways* – motor vehicles on trafficways of the City provided that the prohibition of Section 12-3a b. 1. continues to apply
2) *Utility repairs* – Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property
3) *Emergency sirens, whistles, etc.* – sirens, whistles, alarms, or noise used to alert people of an emergency
4) *Repairs or excavations* – repairs or excavations of bridges, streets, or highways by or on behalf of the city, the State, or the federal government, or its contractors.
5) *Outdoor school and playground activities* – reasonable activities conducted on public school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to school athletic and school entertainment events.
6) Other events **permitted** by the city

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

(e) Enforcement -

1) The City Police Department and its officers will have primary responsibility for the enforcement of the noise ordinance contained herein. Nothing in this article shall prevent the Police Department and its officers from obtaining voluntary compliance by way of warning, notice, or education.
2) If a person's conduct would otherwise violate this article and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions; the person must be ordered to, and have the opportunity to move, disperse, or otherwise remedy the violation prior to arrest or a citation being issues.

Duncanville City Council Meeting Minutes
Special Meeting – Town Hall Meeting - Budget
Saturday, August 14, 2021

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Saturday, August 14, 2021, at 11:02 a.m. via videoconference with a quorum to wit:

COUNCIL PRESENT:
Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremey Koontz
Councilmember Mark D. Cooks
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 Special Meeting by video conference at 11:00 am on Saturday, August 14, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference.

To speak during Citizen Comments, you must register with the City Secretary before 5pm on Friday, August 13, 2021, email citysecretary@duncanville.com and title the email "Public Comment – August 14th". You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_ipr500dCRX-PbkeaLu974g

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.

1. **CALL TO ORDER.**
   Due to technical difficulties the meeting was recessed.

2. **RECEIVE PUBLIC COMMENTS (SEE ABOVE COMMENTS).**
   Patricia Ebert, 115 South Greenstone Lane – submitted a comment on professional advisors and consultants that are used.

3. **WELCOME AND INTRODUCTIONS**
   Mayor Gordon stated the budget process is a major responsibility of City Council. It is a collaboration between Council, City Staff, and you the community to ensure your tax dollars are allocated to meet your needs.

   The budget process serves 4 key roles:

   1. **POLICY Voted and Approved by Council**
      Serves as a policy document that provides information about the policies, goals, and objectives for the year.

   2. **PLAN for your Tax Dollar**
      Serves as a financial plan that provides an explanation of the financial structure and operations of the City of Duncanville. The information included in this document provides projections for the current year's financial activity while also comparing this information to historical trends and describing how future resources will be allocated.

UNAPPROVED

3. **GUIDE for Operations**
   Serves as an operational guide for each department, linking resources to approved work plans.

4. **COMMUNICATION to the Community**
   Is utilized to comprehensively communicate and provide transparency to the public about how the organization operates.

4. RECEIVE A PRESENTATION ON CITY BUDGET, QUESTIONS, AND ANSWERS

City Manager Ferrell-Benavides and Budget Analyst Otey presented the proposed in the Fiscal Year 2021-2022 Budget.

5. CITIZEN INPUT

ADJOURNMENT

The meeting was adjourned at 12:06 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, August 17, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, August 17, 2021, at 6:05 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:

Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremey Koontz
Councilmember Mark D. Cooks
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, August 17, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

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

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, August 17, 2021, email citysecretary@duncanville.com and title the email. "Public Comment – August 17th. 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. *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_LZGmT_AYQxuPcHXv4GtYrw

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

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

unapproved

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Item 4C - Designating the additional structural repairs to the North and South Ground Storage Tanks at Danieldale Pump Station as emergency repairs; authorizing an increase of up to $100,000.00 to Professional Engineering Services Agreement #18-112; authorizing an increase of up to $1,000,000.00 to IFB 21-0010; authorizing an increase of up to $50,000.00 to Professional Engineer Services Agreement #21-032. The water tower is inspected annually by divers. However, the area was not visible to the divers.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discussion of Kudzu Mitigation on Private Property. Item requested by Councilmember Koontz.*

Assistant Public Works Director Culton presented the item. Kudzu is a non-native, invasive vine. In the summer, it can grow 12" per day. On June 29, 2021, a resident on Falling Leaves Drive reported to Staff that he had Kudzu growing behind his house. Over the last several years, the resident has been

cutting it back, but it is becoming more aggressive and has moved into trees, shrubs, and surrounding properties. Staff spoke with the resident and stated vegetation management on private property is the property owner's responsibility. On July 09, 2021, Councilmember Koontz emailed City staff requesting a discussion on the matter of Kudzu given its invasive nature. Councilmember Koontz questioned if any preventative measures could be taken. Due to the scope of the work, abatement by the City would be a contracting action.

Councilmember Koontz voiced his concerns on the Kudzu growing onto other properties.

Mayor Gordon recommended providing educational information to the citizens.

City Attorney Hager recommended to update the Ordinance to state Kudzu and other plants.

I.2.B. ***Discussion on Modifying Current Solid Waste Collection Contract. Item requested by Councilmember Koontz.***

Assistant Public Works Director Culton presents the item.

Current Solid Waste Collection Level of Service is:

- Unlimited bags/boxes (< 35 lbs each) 2/week
- Recycling Bins (18 gal) 1/week
- Bulk & Brush (10 CY) 2/month

The cost to City in FY21 is $18.48/month/house. Rate re-evaluated every September based on Consumer Price Index. (July 2021 CPI-All Urban for Garbage and Trash Collection is +4.5%.)

Issues with litter in City have been linked to the bags and open recycling bins.

Issues with the current trash collection method elevated during Winter Storm Uri.

In previous conversations with the City's solid waste collection contractor, Republic stated that the following level of service change would be at no additional cost.

(Market disruptions have affected this.)

- Trash Cart (96 gal) 1/week
- Recycling Bins (18 gal) 1/week
- Bulk & Brush (10 CY) 2/month

Given material shortages, carts would not be available until FY23 (8-10 months). The impact on pricing given a loss of one year of amortization across the remaining contract term is unknown at this time. (Current 7-year contract term expires in September 2026).

Republic is still preparing costs to have both trash and recycling carts.

Is Council interested in transitioning to garbage carts in FY23? Recycling carts?

- Garbage Cart (96 gal) + Recycling Bin (18 gal) @ 1/week.
- Garbage Cart (96 gal) + Recycling Cart (96 gal) @ 1/week is cost increase.
- Would need to make decision in next few months due to long lead time for carts.

Does Council have any other guidance for Staff as it pertains to carts?

- Acceptable location for storing them during the week: Garage, out-of-sight when viewed from City alley or street.
- Carts set out on the afternoon before pick-up day and put away on the evening of pick-up day.

unapproved

Council concluded to provide ways for citizens to voice their inputs to the Staff and Council on what they would like.

I.2.C. ***Discussion on How Staff Monitors Performance of City Solid Waste Collection Contractor.***
Item requested by Councilmember Cooks.
Assistant Public Works Director Culton presented the item.

The City measures the performance of the Solid Waste Collection Contractor, Republic, based on a "Complaint Rate."

- "Complaint Rate" = number of complaints in a month/number of households (the City has 10,878 households)

Complaints are tracked by both Republic and City Staff

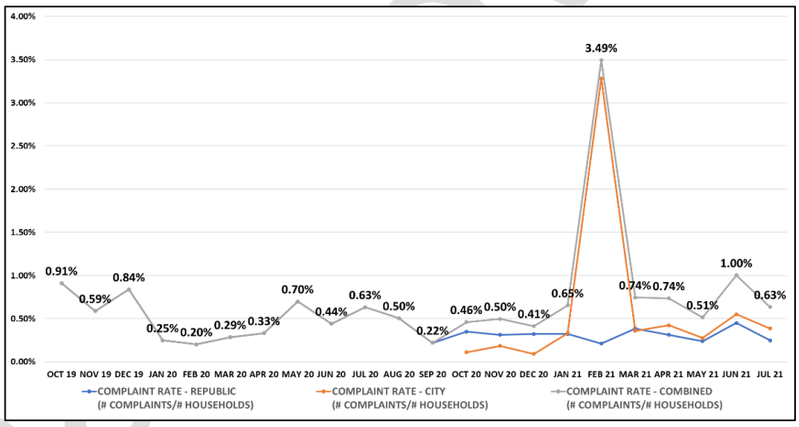
- Republic complaint tracking dates to 10/2019 (start of the contract)
- City complaint tracking dates to 10/2020

Based on data, the target is to keep the monthly Complaint Rate ≤ 1.0%

The City is working with Republic to devise additional performance metrics:

- Call Center wait times. How long did a resident have to wait before talking to a person?
- Call Center "hang-ups." How many residents hung up due to long wait times?

Monthly Complaint Rate



Councilmember Cooks requested to see how Staff and Republic Services are tracking complaints.

I.2.D. ***Discuss the Independence Day Parade partnership with Duncanville Lions Club.***
Item requested by Councilmember Cooks.
Parks and Recreation Director Stevenson presented the item.

Councilmember Cooks requested a contract between the Lions Club and the City of Duncanville with the responsibilities of each organization.

I.2.E. ***Discuss appointment of a director and an alternate director to the North Central Texas Housing Finance Corporation as representative for the City of Duncanville.***
Item requested by Councilmember Cooks.
Mayor Gordon stated former Councilmember Johnette Jameson is currently the representative for the City and would like to continue to serve. The bylaws do not require that a representative be an elected official.

City Manager Ferrell-Benavides would like to do more investigation on the term limit.

Unapproved

Council concluded that Ms. Jameson would keep her seat depending on the term limit, and Councilmember McBurnett would alternate.

I.2.F. ***Discussion of the City's financial relationship with Wells Fargo. Item requested by Mayor Gordon.***
Mayor voiced his concerns with Wells Fargo and would like to look at the cost to move to another financial institution.

Council concluded to table the discussion to another Council Meeting.

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

Executive Session was moved to after Staff and Board Reports.

II. EXECUTIVE SESSION

II.1 ***City Council shall convene into closed executive session pursuant to Sections 551.071 and 551.072 Texas Government Code to:***

1. ***Seek legal advice from the City Attorney regarding pending litigation to wit: City of Duncanville v. Tommy Winn, et al, Cause No. CC-21-00211 in the County Court of Law #5 of Dallas County Texas.***

Executive Session was moved to after Staff and Board Reports.

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

The City Council convened into Regular Session in the Council Chambers at 7:05 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Pastor Rocky Vasquez, Calvary Lakeside Baptist Church.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. REPORTS

III.1.A. ***Mayor's Report.***
Mayor recognized Gale Sliger as a Champion of the City.

Mayor Gordon invited all citizens to attend:
Coffee with the Mayor
Senior Center
August 25, 2021
8:30 a.m. – 9:30 a.m.

III.1.B. ***Councilmembers' Reports***
Councilmember Cooks invited all citizens to attend:
Meet, Connect & Learn
via ZOOM
August 28, 2021
10:00 a.m. – 11:15 a.m.
Guest: Cliff Boyd

Councilmember Cooks recognized and congratulated Ariel Atkins as an Olympic Star.

Councilmember McBurnett spoke on the passing of Arnold DeWard.

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides provided Council with a workflow chart on processing information and requests from Council and citizens.

III.2. PROCLAMATIONS AND PRESENTATIONS

None.

unapproved

III.3. CITIZENS' INPUT

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

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

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

Heloyce Ford – submitted a comment on Code Enforcement.

James Hunter – submitted a comment on concerns with Republic Services.

Nick Courchesne - submitted a comment against a gas station on Main and Danieldale.

Mary Ann Taylor - submitted a comment on concerns with Republic Services.

Patricia Ebert – submitted a comment on Neighborhood Services.

Joanna Fritz, Republic Services stated she will be looking into the accounts mentioned in the Citizen Comments and contacting.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider the Minutes for April 29, 2021, Town Hall, May 4, 2021, City Council Regular Meeting, and the May 12, 2021, City Council Special Meeting.***

III.4.B. ***Consider a Resolution rejecting all bids received for IFB-21-003-Renovations and Expansion Services for the property located at 330 Shady Trail, Duncanville, Texas 75137, Municipal Service Center; providing for appropriate notice, and providing for authorization to rebid.***

III.4.C. ***Consider a Resolution designating the additional structural repairs to the North and South Ground Storage Tanks at Danieldale Pump Station as emergency repairs; authorizing an increase of up to $100,000.00 to Professional Engineering Services Agreement #18-112; authorizing an increase of up to $1,000,000.00 to IFB 21-0010; authorizing an increase of up to $50,000.00 to Professional Engineer Services Agreement #21-032; authorizing the City Manager to negotiate the associated change orders; and, providing for an effective date.***

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing (2021-21) for consideration and action regarding a City-initiated request to rezone the following properties from Local Office/Retail District "LOR" to SF-7 Single-Family Residential District:***

1. ***PELTS, BLOCK A, LOT 6A (1211 Highland Drive)***
2. ***PELTS, BLOCK A, LOT 5A (1215 Highland Drive***
3. ***PELTS, BLOCK A, LOT 4A (1219 Highland Drive)***
4. ***PELTS/COLONNADE/SLAYBACK REP, BLOCK A, LOT 3A (1227 Highland Drive)***

unapproved

5. ***PELTS/COLONNADE/SLAYBACK REP, BLOCK A, LOT 1A (1231 Highland Drive)***
6. ***DANIELDALE ACRES, BLOCK A, PT TRAIL 2 (1235 Highland Drive)***
7. ***DANIELDALE ACRES, BLOCK A, PT TRAIL 2 (127 Jewell Lane)***
8. ***DANIELDALE ACRES, ABSTRACT 1299 (126 Jewell Lane)***
9. ***DANIELDALE ACRES, BLOCK B, LOT 2 (1303 Highland Drive)***
10. ***DANIELDALE ACRES, BLOCK B, LOT 3 (1311 Highland Drive)***
11. ***DANIELDALE ACRES, BLOCK B, LOT 4 (1315 Highland Drive)***
12. ***DANIELDALE ACRES, BLOCK B, LOT 5 (1323 Highland Drive)***
13. ***DANIELDALE ACRES, BLOCK B, LOT 6 (1331 Highland Drive)***
14. ***DANIELDALE ACRES, BLOCK B, LOT 7 (125 Little Street)***

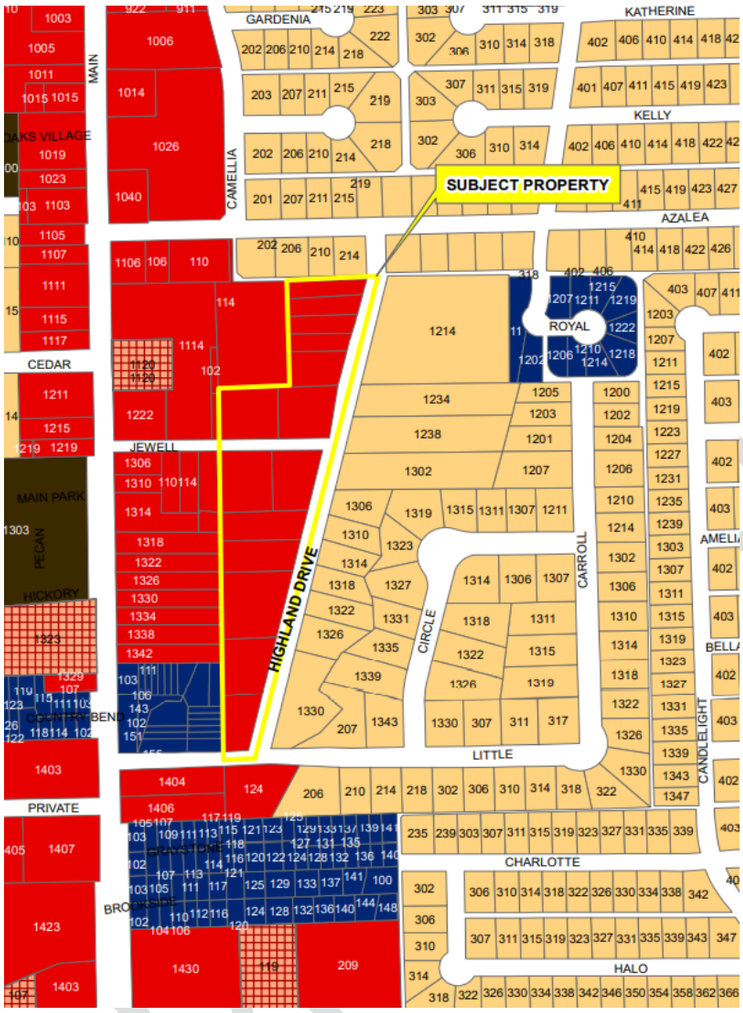
City Planner Thibodeaux presented the item.

The City initiated the request to rezone the following properties located in the City of Duncanville, Dallas County, Texas, from Local Office Retail "LOR" to Single Family Residential "SF-7".

Legal Description	Commonly known as
Pelts, Block A, Lot 6A	1211 Highland Drive
Pelts, Block A, Lot 5A	1215 Highland Drive
Pelts Block A, Lot 4A	1219 Highland Drive
Pelts/Colonnade/Slayback Rep, Block A, Lot 3A	1227 Highland Drive
Pelts/Colonnade/Slayback Rep, Block A, Lot 1A	1231 Highland Drive
Danieldale Acres, Block A, Pt Trail 2	1235 Highland Drive
Danieldale Acres, Block A, PT Trail 2	127 Jewell Lane
Danieldale Acres, Abstract 1299	126 Jewell Lane
Danieldale Acres, Block B, Lot 2	1303 Highland Drive
Danieldale Acres, Block B, Lot 3	1311 Highland Drive
Danieldale Acres, Block B, Lot 4	1315 Highland Drive
Danieldale Acres, Block B, Lot 5	1323 Highland Drive
Danieldale Acres, Block B, Lot 6	1331 Highland Drive
Danieldale Acres, Block B, Lot 7	125 Little Street

Aerial

Current Zoning



Project Scope

Request is City-initiated

- Derived from joint meeting discussions between City Council and Planning and Zoning associated with the new Zoning Ordinance update.
    - Subject property was one of three areas around City discussed to be rezoned
    - It was decided that the subject property be rezoned from LOR to SF-7

Comprehensive Plan

- Future Land Use Plan map designates subject property as Low Density Residential
- Envisioned as representing single-family detached neighborhoods with living units for a range of incomes and needs
- Low density areas generally range between three to five units per acre
- Request is compatible with Comprehensive Plan

Notification

Eighty-eight (88) notices were sent out for this public hearing. As of this writing, no responses have been received for or against the item.

Mayor Gordon opened the Public Hearing at 7:45 p.m. to speak in favor of.

No one spoke.

unapproved

Mayor Gordon opened the Public Hearing for opposition.

Kadeem Collins, 211 Martin Luther Circle – questioned how long was the survey sent out and what are the intentions for rezoning?

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

Mayor Gordon closed the Public Hearing at 7:49 p.m.

City Planner Thibodeaux stated Staff sent the notices out 14-16 days before the Public Hearing. The rezoning matches the Comprehensive Plan on where the City envisions.

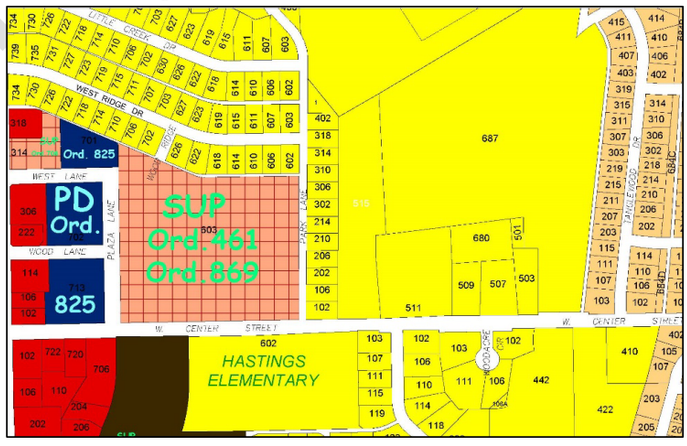
Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.B. ***Consider and take action on the request of Julius Okunola, representing the Redeemers Christian Church of God Victory House, Owner and Applicant, for a Planned Development "PD" to allow for an Event Center with modified standards on Shekinah Glory Addition, Block A, Lot 1, approximately 3.910 acres, more commonly known as 515 W Center Street, City of Duncanville, Dallas County, Texas. Public Hearing (2021-10) was held on August 3, 2021.***

City Planner Thibodeaux presented the item.

Aerial

Current Zoning



Project Scope

- Request to allow the use of Event Center with modified standards.
- The subject property is composed of an existing place of worship and parking area in the front along Center St.
- Event Center development and associated site improvements are proposed to be oriented in the rear portion of the subject property.
- Aside from the additional use, the only performance standard needing variance-approval is regarding landscape buffers and associated vegetative screening.

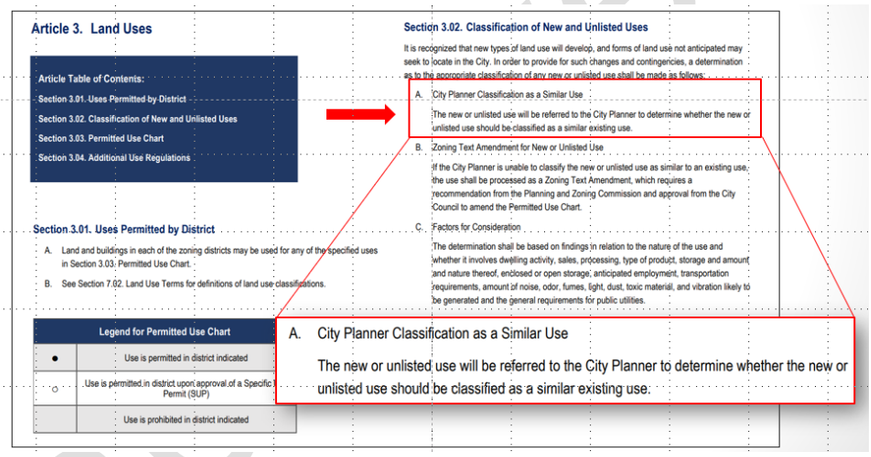
What is the Purpose of a Planned Development?

As defined by the Zoning Ordinance:

- "A Planned Development (or PD) District is a type of zoning used to permit new or innovative concepts in land use not permitted by other zoning districts in these regulations or to permit development projects that existing districts cannot easily accommodate. The purpose of the PD is to provide land for uses and developments that promote development that is more sensitive to the natural environment, create a significantly enhanced natural setting or sense of place, or otherwise enhance the standard pattern of development in the City."

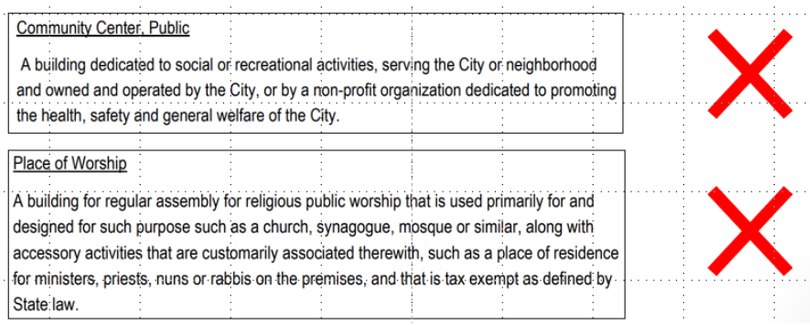
Determining the use of Event Center

Section 3.02 of the Zoning Ordinance provides direction to Staff when presented a use not listed in the Permitted Use Chart

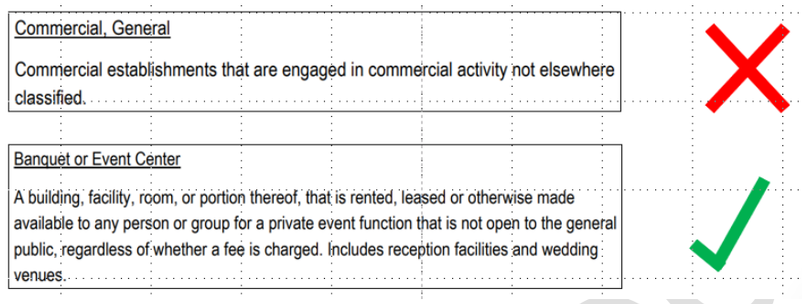


- First, Staff analyzed the following uses:
  - Community Center, Public
  - Place of Worship
  - These uses are contained within the "Educational, Institutional, Public, and Special Uses" category of the Permitted Use Chart.
- The goal with this initial analysis was to see if rezoning could be avoided as the uses are permitted by right in the SF-10 Zoning District.

However, when analyzing the associated definitions contained in Section 7.02 of the Zoning Ordinance it was determined that the uses would not be suitable to the intended activities and clientele as described by the applicant.



- Staff went on to analyze the following uses:
  - Commercial, General
  - Banquet or Event Center
- These uses are listed within the more commercially-categorized portions of the Permitted Use Chart.
- The definition of "Commercial, General" is purposefully vague and could have been utilized.
- However, after looking at the definition of "Banquet or Event Center" it was determined to be most suitable to the applicant's requested project.



Comprehensive Plan

- Future Land Use Plan designation of Public/Semi-Public (ISD).
- Uses envisioned as public-serving.
- Development standards like retail and office uses while being convenient and accessible to all residents.
- Proposed Event Center uses are generally commercial in nature. However, this proposal intended by the applicant to be more inline with activities associated with retreat centers.

Site Performance

- Parking & Maneuvering
  - 25 parking spaces required with additions; 39 spaces being provided.
- Landscaping & Screening
  - Proposed modifications associated with landscape buffers and vegetative screening as shown on the associated Landscape Plan exhibit.
- Signage
  - Must comply with Chapter 16A of the Code of Ordinances.

Notification

Twenty-Seven (27) notices were sent out for this Public Hearing. As of July 28, 2021, six (6) responses have been received in opposition.

Planning and Zoning Commission Recommendation

At the July 19, 2021, Special Planning & Zoning Meeting, the Commission recommended approval subject to the following:

- A full, 15' landscape buffer with vegetative screen be provided along the full width of the western property boundary.
- Overnight lodging is permitted for retreat/event center guests.
- Site Plan and Landscape Plan exhibits be adopted as part the PD Ordinance.
- Any potential future changes to the adopted plans be reconsidered and approved by P&Z and Council.

Mayor Gordon spoke in favor of the item.

Councilmembers Contreras, Koontz, and McBurnett voiced their concerns and stated they are not in favor of the item.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Barry L. Gordon seconded the motion. The vote was cast 3 for, 4 against (Councilmember Joe Veracruz, Mayor Pro Tem Patrick Harvey, Councilmember Jeremey Koontz, and Councilmember Greg Contreras). Item denied.

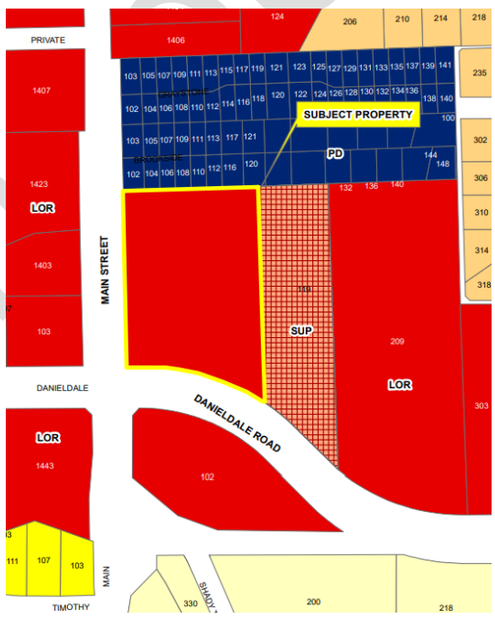
unapproved

III.5.C. ***Conduct a Public Hearing (2021-19) for consideration and action regarding the request of Nancy Kennedy, Applicant, representing the RF & Sons Properties, LLC, Owner, to include a Specific Use Permit "SUP" to allow the use of Fuel Pumps on Village South Shopping Center Addition, Lot 1, approximately 2.88 acres, more commonly known as 1430 S Main Street, City of Duncanville, Dallas County, Texas.***
City Planner Thibodeaux presented the item.

Nancy Kennedy, applicant, representing Shane Nandial, owner of RF & Sons Properties, LLC, has requested to include a Specific Use Permit "SUP" to allow for the use of Fuel Pumps on Village South Shopping Center Addition, Lot 1, approximately 2.88 acres, more commonly known as 1430 S Main St, Duncanville, Dallas County, Texas.

Aerial

Current Zoning



Project Scope

- Request to allow for use of fuel pumps.
- Applicant is proposing additional amenities in the form of a landscaped open space with water fountain.
- The plan requires 65 parking spaces be provided for the various uses, the applicant is proposing to provide 75 parking spaces.

unapproved

Comprehensive Plan

- Future Land Use Plan map designates property as Main Street District.
- District envisions high quality commercial, particularly restaurants, to capitalize on the Fieldhouse.
- Desire for hub of community activity, like the Downtown District, but smaller scale, boutique retail/commercial.
- Intended to be both neighborhood and auto-oriented.

Notification

Thirty-nine (39) notices were sent out for this public hearing. As of this writing, two (2) responses has been received in favor and one (1) against.

Planning and Zoning Commission Recommendation

At the July 26, 2021, Planning & Zoning Commission Meeting, the Commission recommended approval (4-1) of the SUP request.

Mayor Gordon opened the Public Hearing at 8:30 p.m. to speak in favor of.

Nancy Kennedy, applicant spoke on the plans.

City Attorney Hager read the names in the agenda packet who were in favor of; Brandy Christy, George Christy, Sal Verola.

Mayor Gordon opened the Public Hearing for opposition.

Mayor Gordon read the citizen comments who were opposed; Heloyce Ford, Sonia Smith, Emily Bridges, Holly Boyter, Martha Salazar, Monte Anderson, Jackie Pena, Tamika Brown, Matt Matern, Frances Hughes, Mark Graham, Nancy Bell, Tessa Gonzalez, Alice Smith, Betty Taylor, Joyce MacCormick, Lesley Segovia, Nick Courchesne, Ellen Murphy, and Patricia Ebert.

Gale Sliger, 1405 S. Main – spoke in opposition.

Yuri Cruz, 1903 Silvercreek Place – spoke in opposition.

Kadeem Collins, 211 Martin Luther Circle – spoke in opposition.

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.

Mayor Gordon closed the Public Hearing at 8:57 p.m.

Councilmember Contreras stated we have the opportunity for development and respect the opinions of those who voiced their opposition, but questions how long the lot would continue to stay empty.

Council voiced their concerns and use of the land.

Mayor Pro Tem Mark D. Cooks made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 1 for, 6 against (Mayor Barry L. Gordon, Mayor Pro Tem Patrick Harvey, Councilmember Joe Veracruz, Councilmember Don McBurnett, Councilmember Jeremey Koontz, and Councilmember Mark D. Cooks). Item denied.

III.5.D. ***Consider appointments to various Boards and Commissions including Board of Adjustment, City Planning & Zoning Commission, Duncanville Community and Economic Development Corporation Board (DCEDC), Duncanville Neighborhood Vitality Commission, Keep Duncanville Beautiful Board, Library Advisory Board, Multicultural Social Engagement Partnership, Park & Recreation Advisory Board, Sign Control Board, TIF (Tax Increment Financing Reinvestment Zone Number One), and Tri-Cities Animal Control Board.***

Mayor Gordon read the names of the appointments.

unapproved

City Planning & Zoning Commission
Appointment for 1 Year 2021-2022
1. Edward Stith
Appointment for 2 Year Terms 2021-2023
2. Tom Shine
3. Elias Rodriguez
4. Javar Avery

Zoning Board of Adjustment
Apointment for 2 Year Terms 2021-2023
1. Yolanda Columbus
2. Lewis Fulbright, Alt. #1
3. Stephanie Rutherford, Alt. #2
4. vacant
5. vacant

Park & Recreation Advisory Board
Appointment for 1 Year 2021-2022
1. Kim Malone
Appointment for 2 Year Terms 2021-2023
2. Cozea Stephens
3. Pam Rogers
4. Joneice Preston
5. Ralo Thompson

Library Advisory Board
Appointment for 2 Year Terms 2021-2023
1. Michael Chrietzberg
2. Jill Gilbert
3. Jennifer Cole
4. vacant
5. vacant

Keep Duncanville Beautiful Board
Appointment for 2 Year Terms 2021-2023
1. Diane Dillard
2. Justin Reece Edwards
3. Mary Ann Taylor
4. Jose Perales

Sign Control
Appointment for 2 Year Terms 2021-2023
1. Terry Popham
2. Howard Fields
3. vacant
4. vacant
5. vacant

DCEDC
Appointment for 1 Year 2021-2022
1. Linda Lydia 2021-2022
Appointment for 2 Year Terms 2021-2023
2. Michael Grace
3. Charles Reed
4. Jarred Davis
5. vacant

TIF
Appointment for 2 Year Terms 2021-2023
1. Kasundra Brown
2. Michael Grace
3. vacant

Duncanville Neighborhood Vitality Commission
Appointment for 2 Year Terms 2021-2023
1. Phelisha Cullors
2. Robynn Felder
3. DeMonica Gooden
4. Walter Rhim

Multicutural Social Engagement Partnership
Appointment for 2 Year Terms 2021-2023
1. La'Trena Barrett
2. Don Johnson
3. Mildred Inez Clark
4. Joseph Cole
5. Noella Whavers

Regional Animal Shelter Board
Appointment for 2 Year Terms 2021-2023
1. Edward Priest

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

III.5.E. ***Take any necessary action as a result of the Executive Session.***
Item was moved until after Executive Session.

Mayor Gordon recessed Regular Session at 9:31 p.m.

III.6. STAFF AND BOARD REPORTS
None.

II. EXECUTIVE SESSION

The Executive Session was called into session at 9:35 p.m., and City Attorney Hager read the item into record.

II.1 ***City Council shall convene into closed executive session pursuant to Sections 551.071 and 551.072 Texas Government Code to:***

1. Seek legal advice from the City Attorney regarding pending litigation to wit: City of Duncanville v. Tommy Winn, et al, Cause No. CC-21-00211 in the County Court of Law #5 of Dallas County Texas.

The Council closed the Executive Session at 9:42 p.m.

III.5.E. ***Take any necessary action as a result of the Executive Session.***
City Attorney Hager stated:
"Consider a motion to authorize the City Manager or designee and City Attorney to make the required deposit of funds as awarded by the special commissioners in cause number cc-21-00211 City of Duncanville vs. Tommy Winn and take possession of the property subject of said cause and entry of judgment in accordance with the law."

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 6 for, 1 against (Councilmember Mark D. Cooks). Item passed.

IV. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

unapproved

Duncanville City Council Meeting Minutes
Special Meeting - Budget
Tuesday, August 24, 2021

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Tuesday, August 24, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

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

COUNCIL ABSENT: Mayor Pro Tem Patrick Harvey

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, August 24, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

Due to limited seating in the 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, you must register with the City Secretary before 4pm on Tuesday, August 24, 2021, email citysecretary@duncanville.com and title the email "Public Comment – August 24, 2021. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone 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 speak during the PUBLIC HEARING, you need to REGISTER in advance with the link above. When the Mayor opens the Public Hearing, you will need to use the "raise your hand" option provided by ZOOM. If you are calling in and would like to speak, press *9 on your phone's dial pad to "raise your hand." You may also submit your comments in advance in accordance with the guidelines for "Public Comments" to the City Secretary.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_M0t7SJEtSjOn1ztDz0lO7w

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.

1. **CALL TO ORDER.**

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

3. **RECEIVE AN OVERVIEW OF THE PROPOSED FY 2021-2022 PROPOSED BUDGET, DELIBERATE, AND CONDUCT A PUBLIC HEARING**

   Mayor Gordon read the Public Comment from:

   Patricia Ebert, 115 South Greenstone – submitted a comment on an additional Code Officer for Neighborhood Services.

   City Manager Ferrell-Benavides and Budget Analyst Otey presented the item.

UNAPPROVED

Current Fiscal Outlook All Funds

- *Proposed tax ad valorem reduction of $.016852; moving from $0.716852 to $.70.*
- *2% Cost of Living Adjustment to all full-time and part-time employees*
- *New Titles and 9.5 New Positions*
- *Increase all Minimum Full-Time Pay to $15 per hour*
- *No proposed rate increase for Water, Sewer, Drainage and Garbage Collection this fiscal year.*
- *$11,098,245 in Capital Improvements*
- *Allocation of $1,000,000 from existing fund balance for P-25 Public Safety Radio for a total of $2,188,003*

$63,655,210

Total Revenue

Moderate increase projected in Revenue.

$62,614,339

Total Expenditure

One-time projects and fund balance being used for existing capital projects.

$6,614,339

Total One Time Fund Balance Expenditure

One-time projects and fund balance being used for existing capital projects.

Capital Project Funds not included in these totals

Fiscal Year 2021-22 All Fund Summary

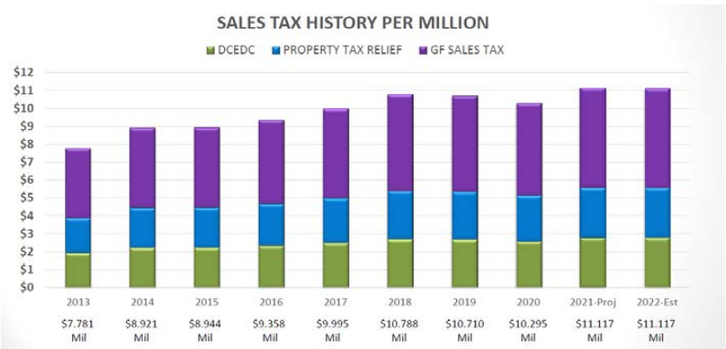
FUNDS	REVENUE	EXPENDITURE	DIFFERENCE
General Fund	$34,309,933	$34,143,085	$166,848
Utility Fund	$18,026,096	$20,221,143	($2,195,047)
Solid Waste Fund	$4,168,500	$4,449,347	($280,847)
Drainage Fund	$841,000	$1,928,950	($1,087,950)
DCEDC Fund	$2,781,174	$1,830,881	$950,293
Hotel/Motel Fund	$734,550	$739,821	($5,271)
TIF Fund	$75,575	$2,750	$72,825
Fieldhouse Fund	$1,884,975	$1,883,204	$1,771
Debt Service Fund	$1,410,657	$1,482,357	($71,700)
IT Replacement Fund	$152,033	$129,800	$22,233
Liability / Workers Compensation Fund	$469,205	$551,200	($81,995)
Asset Forfeiture	$36,800	$116,984	($80,184)
Fleet Replacement	$891,137	$2,161,838	($1,270,701)
Street CIP	$1,471,000	$1,001,737	$469,263
Alley CIP	$150,000	$230,591	($80,591)
Utilities CIP	$5,002,400	$8,334,398	($3,331,998)
Bond CIP	$100,000	$10,439,101	

Some Revenues and Expenditures are Transfers between Funds

General Fund Summary

GENERAL FUND	2017-18 ACTUAL	2018-19 ACTUAL	2019-20 ACTUAL	2020-21 ADOPTED	2021-22 PROJECTED YEAR END	2021-22 PROPOSED	% OF CHANGE
BEGINNING FUND BALANCE	$ 8,465,473	$ 9,204,811	$ 10,097,354	$ 8,377,965	$ 11,712,217	$ 11,021,771	
REVENUE							
Property Taxes	$14,573,182	$15,967,241	$17,354,227	$17,997,398	$18,189,594	$18,614,836	3.43%
Sales Taxes	8,131,840	8,032,275	7,756,944	7,314,692	8,337,523	8,337,523	13.98%
Franchise Receipts	2,046,553	1,949,561	1,779,687	1,713,000	1,723,000	1,710,000	-0.18%
Permits & Fees	1,428,790	1,521,631	1,690,034	1,237,500	1,573,500	1,398,500	13.01%
Fines	506,267	630,232	414,630	557,000	348,000	473,000	-15.08%
Interest on Investments	319,113	554,234	400,153	290,000	139,000	150,000	-48.28%
Recreation Fees	243,591	282,638	175,697	266,000	196,100	275,000	3.38%
Other Revenue	921,252	1,070,704	658,388	612,370	592,480	635,880	3.84%
Transfer from Other Funds	5,060,305	2,622,660	3,031,332	2,631,399	2,631,399	2,715,194	3.18%
TOTAL REVENUE	$33,230,893	$32,631,175	$33,261,092	$32,619,360	$33,730,596	$34,309,933	5.18%
EXPENDITURE							
General Government	$3,041,922	$3,154,440	$3,202,028	$3,708,587	$4,051,593	$4,539,516	22.41%
Finance	1,271,867	1,401,162	1,422,069	1,519,742	1,379,215	1,219,175	-19.78%
Parks & Recration	3,521,232	3,646,900	3,260,522	3,884,641	3,787,982	4,018,187	3.44%
Police	8,464,499	$8,862,650	9,217,621	9,694,511	9,716,637	10,181,357	5.02%
Public Works	6,164,174	$6,065,783	6,612,368	6,874,523	6,860,776	6,808,492	-0.96%
Fire	6,670,367	$6,842,706	6,764,631	7,072,886	7,090,996	$7,376,358	4.29%
TOTAL EXPENSE	$29,134,061	$29,973,641	$30,479,239	$32,754,890	$32,887,199	$34,143,085	4.24%
NET	$4,096,832	$2,657,534	$2,781,853	($135,530)	$843,397	$166,848	
TRANSFERS AND OTHER	3,487,975	1,764,991	1,164,531	1,511,250	1,533,843	2,666,632	
TOTAL EXPENDITURES	$32,622,036	$31,738,632	$31,643,770	$34,266,140	$34,421,042	$36,809,717	
CHANGE IN FUND BALANCE	$608,857	$892,543	$1,617,322	($1,646,780)	($690,446)	($2,499,784)	
BEGINNING FUND BALANCE	$ 9,204,811	$ 10,097,354	$ 11,714,676	$ 6,731,185	$ 11,021,771	$ 8,521,987	

FY 2021-22 Proposed Budget General Fund Revenues



FY 2021-22 Proposed Budget Utility Fund

UTILITY FUND	2020-21 ADOPTED	2021-22 PROPOSED	% OF CHANGE
TOTAL WATER REVENUES	$8,216,600	$8,165,964	-0.62%
TOTAL SEWER REVENUES	9,551,600	9,491,932	-0.62%
TOTAL OTHER REVENUES	454,500	368,200	-18.99%
TOTAL ALL REVENUES	**$18,222,700**	**$18,026,096**	**-1.08%**
UTILITY ACCOUNTING	$1,091,798	$1,107,038	1.40%
UTILITY ADMINISTRATION	384,747	473,382	23.04%
WATER SERVICES	4,643,674	5,099,380	9.81%
WASTEWATER SERVICES	5,796,452	6,184,608	6.70%
TOTAL OPERATION EXPENSE	$11,916,671	$12,864,408	7.95%
TOTAL DEBT/TRANSFERS	$7,290,223	$7,356,736	0.91%
TOTAL FUND EXPENSES	**$19,206,894**	**$20,221,144**	**5.28%**

	2021-22 PROPOSED
Beginning Balance	$14,414,205
Net Change	($2,195,047)
Total Ending Balance	**$12,219,158**
Days of Operation	161
Unreserved Funds Remaining AFTER Operating 60 Day Reserve	$8,895,134

REVENUE HIGHLIGHTS

- The FY 2021-22 Proposed Budget does not include a rate increase in the revenue projections;
- Water and Wastewater sales are the primary source of revenue for the Utilities Fund. A wetter year for example would mean less in water sales. A drier year would usually equate to an increase in sales. Other revenue collected are from penalties of late payments for example and service charges.

EXPENDITURE HIGHLIGHTS

- The City buys water from Dallas Water Utilities at wholesale. The volume rate increased 13.2% over FY 2020-21. In addition to volume, the City pays a flat rate demand charge. This cost increased 7.3% over FY 2020-21. Overall, the estimated expense for Dallas Water Utilities for FY 2021-22 is $4,066,527, an increase of $388,898 (+10.57%).
- Trinity River Authority treats the City's wastewater. Cost over FY 2020-21 Adopted has increased 8.8% ($338,083)

FY 2021-22 Proposed Budget Solid Waste Fund

	2020-21 ADOPTED	2021-22 PROPOSED
TOTAL REVENUE	**$4,174,000**	**$4,168,500**
EXPENDITURES		
Solid Waste Budget	$3,796,084	$3,864,954
Litter Control	249,188	242,095
TOTAL OPERATING EXPENSE	**$4,045,272**	**$4,107,050**
NET REVENUE (EXPENSES)	**128,728**	**61,450**
TOTAL TRANSFERS	**$ 342,297**	**$ 342,297**

	2021-22 PROPOSED
BEGINNING BALANCE	$535,537
NET CHANGE	($280,847)
ENDING BALANCE	$254,690

REVENUE HIGHLIGHTS

- Total revenues are projected, a decrease of $5,500 from the FY 2020-21 Adopted Budget. Revenues are received from residential and commercial garbage collection fees.
- No rate increases proposed; however, a 3% increase is projected in garbage collection cost.
- Like the Utility Fund it is recommended that rates are increased to cover the services provided in the Solid Waste Fund. Solid Waste Fund employs four (4) Litter Control crews, one (1) administrative assistant, Hazardous Household Waste disposal events, and brush pickup services.

EXPENDITURE HIGHLIGHTS

- An increase of $61,778 (+1.41%) from the FY 2020-21 Adopted Budget. Total of $2,717,905 for Garbage Collection and $996,020 for Landfill.
- The primary increase is based on a 3% rate increase assumption on residential collection.

FY 2021-22 Proposed Budget Drainage Fund

FUNDS	REVENUE	EXPENDITURE	DIFFERENCE
Drainage Fund	$841,000	$1,928,950	($1,087,950)
CIP/Erosion Control Projects		$1,531,519	
New Engineer Position at 50% (split with Utility Fund		$46,304	

	2019-20 AUDITED ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION	2021-22 PROPOSED
BEGINNING BALANCE	$1,057,202	$782,450	$1,055,525	$889,905
NET CHANGE	($1,677)	($35,604)	($165,620)	($1,087,950)
ENDING BALANCE	$1,055,525	$746,846	$889,905	($198,045)

FY 2021-22 Proposed Budget Economic Development Fund

FUNDS	REVENUE	EXPENDITURE	DIFFERENCE
DCEDC Fund	$2,781,174	$1,830,881	$950,293
Marketing / Advertising initiatives		$100,000	
Full-time Skilled Maintenance – Beautification		$79,667	
Area Comp Plan updates		$50,000	

	2019-20 AUDITED ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION	2021-22 PROPOSED
BEGINNING BALANCE	$2,985,979	$3,298,370	$3,709,165	$4,467,687
NET CHANGE	$723,186	$600,587	$758,521	$950,293
ENDING BALANCE	$3,709,165	$3,898,957	$4,467,687	$5,417,980

FY 2021-22 Proposed Budget Fieldhouse Fund

FUNDS	REVENUE	EXPENDITURE	DIFFERENCE
Fieldhouse Fund	$1,884,975	$1,883,204	$1,771
2% Salary Increase		$11,165	
Fieldhouse Security		$50,000	
Refurnish Gym floors		$30,500	

	2019-20 AUDITED ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION	2021-22 PROPOSED
BEGINNING BALANCE	($1,204,524)	($1,540,423)	($1,498,852)	($1,490,168)
NET CHANGE	($311,738)	($68,230)	$8,684	$1,771
ENDING BALANCE	($1,498,852)	($1,608,652)	($1,490,168)	($1,488,397)

FY 2021-22 Proposed Budget Hotel / Motel Fund

FUNDS	REVENUE	EXPENDITURE	DIFFERENCE
Hotel/Motel Fund	$734,550	$739,821	($5,271)
Grants & Incentives		$240,445	
Advertising for Fieldhouse and Wayfinding projects		$250,000	

	2019-20 AUDITED ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION	2021-22 PROPOSED
BEGINNING BALANCE	$1,908,138	$1,994,169	$2,246,017	$2,287,413
NET CHANGE	$337,879	$15,037	$41,396	($5,271)
ENDING BALANCE	$2,246,017	$2,009,206	$2,287,413	$2,282,142

FY 2021-22 Proposed Budget Other Funds

TAX INCREMENT FINANCING	2019-20 ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION END OF YEAR	2021-22 PROPOSED
BEGINNING FUND BALANCE	**$236,867**	**$255,565**	**$257,667**	**$350,529**
GENERAL FUND TRANSFER REVENUE	$21,448	$73,019	$95,612	$75,575
ADMINISTRATION EXPENSES	(648)	(2,750)	(2,750)	(2,750)
NET REVENUES (EXPENSES)	**$20,800**	**$70,269**	**$92,862**	**$72,825**
ENDING FUND BALANCE	**$257,667**	**$325,834**	**$350,529**	**$423,354**

FY 2021-22 Proposed Budget Other Funds

LIABILITY INSURANCE	2019-20 ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION END OF YEAR	2021-22 PROPOSED
BEGINNING FUND BALANCE	**$711,438**	**$588,098**	**$889,883**	**$823,338**
GENERAL FUND	$392,012	$380,489	$380,489	$380,489
UTILITY FUND	53,465	51,861	51,861	51,861
HOTEL/MOTEL	3,667	3,557	3,557	3,557
EDC	11,988	11,628	11,628	11,628
SOLID WASTE FUND	9,085	8,812	8,812	8,812
DRAINAGE FUND	4,890	4,743	4,743	4,743
FIELDHOUSE FUND	7,335	7,115	7,115	7,115
INTEREST INCOME	5,539	6,000	1,000	1,000
TOTAL ALL REVENUES	**$487,981**	**$474,205**	**$469,205**	**$469,205**
INSURANCE PREMIUMS	277,985	365,141	324,500	340,000
WORKERS COMP CLAIMS	43,737	280,000	150,000	150,000
PROPERTY/ LIABILITY CLAIMS	(12,137)	61,200	61,200	61,200
TOTAL EXPENSES	**$309,586**	**$706,341**	**$535,700**	**$551,200**
NET REVENUES (EXPENSES)	**$178,395**	**($232,136)**	**($66,495)**	**($81,995)**
ENDING FUND BALANCE	**$889,833**	**$355,962**	**$823,388**	**$741,343**

FY 2021-22 Proposed Budget Other Funds

DEBT SERVICE	2019-20 ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION END OF YEAR	2021-22 PROPOSED
BEGINNING FUND BALANCE	**$1,380,494**	**$1,327,409**	**$1,399,863**	**$1,326,288**
AD VALOREM TAXES & OTHER REVENUES	$1,500,508	$1,428,157	$1,410,657	$1,410,657
DEBT EXPENSES	(1,481,142)	(1,484,232)	(1,484,232)	(1,482,357)
NET REVENUES (EXPENSES)	**$19,366**	**($56,075)**	**($73,575)**	**($71,700)**
ENDING FUND BALANCE	**$1,399,863**	**$1,271,334**	**$1,326,288**	**$1,254,588**

- **GO Bonds issued in 2019 $21,600,000 at $20,735,000**
  - Last payment scheduled Feb 2039
  - Callable in 2028 (could re-finance if interest rates favorable)
  - Annual Debt Service Averages $1,483,000
  - Principal amount outstanding at beginning of FY22 will be $19,675,000
- **Utility Fund Debt retired in FY 2019-20**
- **Fieldhouse Debt**
  - Last payment due August 2025
  - Average annual debt service $ 537,325
  - Principal outstanding at the beginning of FY2021-22 will be $2,025,000
- **DCEDC Debt**
  - Last payment due August 2021

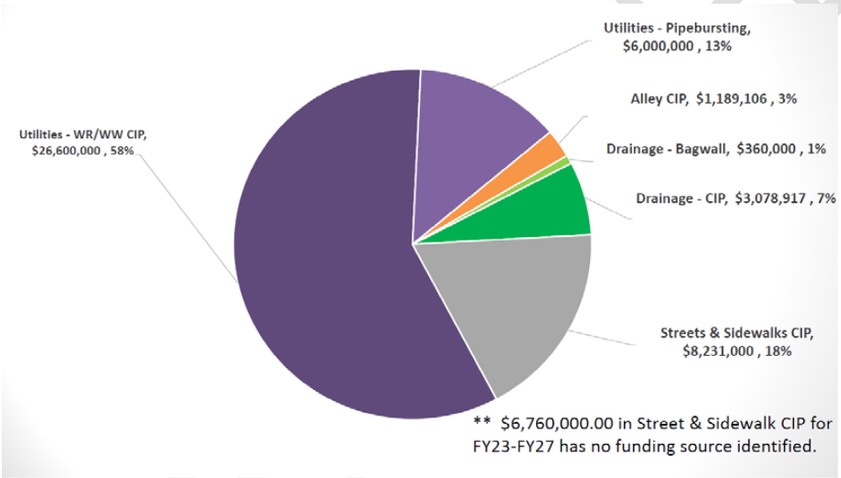
FY 2021-22 Proposed Budget Other Funds

IT REPLACEMENT	2019-20 ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION END OF YEAR	2021-22 PROPOSED
BEGINNING FUND BALANCE	**$186,903**	**$117,369**	**$146,732**	**$34,292**
	30% FUNDING	80 % FUNDING	80 % FUNDING	100% FUNDING
GENERAL FUND	$44,652	$114,240	$114,240	$138,593
UTILITY FUND	$3,168	$8,448	$8,448	$8,320
EDC FUND	$366	$976	$976	$1,220
FIELDHOUSE FUND	$1,380	$4,096	$4,096	$3,900
TOTAL ALL REVENUES	**$49,566**	**$127,760**	**$127,760**	**$152,033**
IT EQUIPMENT REPLACEMENT	**$89,737**	**$240,200**	**$240,200**	**$129,800**
NET REVENUES (EXPENSES)	**($40,171)**	**($112,440)**	**($112,440)**	**$22,233**
ENDING FUND BALANCE	**$146,732**	**$4,929**	**$34,292**	**$56,525**

FY 2021-22 Proposed Other Funds

FLEET REPLACEMENT	2019-20 ACTUAL	2020-21 ADOPTED	2020-21 PROJECTION END OF YEAR	2021-22 PROPOSED
BEGINNING FUND BALANCE	**$2,302,681**	**$2,060,536**	**$2,458,073**	**$1,270,934**
	40%, 70%, 50%	40 % FUNDING	40 % FUNDING	60% FUNDING
GENERAL FUND	$481,726	$463,914	$463,914	$715,287
UTILITY FUND	$195,462	$110,538	$110,538	$162,427
SOLID WASTE FUND	$8,976	$7,606	$7,606	$10,623
INSURANCE RECOVERY	$4,495		$52,675	
INTEREST INCOME	$13,388	$15,000	$2,690	$2,800
TOTAL ALL REVENUES	**$704,047**	**$597,058**	**$637,423**	**$891,137**
FLEET REPLACEMENT	**$548,652**	**$1,173,463**	**$1,824,562**	**$2,161,838**
NET REVENUES (EXPENSES)	**$155,395**	**($576,405)**	**($1,187,139)**	**($1,270,701)**
ENDING FUND BALANCE	**$2,458,073**	**$1,484,131**	**$1,270,934**	**$233**

FY 2022-2027 Proposed CIP



** $6,760,000.00 in Street & Sidewalk CIP for FY23-FY27 has no funding source identified.

Capital Improvement Funds

BOND TYPE	PROJECT DESCRIPTION	TOTAL BOND ALLOCATION	PROJECT SPENT AS OF 07-29-2021	STATUS
Streets	Danieldale Road CIP	$3,100,000	$399,426	Summer 2021 Construction
Streets	Main St @ Camp Wisdom	$1,500,000	$0	Project Cancelled
Streets	South Cedar Ridge	$2,000,000	$0	FY 2022 to start design
Parks	City-wide Trails Phase 1-3	$1,500,000	$25,800	In Progress
Parks	Rotary Park Parking Lot	$50,000	$17,405	Complete
Parks	Pavilions at Lakeside & Harrington	$800,000	$392,931	Lakeside Complete
Parks	Armstrong Park Kidsville & Splashpad	$2,250,000	$231,148	Fall/Winter 2021 Construction Start
Parks	Harrington Park Improvements	$2,000,000	$63,236	Fall/Winter Construction Start
Facilities	Construct Fire Station	$6,000,000	$403,609	In Progress
Facilities	Renovate Service Center	$2,400,000	$202,800	Winter 2021 Construction Start
TOTAL		$21,600,000	$1,736,355	

- Alley CIP
  - Projected expenses include reconstruction of E. Cherry to E. Center street. $303,500. This project also receives a portion from the Drainage Fund.
- Drainage CIP
  - Projected expenses include an emergency bagwall project at Swan Ridge/Ten Mile Creek area. Other projects include a Drainage Infrastructure Assessment and Lakeside Park Culvert - $1,385,000
- Street & Sidewalk CIP
  - Projected expenses include one (1) design project and (2) construction road project- $1,468,404. Funding will be transferred from General Fund balance.
- Utilities CIP
  - Projected expenses include Pipebursting program, seven (7) construction and one (1) design projects – $6,454,387

Mayor Gordon opened the Public Hearing at 6:22 p.m. for in favor.
No one spoke.

Mayor Gordon opened the Public Hearing for opposition.
No one spoke.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against (Mayor Pro Tem Patrick Harvey absent).

Mayor Gordon closed the Public Hearing at 6:24 p.m.

4. CONSIDER ESTABLISHING THE DATE OF AUGUST 31, 2021 TO CONSIDER A VOTE ON THE BUDGET.

City Council had a consensus to establish and consider a Vote on the Budget on August 31, 2021, City Council Meeting.

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against (Mayor Pro Tem Patrick Harvey absent). Item passed.

5. CONDUCT A PUBLIC HEARING AND DELIBERATE ON THE FY 2021-2022 PROPOSED TAX RATE.

Interim Finance Director Atmore and Budget Analyst Otey presented the item.

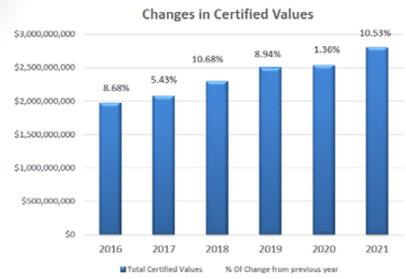
Property Tax Calculation Example

	TAX YEAR 2020			
ASSESSED VALUE	$200,000			
	Homestead Exemptions Only			
	RATE	HOMESTEAD REDUCTION IN VALUE	TAXABLE VALUE	AMOUNT
CITY	0.716852	0	200,000	$1,433.70
DUNCANVILLE ISD	1.367600	-25,000	175,000	$2,393.30
DALLAS COUNTY	0.249740	-40,000	160,000	$399.58
PARKLAND HOSPITAL	0.266100	-40,000	160,000	$425.76
DALLAS COLLEGE	0.124000	-40,000	160,000	$198.40
TOTAL PROPERTY TAX				$4,850.75

	TAX YEAR 2020			
ASSESSED VALUE	$200,000			
	Homestead Exemptions & Over 65			
	RATE	HOMESTEAD REDUCTION IN VALUE	TAXABLE VALUE	AMOUNT
CITY	0.716852	-30,000	170,000	$1,218.65
DUNCANVILLE ISD	1.367600	-40,000	160,000	$2,188.16
DALLAS COUNTY	0.249740	-109,000	91,000	$227.26
PARKLAND HOSPITAL	0.266100	-109,000	91,000	$242.15
DALLAS COLLEGE	0.124000	-115,000	85,000	$105.40
TOTAL PROPERTY TAX				$3,981.62

NOTE: Dallas Central Appraisal District is responsible for the valuation of property. Dallas County collects property tax on behalf of the City.

2021 PROPOSED TAX RATE



2021 Certified Taxable Values		
Residential	$	1,959,712,544
Commercial and BPP	$	846,164,801
Total Certified Values	$	2,805,877,345
Lowest Value under Protest	$	41,973,785
Total Taxable Value	$	2,847,851,130
Proposed Tax Rate	$	0.700000
Divide Values / $100	$	28,478,511.30
Total Property Tax Revenue	$	**19,934,958**

Description	Tax Rate	Difference from Proposed Tax Rate	Property Tax Revenue	Difference	General Fund Impact
Estimated Tax Revenue - Proposed	0.700000	0.000000	$19,934,958	$0	$0
Estimated Tax Revenue @ NNR	0.673838	(0.026162)	$19,189,903	($745,055)	($697,585)
Estimated Tax Revenue @ VAR	0.702073	0.028235	$19,993,994	$59,036	$55,275

2021 PROPOSED TAX RATE

Tax Rate Comparison			
Fiscal Year	Tax Rate	No-New-Revenue Rate Formerly Effective Tax Rate	Voter-Approval Rate Formerly Rollback Tax Rate
2016	$0.758447	$0.718796	$0.790517
2017	$0.758447	$0.704578	$0.763848
2018	$0.758447	$0.717895	$0.780079
2019	$0.748448	$0.689904	$0.748940
2020	$0.743447	$0.686452	$0.751442
2021	$0.716852	$0.698962	$0.721852
2022	$0.700000	$0.673838	$0.702073

Proposed Tax Rate: The rate the City is proposing and from which the property tax revenue in the FY2021-2022 budget is calculated.

No-New-Revenue Tax Rate: The calculated rate that provides the City with no increase in property tax revenue. 2020 City Tax Rate = $0.716852. Average Taxable Home Values increased by 6.15% over 2020 values. The 2021 calculated No-New-Revenue Tax rate is roughly 6.15% less.

Voter-Approval Rate: The highest rate the City may adopted without an election.

CITY	2020	2021	% of Change
Cedar Hill	$0.688102	$0.697030	1.30%
Dallas	$0.776300	$0.773300	-0.39%
DeSoto	$0.701554	$0.701554	0.00%
Duncanville	$0.716852	$0.700000	-2.35%
Lancaster	$0.819736	$0.769287	-6.15%

2021 PROPOSED TAX RATE

THE PROPOSED TOTAL TAX RATE OF $0.700000 IS A 3.88 PERCENT INCREASE IN THE TAX RATE.

No-New-Revenue Total Tax Rate	$0.673838 per $100
2021 Proposed total tax rate	$0.700000 per $100
Difference	$0.026162
% of change	3.88%

2021 PROPOSED TAX RATE

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.55 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $-10.75.

No-New-Revenue M&O Tax Rate	$0.626867 per $100
2021 Proposed M&O Tax Rate	$0.655410 per $100
Difference	$0.028543
% of Change	4.55%

TAXABLE VALUE EXAMPLE	$100,000	$1,000
2020 M&O Tax Rate	$0.666163 per $100	$666.16
2021 M&O Tax Rate	$0.655410 per $100	$655.41
$ Change in M&O taxes	$-0.010753	$-10.75

Mayor Gordon opened the Public Hearing at 6:50 p.m. for in favor.
No one spoke.

Mayor Gordon opened the Public Hearing for opposition.
No one spoke.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against (Mayor Pro Tem Patrick Harvey absent).

Mayor Gordon closed the Public Hearing at 6:52 p.m.

ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

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

CALL TO ORDER

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

COUNCIL PRESENT:	Mayor Barry L. Gordon
	Councilmember At-Large Patrick Harvey
	Councilmember Don McBurnett
	Councilmember Jeremey Koontz
	Mayor Pro Tem Mark D. Cooks
	Councilmember Greg Contreras
COUNCIL ABSENT:	Councilmember Joe Veracruz

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Mayor Pro Tem Patrick Harvey requested Item 4C and Item 4D be moved to Individual Consideration. Item 4A - to dispose of various tech equipment acquired due to a landlord lien foreclosure. EON Reality, Inc. entered into a lease agreement with the City of Duncanville to lease space at 103 E. Wheatland Road. EON Reality, Inc. defaulted on its lease agreement and vacated the building in 2019. Technology equipment was left in the building, and the City's would like to dispose of the technology equipment by donating it. Item 4B - a Resolution approving the terms and conditions of Amendment No. 4 to the Household Hazardous Waste (HHW) Interlocal Agreement with Dallas County to coordinate the planning and implementation of a Hazardous Waste Collection Program, from October 1, 2021, through September 30, 2022, for a cost not to exceed $55,264.00. This action is to approve Amendment #4 to the City's Interlocal Agreement with Dallas County for a Household Hazardous Waste Program. The original Interlocal agreement was approved in 2017. The estimated cost of the HHW program in FY2022 is $55,264.00. This agreement provides the following: annual local HHW collection event; scheduled for March 26, 2022. Our last HHW Event in March 2021 brought in over 600 cars. Item 4E - authorizing the receipt of a grant from the Edward Byrne Memorial Justice Assistance Grant Program (JAG), to be administered by the City of Dallas, to provide funding for the Police Department, to purchase a service agreement for three additional years for the five currently owned GPS trackers, police bicycles and other related equipment, with a total grant value of $9,671.91. Edward Byrne Justice Grant was named after a NYPD officer who was murdered while protecting a witness in a drug case. Leading federal source of criminal justice funding to state and local jurisdictions Can be used for the following program areas: law enforcement, prosecution and court, planning, evaluation, and technology improvement, crime victim and witness initiatives, and mental health programs and related law enforcement and correction programs. Duncanville is part of a disparate jurisdiction and is part of a joint allocation pursuant to federal law. The award amount is based on a jurisdiction's 3-year weighted violent crime average.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss Annual City Council Calendar.*

City Secretary Downs presented the item.

City Council concluded the following:

- Cancel – October 5th City Council Meeting
- City Council Retreat – November 11-13th

Councilmember McBurnett requested to schedule the City Manager evaluation at an upcoming City Council meeting.

Mayor Gordon requested City Departments work together when planning and scheduling events, so there isn't a conflict for City Council to attend.

unofficial

I.2.B. ***Discussion of the outstanding bond debt for Duncanville.***
Item requested by Mayor Gordon.
Interim Finance Director Atmore presented the item.

I.2.C. ***Presentation on the application and benefits of Small Area Plans and Special Zoning Districts for Land Use and Economic Development along with discussion on the "Ladd" Property.***
Item requested by Councilmember Koontz.
Economic Development Manager Mansell and City Planner Thibodeaux presented the item. Discussion on area plans, special districts, Comprehensive Plan, and the Ladd Property took place.

Mayor Gordon requested easy language for citizens to understand and find on the City's website easily.

Councilmember Cooks requested that a Special City Council meeting be held to provide an update on House Bill 2439.

City Manager Ferrell-Benavides suggested an update at the City Council Retreat.

Economic Development Director Gus presented the item.

Ladd Property History:

- Bob Ladd (previous owner) granted the property to the City on April 2nd, 1998, with restrictions.
- 21.21 Acres of the 42.419 must be used for Natural Trails, Botanical gardens, advancement of culture, and/or artistic/educational purposes.
- City currently maintains the property as an open space.
- Comprehensive plan identified the Property as an opportunity area in 2017.
- City advertised RFP for development in May of 2019.
- In June of 2021 Council instructed City Manager to instruct staff to identify highest and best uses of all city property.

Discussion continued on Deed restrictions, Deed language, appraisals, future land use, area plans, a Ladd Property Master Plan, and opportunity Greenbelt Plan.

Contreras requested more information and discussion take place at the City Council Retreat.

Councilmember Cooks requested a City Council Workshop.

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

Briefing Session was recessed at 6:57 p.m.

II. **EXECUTIVE SESSION**

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.071 (1) and (2) of Texas Gov't Code to seek legal advice from the City Attorney concerning pending litigation and claim regarding the following matters:***

1. ***City of Duncanville v. Heirs and unknown Heirs of Property located adjacent and contiguous purported West Magnolia Street;***
2. ***Code compliance and possible legal action for property located at 507 Longworth, Duncanville, Texas;***
3. ***Code compliance and possible legal action for property located at 518 Trail Ridge, Duncanville, Texas;***
4. ***Code compliance and possible legal action for property located at 338 W. Vineyard Rd. Duncanville, Texas; and***

unapproved

5. ***To seek legal advice concerning the provisions of Sections 2-2, 2-3 and 2-4 of the Duncanville Code of Ordinances."***

Executive Session was moved after Staff and Board reports.

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

The City Council convened into Regular Session in the Council Chambers at 7:05 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Chris Gutierrez, Arise Church.

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

III.1. REPORTS

III.1.A. ***Mayor's Report.***
Recognition of Champion of the City.
Mayor Gordon recognized Alex Hamby and congratulated him on all his hard work.

Mayor Gordon recognized Zul Hudani as a Champion of the City.

III.1.B. ***Councilmembers' Reports***
Mayor Pro Tem Harvey recognized staff for their work during the Budget process.

Councilmember Cooks and Councilmember Koontz recognized and thanked the Parks and Rec. and Public Works Department on the Bike Around Duncanville Event with over sixty bikers.

Councilmember Koontz thanked Interim Chief LiVigni and the Police Department for allowing him to join them on a ride-along.

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides spoke on Hispanic Heritage Month.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Recognition of Keep Duncanville Beautiful Fall 2021 Curb Appeal Residential Properties.***
Assistant Public Works Director Hamilton recognized the following properties.

District 1:
Larry & Lori Hutchison
1107 Green Hills Road

District 2:
Sharra Lankford
238 Van Rowe Avenue

District 3:
Jose Rodriguez
322 E Cherry Street

District 4:
Lonnie & Katherine Stilwell
814 Delphi Drive

District 5:
William Shelton
707 W. Camp Wisdom Road

unapproved

III.3. CITIZENS' INPUT

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

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

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

Kimberly Spurlock, 307 Tanglewood Dr. - spoke on the Ladd property.

Erika Browning, 442 E. Cherry St. - spoke on the Ladd property

Grady Smithey, 1806 Cedar Hill Rd. - spoke on the completion of Danieldale Road.

Disair Duron, 114 W. Magnolia – spoke on the Commercial Properties blocking access to his property0

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

Jen Cole – submitted a comment on the Ladd property.

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on motor vehicle break-ins and motor vehicle thefts being down.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider a Resolution authorizing the City Manager to dispose of various tech equipment which was acquired as a result of a landlord lien foreclosure.***

III.4.B. ***Consider a Resolution approving the terms and conditions of Amendment No. 4 to the Household Hazardous Waste (HHW) Interlocal Agreement with Dallas County to coordinate the planning and implementation of a Hazardous Waste Collection Program, from October 1, 2021 through September 30, 2022, for a cost not to exceed $55,264.00.***

III.4.C. ***Consider a Resolution approving the terms and conditions of an Interlocal Agreement between the State of Minnesota, providing for a Cooperative Purchasing Program for goods and services; designating the City Manager as the official representative of the City of Duncanville relating to the program.***
Item moved to Individual Consideration.

III.4.D. ***Consider a Resolution authorizing an appropriation of $658,196.22 for a contingency equaling ten (10) percent of the original contract price of IFB 21-0002, Reconstruction of East Danieldale Road and Subsurface Utility Improvements; authorizing the City Manager to negotiate a change order not to exceed $90,000.00; and, providing for an effective date.***
Item moved to Individual Consideration.

III.4.E. ***Consider a Resolution authorizing the receipt of a grant from the Edward Byrne Memorial Justice Assistance Grant Program (JAG), to be administered by the City of Dallas, to provide funding for the Police Department, to purchase a service agreement for three additional years for the five currently owned GPS trackers, police bicycles and other related equipment, with a total grant value of $9,671.91.***

unapproved

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Consider an Ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Duncanville, Dallas County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.***

Mayor Gordon stated the adoption of the Ordinance would require two readings. The first reading of the Ordinance will occur tonight and does not require a vote or action to be taken by Council. The second reading of the Ordinance will occur on September 21, 2021, with action to be taken by Council.

Interim Finance Director Atmore presented the item. Atmos Representative Al Hernandez provided information to City Council.

III.5.B. ***Consider a Resolution nominating a candidate for Board of Directors of the Dallas Central Appraisal District (DCAD).***

City Secretary Downs presented the item.

Councilmember Cooks expressed his interest in serving.

Councilmember Contreras made a motion to nominate Councilmember Cooks, no second was made.

Mayor Pro Tem Mark D. Cooks made a motion to nominate Mr. Michael Hurtt to the Dallas Central Appraisal District Board of Directors, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent. Item passed.

III.5.C. ***Consider a Resolution of appointing _____ as a member to the North Central Texas Housing Finance Corporation (NCTHFC) for a term of ____ ( ) years.***

Mayor Gordon stated former Councilmember Jameson has currently served on the board for over six years. The bylaws state there are no term limits. Ms. Jameson has expressed interest in continuing to serve.

Councilmember Jeremey Koontz made a motion to nominate Johnette Jameson to the North Central Texas Housing Finance Corporation Board, Councilmember Don McBurnett seconded the motion. The vote was cast 4 for, 2 against (Councilmember At-Large Patrick Harvey and Councilmember Greg Contreras), with Councilmember Joe Veracruz absent. Item passed.

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

Item moved to after Staff and Board Reports.

III.4.C. ***Consider a Resolution approving the terms and conditions of an Interlocal Agreement between the State of Minnesota, providing for a Cooperative Purchasing Program for goods and services; designating the City Manager as the official representative of the City of Duncanville relating to the program.***

City Manager Ferrell-Benavides spoke on the item. Local Government Code Section 271.102 provides for voluntary participation in cooperative purchasing programs with another local government or local cooperative. Cooperative purchasing is considered a “best practice” for government organizations as they deliver savings for purchases and staff time and resources.

Mayor Pro Tem Harvey questioned why the City would have a Cooperative Agreement that is not in the State of Texas.

unapproved

IT Director Beekman stated that the Company VTI Security has local offices in Dallas and is headquartered in Minnesota. The City of Grand Prairie and the City of Forth Worth utilize the services of VTI Security.

Mayor Pro Tem Harvey requested the Resolution be rewritten with the purposes as to why we are using the Cooperative Agreement with specific language as to why we are doing work with this Corporation and the purposes of why.

City Attorney Hager stated it is very rare that we do have an agreement with a State outside of or with a Buyboard outside of the State of Texas, but the act does allow it and it is usually done in connection with a specific requisition by the City. City Attorney Hager will make the appropriate changes to the Resolution to reflect the change and hiring in order to facilitate the use of the security system.

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

III.4.D. ***Consider a Resolution authorizing an appropriation of $658,196.22 for a contingency equaling ten (10) percent of the original contract price of IFB 21-0002, Reconstruction of East Danieldale Road and Subsurface Utility Improvements; authorizing the City Manager to negotiate a change order not to exceed $90,000.00; and, providing for an effective date.***

Public Works Director Ramey presented the item. The Danieldale Road Reconstruction project is valued at $6,581,962.21 and was awarded by Council in December 2020. The action is to approve an approximately $90K change order for additional sanitary sewer work due to conflict with the Dallas Water Utility (DWU) water main based on field identification in August 2021. The depth of the DWU water main was identified as lower than documented in As-Built drawings. As a result, the Staff has to go deeper than planned for the sewer line. The contractor needs to bore the sewer line in lieu of open-cut to minimize impact to residents of Sunset Village. Including the three previous change orders, the total value of change orders is $112,577.52, representing 1.7% of the initial contract. This action also authorizes Staff to establish a $658,196.22 contingency for any further change orders. This represents a 10% Contingency; Texas Law allows a construction project up to a 25% overage. A contingency fund authorization was not included in the original award Council approved previously. Funds will come from either the Utility CIP or Street Bond Funds as needed based on the required work. Staff will take any change orders valued over $50,000.00 to Council for consideration. These funds represent a City reserve and are only added to the contract once a change order is approved. GIS software assists with the alignment of water and sewer mains; however, GIS doesn't show depth. As-Built drawings and on-site investigation determine that.

Mayor Pro Tem Harvey requested bond projects to have a contingency as part of the initial contract award for best practices.

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

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the Monthly Financial Report as of July 31, 2021.***
Interim Finance Director Atmore presented the item.

III.6.B. ***Receive the Library Quarterly Report.***
Library Manager Olsen presented the item.

III.6.C. ***Receive the Public Works Department Quarterly Report.***
Graduate Engineer MacLean presented the item.

Mayor Gordon recessed Regular Session at 9:08 p.m.

unapproved

II. EXECUTIVE SESSION

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.071 (1) and (2) of Texas Gov't Code to seek legal advice from the City Attorney concerning pending litigation and claim regarding the following matters:***

1. ***City of Duncanville v. Heirs and unknown Heirs of Property located adjacent and contiguous purported West Magnolia Street;***
2. ***Code compliance and possible legal action for property located at 507 Longworth, Duncanville, Texas;***
3. ***Code compliance and possible legal action for property located at 518 Trail Ridge, Duncanville, Texas;***
4. ***Code compliance and possible legal action for property located at 338 W. Vineyard Rd. Duncanville, Texas; and***
5. ***To seek legal advice concerning the provisions of Sections 2-2, 2-3 and 2-4 of the Duncanville Code of Ordinances."***

The Executive Session was called into session at 9:19 p.m. and City Attorney Hager read the item into record.

The Council closed the Executive Session at 10:04 p.m.

Mayor Gordon reconvened Regular Session at 10:06 p.m.

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

1. City of Duncanville v. Heirs and unknown Heirs of Property located adjacent and contiguous purported West Magnolia Street;

   No action taken.

2. Code compliance and possible legal action for property located at 507 Longworth, Duncanville, Texas;
3. Code compliance and possible legal action for property located at 518 Trail Ridge, Duncanville, Texas;
4. Code compliance and possible legal action for property located at 338 W. Vineyard Rd. Duncanville, Texas; and

   City Attorney Hager stated Items 2, 3 and 4:
   Consider the following motion to authorize the City Attorney to file a Civil Action in Dallas County District Court for the enforcement of Zoning and Code violations pursuant to Chapter 54 of the Texas Local Government Code for properties located at 507 Longworth, 518 Trail Ridge, and 338 W. Vineyard all located in the City of Duncanville, Dallas County, Texas

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent. Item passed.

5. To seek legal advice concerning the provisions of Sections 2-2, 2-3 and 2-4 of the Duncanville Code of Ordinances."

   City Attorney Hager stated:
   The City Attorney and City Manager work together to review and examine the appointment processes, absenteeism, and inconsistencies in the Boards and Commissions appointments considered annually by the City Council and then bring back the appropriate recommendations.

unapproved

IV. ADJOURNMENT

The meeting was adjourned at 10:08 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

unapproved

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

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 21, 2021, at 6:03 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

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

COUNCIL ARRIVING AT: Councilmember Greg Contreras – 6:10 P.M.

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, September 21, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

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

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, September 21, 2021, email citysecretary@duncanville.com and title the email. "Public Comment – September 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.

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

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

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

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Item 4B - appointing Judge John B. Rizo as the Hearing Officer for Health Certificate Revocation Hearings; establishing a term of twelve months and providing for an effective date. The City Health Inspector is revoking the Health Certificate for Pho T Noodles (718 W Wheatland Rd) due to seven violations of City Health Ordinance. Revocation notice and Citation were issued in-person to owner on September 14, 2021. The Health Certificate Holder may request a hearing within ten days of receipt of notice to appeal the Health Inspector's decision. The purpose of this resolution is to appoint Presiding Municipal Judge Rizzo as the Hearing Officer for Health Certificate Revocations. The resolution allows one of the Municipal Associate Judges to serve as Hearing Officer if Judge Rizzo is not available. The term of appointment is for twelve months. Councilmember Cooks would like Staff to look into posting the scores at the restaurants, so citizens are aware.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. ***Discussion on City of Duncanville Trash and Recycling Survey. Item requested by Councilmember Cooks.***

Public Works Director Ramey presents the item.

Unapproved

On August 17, 2021, Staff briefed Council on Republic Performance Measures and Trash Carts. During discussions, Council requested a survey of residents for feedback on the performance of the solid waste contractor and feedback on switching services from trash bags to trash carts. On September 21, 2021, Staff presented to Council on proposed survey questions and proposed marketing strategy.

Survey Questions:

- Question #1. Asks survey-taker where they live (Subdivision).
- Questions #2 – 4. Asks survey-taker about service satisfaction.
- Questions #5 – 9. Asks survey-taker about their current usage.
- Questions #10 – 11. Asks survey-taker about garbage carts.
- Question #12. Asks survey-taker to share additional comments.

Marketing Plan:

- Soft" rollout of the survey during *National Night Out* on October 5, 2021
- "Official" survey period is November thru December 8, 2021
    - Survey announced in November Champion newsletter with utility bills.
    - *National Night Out* survey and newsletter announcement assume survey questions approved by Council by October 4, 2021.
- LED Sign from November 1 to December 6, 2021
- Email newsletter, weekly from November 1 to December 6, 2021
- Social Media, regular posts to Facebook, Twitter, Instagram, and Nextdoor
- Website, home page slider that links directly to the survey
- Flyers with QR Code at Rec Center, Library, Senior Center, and City Hall
- Survey results presented to Council during January 18, 2022 Briefing Session

Councilmember McBurnett questioned if there was a way to track if a citizen is duplicating the survey.

Director Ramey stated a citizen can fill out a survey with every email address they have. However, tracking if a hardcopy is filled out would be difficult.

Councilmember Veracruz recommended the survey be available in Spanish and to partner with the School District to push on their website.

Mayor Gordon voiced his concerns of placing the survey on the School District's website in order to keep the results with the citizens of Duncanville.

Councilmember Cooks recommended their being an incentive for citizens to fill out the survey,

Some of Council voiced their opinions on not offering an incentive; stating citizens are passionate about the trash and would fill the survey out.

I.2.B. ***Briefing on the Mobile Food Vendors and Food Truck Ordinance.***

City Planner Thibodeaux presented the item. The use of Food Truck Park was adopted as part of the new Zoning Ordinance in March 2021. One initiative associated with the establishment of Food Truck Parks was to bring forward a supporting ordinance.

Food Truck Park

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. Such areas typically include electrical outlets, seating/dining areas, restroom facilities, and trash receptables.

unapproved

The Ordinance is to be focused on delineating between mobile food vendors and "mobile vending units" (i.e., food trucks). To establish standards and regulations related to the safety and performance of mobile units.

Types of Mobile Vending Units

- Food Trucks
- Food Trailers
- Mobile Kiosks
- Motorcycle Food Vendors

Permits and Inspections

- Application outlining specific submittal items (i.e., proof of certifications, licenses, authorization, etc.).
- Site plan review/approval to be conducted by staff to ensure safe site planning and performance.
- Additional requirements for Food Truck vendors (i.e., sales tax reporting).
- Annual Renewal and Inspection Requirements.
- Standards to be reviewed ensuring, site safety for mobile units. Some examples include:
    - Units cannot obstruct or interfere with fire lanes
    - Units cannot block or interfere with maneuvering isles or required parking spaces
    - Queuing lines oriented away from parking/maneuvering areas
- Inspections ensuring health and safety code compliance.
    - Texas Dept of State Health Services (DSHS)
    - Texas Commission of Environmental Quality (TCEQ)
    - Texas Alcoholic Beverage Commission (TABC)
    - National Fire Protection Association (NFPA)

Fees

- Different fees per vendor type?

Location/Proximity

- Apply separation requirements?
    - i.e., distances from brick-and-mortar restaurants, residential areas, etc.
- Apply special conditions for use of public space?
    - i.e., additional fees?

Mayor Pro Tem Harvey questioned if a third party Health Inspector would be needed.

Councilmember Cooks would like to have a designatd spot for Food Trucks.

Mayor Gordon would like to see the businesses to bring in vendors.

I.2.C. ***Discussion on the new Firearms Carry Act.***
Item was moved until after Staff and Board Reports.

Executive Session was moved before Individual Consideration.

Mayor Gordon recessed the Briefing Session at 6:59 p.m.

II. **EXECUTIVE SESSION**

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney***

unapproved

regarding pending litigation to wit: City of Duncanville v. EON Reality, Cause No. DC-21-00095 filed in the District Court 134th Judicial District Dallas, Texas."

II.2 ***"City Council shall convene into a closed executive session pursuant to section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney on a motion to reconsider Resolution Number 2021-067 concerning appointment of a member of the North Central Texas Housing Board of Directors".***

Executive Session was moved before Individual Consideration.

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

The City Council convened into Regular Session in the Council Chambers at 7:05 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Pastor Calvin Funchess, Crossroads of Life Church.

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

III.1. REPORTS

Mayor Gordon stated Executive Session would take place after the Consent Agenda Items.

III.1.A. ***Mayor's Report.***
Recognition of the Champion of the City.

Mayor Gordon invited everyone to attend:
Coffee with the Mayor
September 27, 2021
Senior Center and via ZOOM
8:30 a.m. – 9:30 a.m.

Mayor Gordon spoke on the Census numbers, and the City of Duncanville is around 40,000 citizens.

Mayor Gordon recognized John & DeDe Ewing as the Champion of the City.

III.1.B. ***Councilmembers' Reports***
Councilmember McBurnett congratulated Coach Samples on his 300th win.

Councilmember Veracruz recognized the DISD School Board would compete for The School Board in Texas.

Councilmember Koontz spoke at the General Assembly of United Nations 1981 on International Day of Peace.

Councilmember Cooks invited all citizens to attend:
Meet, Connect & Learn
October 30, 2021
via ZOOM
10:00 a.m. – 11: 15 a.m.
Guest: U.S. Representative, 30th District
Eddie Bernice Johnson

III.1.C. ***City Manager's Report.***
City Manager Ferrell-Benavides announced Interim Finance Director Edena Atmore as the new Managing Director of Financial Services. David Kess would be joining the City of Duncanville as the Executive Assistant to the City Manager. Ms. Ferrell-Benavides also spoke on the Police Chief process.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Proclamation for September 21, 2021, as National Information Technology Professionals Day.***
Councilmember McBurnett read the proclamation.

unapproved

III.2.B. ***A Proclamation recognizing National Hispanic Heritage Month.***
Mayor Gordon read the proclamation.

III.2.C. ***A Proclamation recognizing October 3-9, 2021 as National Fire Prevention Week.***
Councilmember Veracruz read the proclamation.

III.2.D. ***Proclamation Recognizing October 5, 2021 as National Night Out.***
Mayor Pro Tem Harvey read the proclamation.

III.2.E. ***Proclamation Recognizing October as National Crime Prevention Month.***
Councilmember Koontz read the proclamation.

III.3. CITIZENS' INPUT

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

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

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

Corrina Unal – submitted a comment on the Ladd property.

Nancy Bell, 938 Nature Drive - submitted a comment a comment on the Ladd property.

Patricia Ebert, 115 South Greenstone – submitted a comment on Republic Services.

Erika Browning - spoke on the Fourth Amendment rights.

Gail Sliger, - spoke on trash services Republic Services and previous town hall meetings on the topic.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider the Minutes for the May 18, 2021, and June 1, 2021, City Council Regular Meetings.***

III.4.B. ***Consider a Resolution appointing Judge John B. Rizo as the Hearing Officer for Health Certificate Revocation Hearings; establishing a term of twelve months, and providing for an effective date.***

III.4.C. ***Consider a Resolution approving and accepting the terms and conditions of an agreement with Dallas County on behalf of the Health and Human Services Department for a Mosquito Ground Control Program, attached hereto and incorporated herein as Exhibit "A", effective October 1, 2021, through September 30, 2022, at a rate of $185.00 per hour.***

III.4.D. ***Consider a Resolution authorizing the third renewal of the interlocal agreement entered into by and between the City of Duncanville, Texas, and Dallas County Hospital District d/b/a Parkland Health & Hospital System, to provide BioTel/EMS System services, in the amount of $53,657.49.***

III.4.E. ***Consider a Resolution approving the Interlocal Agreement between the City of Duncanville and Dallas County, to provide Highway Accident Investigation Services, in an amount not to exceed $59,000.00.***

III.4.F. ***Consider a Resolution authorizing the City Manager to execute an Interlocal Agreement, the Communication System Agreement, with the City of Dallas for the Public Safety P25 Radio System Project to provide***

unapproved

Radio Infrastructure, Programming and Support, not to exceed $70,000.00 for the first year.

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing and approval of an Ordinance readopting, ratifying, republishing and extending Ordinance No. 1385, as amended, codified as chapter 12 of the Code of Ordinances, Article IX, curfew hours for minors, for a period of three (3) years.***

Interim Chief of Police LiVigni presented the item.

Purpose of the Curfew Ordinance

- Curfew laws in Texas, more commonly known as a juvenile curfew to the public, are city ordinances that prohibit minors from being out in public past a certain time at night and early morning without an adult and during school hours without supervision.
- Our curfew ordinance is a proactive approach that addresses minors wandering the streets late at night or early in the mornings, thereby providing them less opportunity to be a victim or perpetrator of a crime.
- Ultimately, the ordinance helps reduce crime committed by minors.
- **Curfew Hours**
  - 11:00 PM to 6:00 AM – Sunday through Thursday
  - 12:01 AM to 6:00 AM – Friday and Saturday
- **Definition of Juvenile/Minor** – Any person under 17 years of age.
- **Violation(s)**
  - A minor commits an offense if he/she remains in a public place or on the premises of any establishment within the city during curfew hours.
  - A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control, allows the minor to remain in a public place or on the premises of any establishment within the city during curfew hours.
  - The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
- **Penalties**
  - The penalty for curfew ordinance violations are typically low-level misdemeanors punishable by fine, in our ordinance's case, of no more than $500.00.
  - Parents may be liable for fines assessed for a minor's curfew violation.
- **Enforcement Options**
  - Warnings
  - Sent home
  - Taken home and released to parent/guardian
  - Issued citation
  - Taken into custody
  - Any option or combination of options are permissible

Defenses to Prosecution

- Minor was accompanied by a parent or guardian
- On errand at parent or guardian's direction with no detour or stop
- In a motor vehicle involved in interstate travel
- Engaged in employment, or going to or returning from such without detour
- Involved in an emergency (as defined)

unapproved

- On sidewalk abutting minor's residence or that of an immediate neighbor if the neighbor is not complaining about the minor's presence
- Attending school, religious, or recreational activity supervised by adults and sponsored by the city, a civic organization, or similar entity, or going to or returning home from such an activity
- Exercising 1st Amendment Rights protected by the United States Constitution
- Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code

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

In favor:
Erika Browning – spoke in favor.

In opposition:
No one spoke.

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

Mayor Gordon closed the Public Hearing at 8:12 p.m.

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. Item passed.

III.5.B. ***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 2021 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 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.***

Financial Services Managing Director Atmore discussed the item.

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

III.5.C. ***Consider an Ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Duncanville, Dallas County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.***

Financial Services Managing Director Atmore stated the adoption of the Ordinance will require two readings. The first reading of the Ordinance was held on September 7, 2021 and did not require a vote or action to be taken by Council.

The agreement is effective March 1, 2022 and will end December 31, 2046
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. Item passed.

unapproved

III.5.D. ***Consider a Resolution approving Republic Waste Services of Texas, Ltd., request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 3.6% for Residential Collection and Commercial Services, effective October 1, 2021.***

Public Works Director Ramey presented the item. 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. Initial term of the Agreement is September 21, 2019 through September 20, 2026. The agreement will renew for successive 5-year periods unless terminated in advance by the City or Republic.

Section 7.2 – Annual Rate Adjustments of the Agreement provides for Republic to increase contract rates annually on 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) the U.S. City Average, as published by the U. S. Department of Labor, Bureau of Statistics ("the CPI").

On August 27, 2021, Staff received Republic's most recent request to increase the contract rate for residential by 3.6% and increase the contract rates for commercial by 3.6% based on the June 2021 CPI All-Urban "Water and Sewer and Trash Collection Services" with rates effective October 1, 2021.

For reference:

- June CPI-All = 5.4%
- June CPI-Garbage Trash Collection = 4.1%

Rate Summary

- Impact to City Solid Waste Collection Contract:

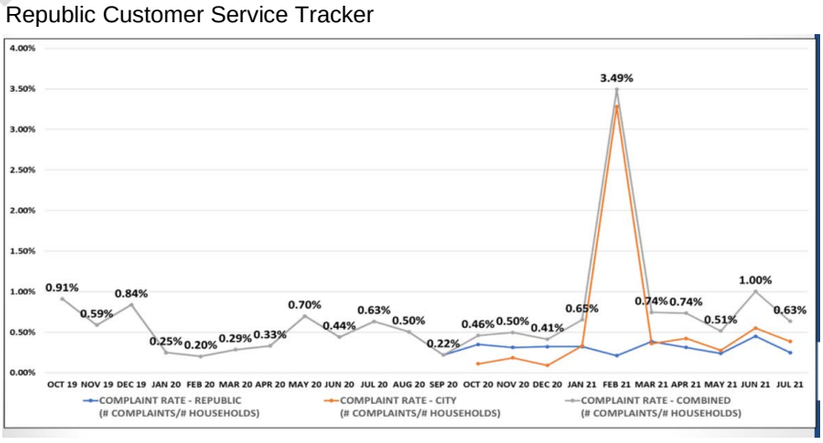
Residential Collection	Proposed FY22	Current FY21	Difference
Residential Trash (2/Wk)	$10.41	$10.05	+$0.36
Residential Recycling (1/Wk)	$5.56	$5.37	+$0.19
Residential Bulk/Brush (10 CY,2/Mo)	$3.17	$3.06	+$0.11
Total Residential /Month	$19.14	$18.48	+$0.66

- Impact to residents in Master Fee Schedule:

Type	Proposed FY22	Current FY21	Difference
Single Family/Duplex/Multi – Curbside Svc	$24.36**	$24.36**	No Change
Single Family/Duplex/Multi – Alley Service	$30.54**	$30.54**	No Change

** Rate covers: Solid Waste Collection, Landfill, Alley CIP Projects, HHW, Operation Clean Duncanville, Sanitation Admin

Republic Customer Service Tracker



General Manager Scott Hemphill, Republic Services spoke on residential trends and fuel costs.

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

Mayor Gordon recessed Regular Session at 8:51 p.m. for Council to attend Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 8:55 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 Govt Code to seek legal advice from the City Attorney regarding pending litigation to wit: City of Duncanville v. EON Reality, Cause No. DC-21-00095 filed in the District Court 134th Judicial District Dallas, Texas."***

II.2 ***"City Council shall convene into a closed executive session pursuant to section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney on a motion to reconsider Resolution Number 2021-067 concerning appointment of a member of the North Central Texas Housing Board of Directors".***

The Council closed the Executive Session at 9:30 p.m.

Mayor Gordon reconvened Regular Session at 9:34 p.m.

III.5.E. ***Consider a motion to reconsider a Resolution of appointing a member to the North Central Texas Housing Finance Corporation (NCTHFC) for a term of ____ ( ) years and determine Duncanville Appointee.***
Item requested by Councilmember McBurnett.

Councilmember McBurnett stated after more thought he feels the appointee should be a current Councilmember with a shorter-term limit.

Councilmember Don McBurnett made a motion to reconsider a Resolution appointing a member to the North Central Texas Housing Finance Corporation. Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremey Koontz). Item passed.

III.5.F. ***Consider a Resolution of appointing _____ as a member to the North Central Texas Housing Finance Corporation (NCTHFC) for a term of ____ ( ) years.***
Councilmember Contreras nominated Mayor Pro Tem Harvey for a term of two years.

Councilmember Koontz nominated Johnette Jameson for a term of two years.

Mayor Gordon asked Council to vote green for Mayor Pro Tem Harvey and red for Johnette Jameson.

Council voted; six green lights for Mayor Pro Tem Harvey (Mayor Gordon, Councilmember Veracruz, Councilmember McBurnett, Mayor Pro Tem Harvey, Councilmember Cooks, and Councilmember Contreras) and one red light for Johnette Jameson (Councilmember Koontz).

Mayor Pro Tem Harvey was appointed as a member to the North Central Texas Housing Finance Corporation for a term of two years.

III.5.G. ***Consider a motion to reconsider a Resolution nominating a candidate for Board of Directors of the Dallas Central Appraisal District (DCAD).***
Item requested by Councilmember Cooks.

Councilmember Cooks stated he would like the Resolution to be reconsider because he did not explain his reasonings on why he wanted to be appointed.

unapproved

Councilmember Mark D. Cooks made a motion to reconsider a Resolution nominating a candidate for Board of Directors of the Dallas Central Appraisal District. Councilmember Don McBurnett Veracruz seconded the motion. The vote was cast 5 for 2 against (Mayor Barry L. Gordon and Councilmember Jeremy Koontz). Item passed.

III.5.H. ***Consider a Resolution nominating a candidate for Board of Directors of the Dallas Central Appraisal District (DCAD).***
Councilmember Contreras nominated Councilmember Cooks.

Councilmember Koontz nominated Michael Hurtt.

Mayor Gordon asked Council to vote green for Councilmember Cooks and red for Michael Hurtt.

Council voted; three green lights for Councilmember Cooks (Mayor Pro Tem Harvey, Councilmember Cooks, and Councilmember Contreras) and four red lights for Michael Hurtt (Mayor Gordon, Councilmember Veracruz, Councilmember McBurnett, and Councilmember Koontz).

Michael Hurtt was appointed as a candidate for the Board of Directors of the Dallas Central Appraisal District.

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

III.6. STAFF AND BOARD REPORTS

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

I.2.C. ***Discussion on the new Firearms Carry Act.***
City Attorney Hager presented the item.

IV. <u>ADJOURNMENT</u>

The meeting was adjourned at 10:51 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

unapproved

Duncanville City Council Meeting Minutes
Special Meeting – Workshop Agenda
Thursday, October 14, 2021

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Thursday, October 14, 2021, at 5:31 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 – 5:34 p.m.
Councilmember Joe Veracruz – 5:40 p.m.
Councilmember Don McBurnett
Councilmember Jeremey Koontz
Councilmember Mark D. Cooks - 5:34 p.m.
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 Thursday, October 14, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

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

To speak during Citizen Comments, you must register with the City Secretary before 4:00 pm on Wednesday, October 13, 2021, email citysecretary@duncanville.com and title the email "Public Comment – October 14th". You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_D0tOoOmeTha57NMWI8GtIg

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.

1. **CALL TO ORDER.**

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

3. **DISCUSS PROPOSED IDEAS ON ARPA FUNDS AND SEEK COUNCIL INPUT.**
   Budget Analyst Otey presented the item.

   Council questioned when the funds needed to be spent by.

   City Manager Ferrell-Benavides stated by the year 2026.

   Mayor Gordon requested updates with Quarterly Status Reports.

ADJOURNMENT

The meeting was adjourned at 6:10 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Special Meeting
Monday, November 8, 2021

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Monday, November 8, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:

Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey – absent
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremey Koontz – 6:02 p.m.
Councilmember Mark D. Cooks
Councilmember Greg Contreras

1. CALL TO ORDER.

2. RECEIVE PUBLIC COMMENTS.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Monday, November 8, 2021, email citysecretary@duncanville.com and title the email "Public Comment – November 8th.

Patricia Ebert, 115 South Greenstone Lane – submitted on comment on the Neighborhood Vitality Commission.

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

- Board of Adjustment
- Duncanville Community and Economic Development Corporation Board (DCEDC)
- Library Advisory Board
- Sign Control Board
- Keep Duncanville Beautiful Board

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

Mayor Gordon recessed the meeting at 7:11 p.m.
Mayor Gordon reconvened the meeting at 7:20 p.m.

Mayor Gordon recessed Regular Session at 8:20 p.m.

5. EXECUTIVE SESSION

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

Executive Session was called into session at 8:20 p.m. and Mayor Gordon read the item into record.

The Council closed the Executive Session at 9:02 p.m.

6. RECONVENE INTO OPEN SESSION

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

Mayor Gordon reconvened Regular Session at 9:04 p.m.

No action taken.

UNAPPROVED

7. Consider the Approval of Minutes.

- 2021-07-20 - City Council - Minutes – UNAPPROVED
- 2021-07-26 - Board and Commission - Minutes – UNAPPROVED
- 2021-07-27 - Board and Commission - Minutes – UNAPPROVED
- 2021-08-03 - City Council - Minutes – UNAPPROVED
- 2021-08-09 - Board and Commission - Minutes – UNAPPROVED
- 2021-08-10 - Budget Workshop - City Council - Minutes – UNAPPROVED
- 2021-08-10 - Special Meeting - City Council - Minutes – UNAPPROVED
- 2021-08-31 - Special Meeting - City Council - Minutes – UNAPPROVED

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 (Mayor Pro Tem Harvey absent). Item passed.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Special Meeting - City Council Planning Retreat
Thursday, November 11, 2021 – Saturday, November 13, 2021

CALL TO ORDER
A special meeting of the Duncanville City Council was called to order on Thursday, November 11, 2021 through Saturday, November 13, 2021 at Hilton Dallas Rockwall Lakefront – 2055 Summer Lee Drive, Rockwall, TX 75032 with a quorum to wit:

Thursday, November 11, 2021 5:30 P.M. – 9:00 P.M.

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

1. CALL TO ORDER.
The Council Retreat was called to order on November 11, 2021 at 6:15 p.m.

WORKSHOP ITEMS ONLY: NO ACTION WILL BE TAKEN: EACH OF THE ITEMS LISTED BELOW MAY BE DISCUSSED DURING EITHER SESSION.

- Discuss, review and update as needed the City Council's vision and missions.
- Discuss revisions, additions or deletions to the Capstone priority areas, or objectives necessary to achieve this future vision.
- Discuss other topics including City Council Meeting Processes and Procedures, Economic Development, Strategic Properties, Boards and Commissions, and Broadcasting citizen comments during Election periods.
- Social breakfast, lunch, and dinner.

Mike Conduff, the Elim Group conducted the Council Retreat.

Topics discussed: Economic Development, Redistricting, Strategic Plan, and Project Overviews.

The Retreat was adjourned on Thursday, November 11, 2021 at 9:10 p.m.

Friday, November 12, 2021 8:00 A.M. – 5:30 P.M.

COUNCIL PRESENT:
Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremey Koontz
Councilmember Mark D. Cooks – 3:00 p.m.
Councilmember Greg Contreras

1. CALL TO ORDER.
The Council Retreat was called to order on November 12, 2021 at 9:00 a.m.

WORKSHOP ITEMS ONLY: NO ACTION WILL BE TAKEN: EACH OF THE ITEMS LISTED BELOW MAY BE DISCUSSED DURING EITHER SESSION.

- Discuss, review and update as needed the City Council's vision and missions.
- Discuss revisions, additions or deletions to the Capstone priority areas, or objectives necessary to achieve this future vision.
- Discuss other topics including City Council Meeting Processes and Procedures, Economic Development, Strategic Properties, Boards and Commissions, and Broadcasting citizen comments during Election periods.
- Social breakfast, lunch, and dinner.

Mike Conduff, the Elim Group conducted the Council Retreat.

UNAPPROVED

Topics discussed; DiSC assessments, Council Visions, Rules and Procedures, Roles of Council, Protocols of Council, Engaging Citizens, Engagement Calendar with funds associated, and a Vision Statement.

The Retreat was adjourned on Friday, November 12, 2021 at 5:16 p.m.

Saturday, November 13, 2021 7:30 A.M. – 9:00 A.M.

COUNCIL PRESENT:
Mayor Barry L. Gordon – left at 8:25 a.m.
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz - absent
Councilmember Don McBurnett
Councilmember Jeremey Koontz
Councilmember Mark D. Cooks
Councilmember Greg Contreras - absent

CALL TO ORDER.
The Council Retreat was called to order on November 13, 2021 at 7:35 a.m.

WORKSHOP ITEMS ONLY: NO ACTION WILL BE TAKEN: EACH OF THE ITEMS LISTED BELOW MAY BE DISCUSSED DURING EITHER SESSION.

- Discuss, review and update as needed the City Council's vision and missions.
- Discuss revisions, additions or deletions to the Capstone priority areas, or objectives necessary to achieve this future vision.
- Discuss other topics including City Council Meeting Processes and Procedures, Economic Development, Strategic Properties, Boards and Commissions, and Broadcasting citizen comments during Election periods.
- Social breakfast, lunch, and dinner.

Mike Conduff, the Elim Group conducted the Council Retreat.

Topics discussed; Vision Statement, and Mission and Pillars.

Council concluded to reschedule a Special Meeting with Mr. Conduff, to discuss one Council Pillar at upcoming Council Meetings, and to have a Special Meeting on the Council Rules and Procedures.

The Retreat was adjourned on Saturday, November 13, 2021 at 5:16 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, November 16, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, November 16, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

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

COUNCIL ARRIVING AT: Councilmember Joe Veracruz – 6:03 p.m.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Item 4H - 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). Mayor Gordon questioned that if we do not use the services, we have to pay. City Manager Ferrell-Benavides stated we pay as we go.

Item 4L was moved to Individual Consideration.

Item 4N and Item 5D are tabled.

I.2. BRIEFINGS / PRESENTATIONS

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

Interim Chief of Police LiVigni presented the item. The City of Duncanville's Ordinance is broad enough for some allowance of discretion, while the Disorderly Conduct offense of the Texas Penal Code provides a very objective measure. Regardless of City Council's desire to keep the status quo or amend to some degree, an education campaign should begin concerning our noise ordinance.

Councilmember Contreras voiced his concerns on what is considered acceptable by each Officer, and it may not be consistent and feels the Ordinance is too broad.

Council asked staff to consider incorporating certain prohibitions and exceptions into the ordinance.

I.2.B. ***Banking Below 30" and "Procurement for Minority/Women-owned Business Enterprise (MWBE) and Veterans.***
Item requested by Councilmember Cooks.
Item tabled.

I.2.C. ***Discuss Annual City Council Calendar.***
Item was moved to after Individual Consideration.

Executive Session was moved until after Staff and Board Reports.

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

unapproved

II. EXECUTIVE SESSION

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.076 of the Texas Government Code, to deliberate the deployment and implementation of security devices or personnel for Duncanville City Hall."***

Item moved until after Executive Session.

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 7:07 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem Harvey

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

III.1. REPORTS

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

Mayor Gordon invited all citizens to attend:

Coffee with the Mayor
December 1, 2021
Senior Center
8:30 a.m.

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

Councilmember Cooks spoke on the Veterans Day event and stated Meet, Connect & Learn was canceled due to the holidays.

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

City Manager Ferrell-Benavides invited all citizens to attend:
The Annual Christmas Parade and Tree Lighting
Saturday, December 4, 2021
6:00 p.m.

3rd Annual Turkey Blitz
Duncanville Fieldhouse
Monday, November 22, 2021
10:00 a.m.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. ***Recognition of Aretha Ferrell-Benavides on being selected for the 2021 Class of Academy Fellows by The National Academy of Public Administration.***

Rita Cooks presented the award to City Manager Ferrell-Benavides.

III.2.B. ***Recognition of the Mayor's Champions of the City.***

Mayor Gordon recognized Ken and Pat Weaver.

III.2.C. ***Presentation of the Keep Duncanville Beautiful November 2021 Business Beautification Award Plaque and Proclamation to Champions Cove located at 1600 S. Main Street.***

Mayor Gordon read the Proclamation.

III.2.D. ***Proclamation designating November 6, 2021 as "Arbor Day" in Duncanville.***

Councilmember McBurnett presented the proclamation.

III.2.E. ***Proclamation recognizing November, 2021 as Native American Heritage Month.***

Councilmember Cooks presented the proclamation.

III.2.F. ***Proclamation designating November 27, 2021, as "Small Business Saturday".***

Councilmember Koontz presented the proclamation.

unapproved

III.3. CITIZENS' INPUT

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

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

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

Marci Buck, 1310 Green Hills Rd. – spoke a comment on the Ladd Property.

E.J. Sharp, 402 Swan Ridge – spoke on Ten Mile Creek.

J. Reece Edwards, 226 Mizell St. – spoke on the Ladd Property and yard maintenance and Code Enforcement.

John Wentz, 402 Cardinal Creek – spoke on the Ladd Property.

Jan Hyman, 1002 Greenway Circle – submitted a comment on the Ladd Property.

Betty Taylor – submitted a comment on the Ladd Property.

JF Davis – submitted a comment on opposition to an AirBnB in Greenbriar.

Thomas Lackey – submitted a comment on the Ladd Property.

Wendy King – submitted a comment on the Ladd Property.

Dr. Melinda J. Velez – submitted a comment on the Ladd Property.

Robert Crawford – submitted a comment on the Ladd Property.

Sherry Sanders, 723 Villa Creek – submitted a comment on the Ladd Property.

Myra Lummus – submitted a comment on the Ladd Property.

Lisa Hartman – submitted a comment on the Ladd Property.

Denise Wynn – submitted a comment on the Ladd Property.

Kadeem Collins – submitted a comment on the Ladd Property.

Ernest Sharp, 402 Swan Ridge Dr. – submitted a comment on Ten Mile Creek.

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on Item 4E.

Alyce Rodriguez, 1207 Wellington Drive – submitted a comment on the Ladd Property.

III.4. CONSENT AGENDA

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

III.4.A. ***Consider a Resolution authorizing the fourth renewal option with Shawnee Mission Tree Service, Inc. dba Arbor Masters Tree Service, using the City of Grapevine contract #454-2017, for tree maintenance services for an estimated amount up to $85,000.00. All other pricing, terms, and conditions of Contract 454-2017 remain unchanged.***

unapproved

III.4.B. ***Consider a Resolution approving the terms and conditions of an Interlocal Agreement by and between City of Duncanville and Region 8 Education Service Center through a program known as the Interlocal Purchasing System (TIPS).***

III.4.C. ***Consider a Resolution authorizing purchase of Library Materials (Books) from Brodart Company through the COOP Texas SmartBuy contract #715-M2, with an estimated expenditure amount of $65,000.00.***

III.4.D. ***Consider a Resolution authorizing the annual procurement for the senior meal program with Visiting Nurse Association of Texas, using interlocal cooperative contract with the City of Grand Prairie contract #17124, with an estimated amount of $200,000.00 for the FY 2022.***

III.4.E. ***Consider a Resolution authorizing the terms and conditions of professional services agreement PSA #21-052 for Interim Finance Director services, in an amount not to exceed $53,000.00 with Strategic Government Resources.***

III.4.F. ***Consider a Resolution authorizing the procurement of water bill printing and mailing services with DataProse, LLC, in the unit amounts bid through the City of Allen contract #2019-6-61 with an annual estimated expenditure of $119,000.***

III.4.G. ***Consider a Resolution authorizing the purchase of Emergency Medical Supplies from Bound Tree Medical Products, Inc., through the City of Midlothian Contract 2020-28 for the unit price bid with an estimated expenditure amount of $75,000.00.***

III.4.H. ***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.I. ***Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-3220011 for Engineering Consulting Services Design of Ten Mile Creek Erosion Control Improvements with Burgess & Niple, Inc., in the proposed amount of $165,060.00.***

III.4.J. ***Consider a Resolution authorizing the third renewal of the term contract for IFB #18-052 Street Sweeping Services from Sweeping Services of Texas, Operating L.P. of Hurst, Texas, with an estimated expenditure amount of $86,000.00***

III.4.K. ***Consider a Resolution awarding a bid and approving a contract for the purchase of Security System Cabling, IP Cameras, and related equipment from VTI Security, through the State of Minnesota Cooperative Purchase Contract Number 93104 with Current Amendment No. 04 in an amount not to exceed $125,501.36.***

III.4.L. ***Consider a Resolution approving a Grant of Hotel Occupancy Tax in the amount of $45,000.00 to the Duncanville Lions Club to directly enhance and promote tourism and the hotel industry***
Item moved to Individual Consideration.

III.4.M. ***Consider a Resolution approving a Grant of Hotel Occupancy tax in the amount of $50,000 to the Great American Shoot-Out (GASO) to directly enhance and promote tourism and the hotel industry.***

III.4.N. ***Consider Resolution approving a Grant of Hotel Occupancy Tax in the amount of $18,000.00 to the Duncanville Chamber of Commerce to directly enhance and promote tourism and the Hotel Industry; conditional upon approval in the FY 21-22 Budget.***
Item tabled until the December 7, 2021 City Council Regular Meeting.

III.4.O. ***Consider an Ordinance amending the Master Fee Schedule for the Fiscal Year 2021-2022 as shown in Exhibit A.***

III.4.P. ***Consider a Resolution approving a Grant of Hotel Occupancy Tax in the amount of $45,000.00 to the Duncanville Lions Club to directly enhance and promote tourism and the hotel industry***

{Item 4L was moved to Individual Consideration.}

Unapproved

{Item 4N was tabled until the December 7, 2021
City Council Regular Meeting.}

Mayor Pro Tem Patrick Harvey 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 (2021-25) to consider adoption of an ordinance to grant a Specific Use Permit "SUP" to allow for Drive-Thru on the SFW-Fair North Addition, Block A, Lot 1, Approximately 1.87 acres, more commonly known as 511 E Camp Wisdom Road, City of Duncanville, Dallas County, Texas; and more particularly described in Exhibit A, providing for special conditions, and providing an effective date.***
City Planner Thibodeaux presented the item.

Request:
Keara Taylor, applicant, representing Saul Waranch, Owner, are requesting approval of a Specific Use Permit "SUP" for a drive-thru on approximately 1.869 acres, more commonly known as 511 East Camp Wisdom Road City of Duncanville, Dallas County, Texas.

Project Scope:
- Request to allow a drive-thru to be used in conjunction with a snow cone shop.
- The site has an existing area for a drive-thru that was previously used in conjunction with an ice vending kiosk.
- The use of the drive-thru has been abandoned and requires approval of the requested SUP.
- Site parking and stacking requirements are in conformance with relative standards.

Comprehensive Plan:
- Future Land Use Plan Map designates property within Opportunity Area 6.
- The plan recognizes Area 6 as "a significant northern gateway into downtown."
- The plan envisions upscale retail/commercial and entertainment uses.
- The plan notes there are "several underutilized parcels." This request involves the reuse of an area of one of these types of parcels.

Notification:
Eleven (11) notices were sent out for this public hearing. As of this today, no responses have been received for or against the item.

Planning & Zoning Recommendation:
At the October 25, 2021, Planning & Zoning Commission Meeting, the Commission recommended approval of the requested SUP by unanimous vote with no additional conditions.

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

In favor:
No one spoke.

Opposed:
No one spoke.

Councilmember Mark D. Cooks made a motion to close the Public Hearing, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

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

unapproved

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremey Koontz).

III.5.B. ***Conduct a Public Hearing (2021-26) and consider an ordinance to grant a Specific Use Permit "SUP", approximately 0.99 acre, more commonly known as 608 E. Highway 67, City of Duncanville, Dallas County, Texas as described in Exhibit A; providing for special conditions and providing for an effective date.***

City Planner Thibodeaux presented the item.

Request:

Paul Pihlstrom, applicant, representing Angelo Thompson, owner, is requesting to include a Specific Use Permit "SUP" to allow for the use of Commercial, General on Torres Taxidermy, Block 1, Lot 1, approximately 0.99 acres, more commonly known as 608 East Red Bird Lane, City of Duncanville, Dallas County, Texas.

Project Scope:

- Request to allow for the use of Commercial, General.
- Use was misclassified by staff in the review phase of the Certificate of Occupancy (CO) back in August of 2020.
- CO was issued by Building Official in May of 2021 after several required site improvements passed inspection.

Comprehensive Plan:

- Future Land Use Plan Map designates property within Opportunity Area 2.
- Plan recognizes Area 2 as "a key gateway into the City."
- Plan envisions "high quality interstate/highway commercial development along US 67."
- Request involves the reuse of the existing structure and site improvements on the subject property.

Notification:

Seven (7) notices were sent out for this public hearing. As of this today, no responses have been received for or against the item. However, a petition has been received from neighboring properties (copies have been provided to the commission).

Planning & Zoning Recommendation:

At the October 25, 2021, Planning & Zoning Commission Meeting, the Commission recommended approval of the requested SUP by a vote of 4-2 with the following condition:

1. The SUP shall be renewed after five (5) years following the adoption of the SUP Ordinance.

Mayor Gordon opened the Public Hearing at 8:16 p.m.

In favor:
Jennifer Pihlstrom – spoke on the business.

Councilmember Contreras questioned if the vehicles are considered outdoor storage.

Ms. Pihlstrom stated the vehicles are only parked over night and on the weekends. The products are dropped directly to the customers and not store at their location.

Mr. Pihlstrom, owner stated all vehicles are gone during the day.

Opposed:
Gary Burt, 602 HWY 67 – spoke.
Lemesa Logan, 1107 Cockrell Hill.

unapproved

Clayton Logan, 1411 S. Cockrell Hill.

Randy Wayne, 706 HWY 67.

Mayor Pro Tem Patrick Harvey made a motion to close the Public Hearing, Councilmember Mark D. Cooks seconded the motion. The vote was cast 7 for, 0 against. Item passed.

Mayor Gordon closed the Public Hearing at 8:30 p.m.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 2 for, 5 against (Mayor Pro Tem Patrick Harvey, Councilmember Joe Veracruz, Councilmember Jeremey Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras). Item failed.

III.5.C. ***Conduct a Public Hearing (2021-27) to consider adoption of an ordinance to grant a Specific Use Permit "SUP" to allow for Print Shop on approximately 0.14 acre of real property located at 1310 S. Main St. City of Duncanville, Dallas County, Texas; and more particularly described in Exhibit A, providing for special conditions, and providing an effective date.***

City Planner Thibodeaux presented the item.

Request:

Jeffrey Christman, applicant and owner has requested to include a Specific Use Permit "SUP" to allow for the use of Print Shop on The Chapman Addition, Lot 5, approximately 0.14 acre, more commonly known as 1310 South Main Street, City of Duncanville, Dallas County, Texas.

Project Scope:

- Request to allow for use of Print Shop.
- Subject property formerly used as a sign manufacturing business.
- Site intended to be reused "as is" with no proposed structural or site improvements.
- Existing parking is in conformance with requirement associated with proposed print shop.

Comprehensive Plan:

- Future Land Use Plan Map designates property within the Main Street District.
- Plan recognizes the District as being "a mixed-use activity hub, but more auto-oriented."
- Plan envisions "high quality commercial…to capitalize on the Fieldhouse."
- Print shops provide goods and services such as customizing athletic apparel and other personalized items.

Notification:

Twenty-two (22) notices were sent out for this public hearing. As of today, one response has been received in favor of the item.

Planning & Zoning Recommendation:

At the October 25, 2021, Planning & Zoning Commission Meeting, the Commission recommended approval of the requested SUP by unanimous vote with no additional conditions.

Mayor Gordon opened the Public Hearing at 8:41 p.m.

In favor:
Jeffrey Christman, applicant – spoke on the business.

Opposed:
No one spoke.

unapproved

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. Item passed.

Mayor Gordon closed the Public Hearing at 8:43 p.m.

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

III.5.D. ***Consider a Resolution casting the City Council of the City of Duncanville's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District (DCAD).***
Item pulled until the December 7, 2021 Regular City Council Meeting.

III.5.E. ***Consider appointments to various Boards and Commissions including Board of Adjustment, Duncanville Community and Economic Development Corporation Board (DCEDC), Keep Duncanville Beautiful Board, Library Advisory Board, Sign Control Board and the TIF (Tax Increment Financing Reinvestment Zone Number One).***
City Secretary Downs read the appointed names.

Sign Control Board	
Karen Cherry	November 2021-2022
Steve Corley	November 2021-2023
Nichelle Barabin	November 2021-2023

DCEDC	
Kadeem Collins	November 2021-2022

Zoning Board of Adjustment	
LaVaughn Washington	November 2021-2023
Greg Zylka	November 2021-2023

Library Advisory Board	
Erika Browning	November 2021-2023
Katherine Reeves	November 2021-2023

KDB	
Liz Smith	November 2021-2023
Jim Gilbert	November 2021-2023
Gale Sliger	November 2021-2023

TIF	
Chad Beach	November 2021-2023

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

III.5.F. ***Consider an Ordinance creating Classified Positions under Civil Service in the Police and Fire Departments; providing for a Pay Scale under Civil Service.***
HR Director Siegel and Interim Police Chief LiVigni presented the item.

unapproved

CLASSIFIED POSITIONS UNDER CIVIL SERVICE

- **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	48

- **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
F5	Fire Engineer	6
F6	Fire Fighter	33

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	$ 119,913	$ 124,912	$ 129,911	$ 134,909			
P2	Police Lieutenant	$ 97,840	$ 101,619	$ 105,399	$ 109,178			
P3	Police Sergeant	$ 85,482	$ 87,357	$ 91,273	$ 94,166			
P4	Police Officer (No Previous Experience)	$ 60,979	$ 63,442	$ 65,900	$ 68,360	$ 70,819	$ 73,278	$ 78,023
P4	Police Officer (1 year Credited Previous Experience)	$ 63,442	$ 63,442	$ 65,900	$ 68,360	$ 70,819	$ 73,278	$ 78,023
P4	Police Officer (2 year Credited Previous Experience)	$ 65,900	$ 65,900	$ 65,900	$ 68,360	$ 70,819	$ 73,278	$ 78,023
P4	Police Officer (3 year Credited Previous Experience)	$ 68,360	$ 68,360	$ 68,360	$ 68,360	$ 70,819	$ 73,278	$ 78,023
P4	Police Officer (4 year Credited Previous Experience)	$ 70,819	$ 70,819	$ 70,819	$ 70,819	$ 70,819	$ 73,278	$ 78,023
P4	Police Officer (5 year Credited Previous Experience)	$ 73,278	$ 73,278	$ 73,278	$ 73,278	$ 73,278	$ 73,278	$ 78,023

The annual pay scale for each of the above-captioned classified positions shall be as follows:

FIRE DEPARTMENT
Time in Position with Duncanville

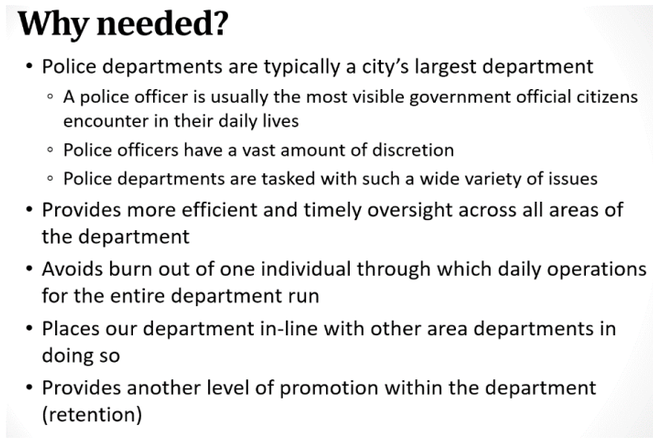
		START	1 YR	2 YR	3 YR	4 YR	5 YR	6 YR
F1	Assistant Fire Chief	$ 121,795	$ 126,031	$ 130,267	$ 134,504			
F2	Division Chief - EMS	$ 113,700	$ 118,249					
F3	Battalion Chief	$ 99,565	$ 103,172	$ 106,781	$ 110,387			
F3	Fire Marshal/Battalion Chief	$ 99,565	$ 103,172	$ 106,781	$ 110,387			
F4	Fire Captain	$ 87,106	$ 90,268	$ 93,428	$ 96,590			
F5	Fire Engineer	$ 78,553	$ 80,468	$ 82,382	$ 84,311			
F6	Firefighter (No Previous Experience)	$ 61,014	$ 62,943	$ 64,873	$ 66,804	$ 68,734	$ 70,664	$ 75,898
F6	Firefighter (1 year Credited Previous Experience)	$ 62,943	$ 62,943	$ 64,873	$ 66,804	$ 68,734	$ 70,664	$ 75,898
F6	Firefighter (2 year Credited Previous Experience)	$ 64,873	$ 64,873	$ 64,873	$ 66,804	$ 68,734	$ 70,664	$ 75,898
F6	Firefighter (3 year Credited Previous Experience)	$ 66,804	$ 66,804	$ 66,804	$ 66,804	$ 68,734	$ 70,664	$ 75,898
F6	Firefighter (4 year Credited Previous Experience)	$ 68,734	$ 68,734	$ 68,734	$ 68,734	$ 68,734	$ 70,664	$ 75,898
F6	Firefighter (5 year Credited Previous Experience)	$ 70,664	$ 70,664	$ 70,664	$ 70,664	$ 70,664	$ 70,664	$ 75,898

Best Southwest Cities' Police Department Staffing

BEST SOUTHWEST CITIES' POLICE DEPARTMENT STAFFING LEVELS

	CEDAR HILL	DESOTO	DUNCANVILLE	LANCASTER
AUTHORIZED SWORN	71*	80	60	66
ACTUAL SWORN	70	73	56	56
SWORN POSITIONS CAPT - ASST CHIEF	3	3	1	2
% OF EXEC-LEVEL POSITIONS OF AUTHORIZED SWORN	4.16%	3.75%	1.66%	3.03%
POPULATION	49,148	56,145	40,706	41,275

*Authorized to hire to over authorized sworn staffing to account for lengthy training time of most new hires



Why needed?

- Police departments are typically a city's largest department
  - A police officer is usually the most visible government official citizens encounter in their daily lives
  - Police officers have a vast amount of discretion
  - Police departments are tasked with such a wide variety of issues
- Provides more efficient and timely oversight across all areas of the department
- Avoids burn out of one individual through which daily operations for the entire department run
- Places our department in-line with other area departments in doing so
- Provides another level of promotion within the department (retention)

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

III.5.G. ***Consider an Ordinance amending Chapter 12 (Miscellaneous Offenses and Provisions); by adding Article XXVI (Mobile Food Vendors and Food Trucks).***

City Planner Thibodeaux presented the item.

The proposed ordinance consists of the following:

- Requirements for all Mobile Food Vendors.
- Performance standards for vendors operating on private property and construction sites.
- Application requirements.
- Permitting fees and language for permit revocation and appeal.
- Inspection requirements.

Councilmember Cooks requested that the food trucks food scores are posted and visible for citizens.

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

III.5.H. ***Consider a Resolution supporting and adopting the City of Duncanville Investment Policy.***

Tim Panon, Valley View Consulting, presented the report.

Public Funds Investment Act (PFIA)

- The governing body of an investing entity **shall adopt** by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.
- The governing body of an investing entity shall review its investment policy and investment strategies **not less than annually**. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies. The adopted, written instrument shall record any changes made to the investment policy or investment strategies.

Investment Policy Review and Adoption

- Contains minor wording changes
- Some minor modifications include, but are not limited to:

Changes to Section 5 regarding investment responsibility and delegation of authority

Deletion of a paragraph in Section 7 regarding diversification

Substitution of the words "City" for "Investment Officer" in Section 6.1.5 to comply with PFIA

unapproved

- Other Changes:

Only fully collateralized direct repurchase agreements with the City's ~~Bank~~ Primary Depository are authorized City investments.
Page 9 – Sections on Investment Strategy deleted and moved to Attachment A
Page 12 – Title changes from Director of Finance-to-Finance Director.
Attachment A - Historical market "spreads" between the bid and offer prices of a particular security type of less than a ~~quarter of a percentage point~~ ten basis points will define an efficient secondary market. (4 occurrences in Attachment A)

- Changes Continued…
  Page 10, Section 10:

10. **SAFEKEEPING AND COLLATERALIZATION**

10.1 **Safekeeping and Collateralization.** All securities owned by the City shall be held by a third-party safekeeping agent selected by the City. The collateral for ~~bank~~ financial institution deposits will be held and pledged to the City in the ~~bank's~~ institution's trust department, in a Federal Reserve Bank account in an account in the City's name, or a third-party custodian~~bank~~, at the City's discretion. ~~Original safekeeping~~Pledge receipts shall be obtained and held by the City. ~~The City shall contract with a bank or banks for the safekeeping of securities either owned by the City as part of its investment portfolio or held as collateral to secure uninsured deposits.~~

Overall Investment Policy is in good shape, only needing minor adjustments to keep it up to date with current PFIA standards and evolving terminology.

Council requested the item be tabled until the December 7, 2021 Regular City Council meeting for Staff to make changes.

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

Item 6C was moved.

III.6.C. ***Receive the Fiscal Year 2021 Fourth Quarter Investment Report as of September 30, 2021.***
Tim Panon, Valley View Consulting presented the Investment Report.

III.4.L. ***Consider a Resolution approving a Grant of Hotel Occupancy Tax in the amount of $45,000.00 to the Duncanville Lions Club to directly enhance and promote tourism and the hotel industry***
Councilmember Contreras requested to increase the original amount of $45,000.00 to $48,000.00.

Councilmember Cooks requested the organizer provide an addendum to Staff and Council next time.

Councilmember Greg Contreras made a motion to approve the item with an increase to $48,000.00, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

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

Council concluded.

- November 30, 2021 – Special Meeting on Redistricting
- December 7, 2021 – A Public Hearing for the citizens on Redistricting

Mayor Gordon stated Item 4N would be tabled until the December 7, 2021 Regular City Council Meeting.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 6 for, 1 against (Councilmember Don McBurnett). Item tabled.

unapproved

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

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the 2021 Comprehensive Plan Annual Report.***
City Planner Thibodeaux presented the item.

III.6.C. ***Receive the Fiscal Year 2021 Fourth Quarter Investment Report as of September 30, 2021.***
Item moved after Item 5H.

Mayor Gordon recessed Regular Session for Council to move into Executive Session at 10:22 p.m.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:28 p.m. and City Attorney Hager read the item into record.

II.1 ***"City Council shall convene into closed executive session pursuant to Section 551.076 of the Texas Government Code, to deliberate the deployment and implementation of security devices or personnel for Duncanville City Hall."***

The Council closed the Executive Session at 10:47 p.m.

Mayor Gordon reconvened Regular Session at 10:48 p.m.

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

IV. ADJOURNMENT

The meeting was adjourned at 10:48 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

unapproved

Duncanville City Council Meeting Minutes
Special Meeting
Tuesday, November 30, 2021

CALL TO ORDER

A special meeting of the Duncanville City Council was called to order on Tuesday, November 30, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

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

COUNCIL ABSENT: Mayor Pro Tem Patrick Harvey

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 Special Meeting in person and by video conference at 6:00 pm on Tuesday, November 30, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

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

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, November 30, 2021, email citysecretary@duncanville.com and title the email. "Public Comment – November 30th. You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_xFjVZ9WJRsymNWDtwcGcIg

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.

1. 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, November 30, 2021, email citysecretary@duncanville.com and title the email. "Public Comment – November 30th. 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

UNAPPROVED

comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

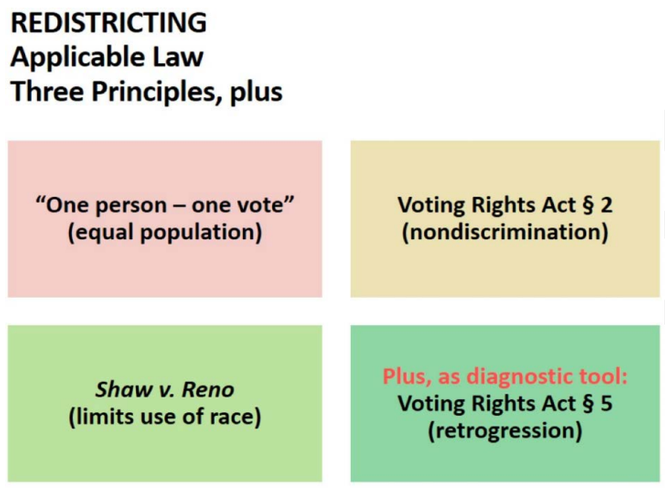
The City Secretary will still set a two-minute time limit on the comments as they are read.

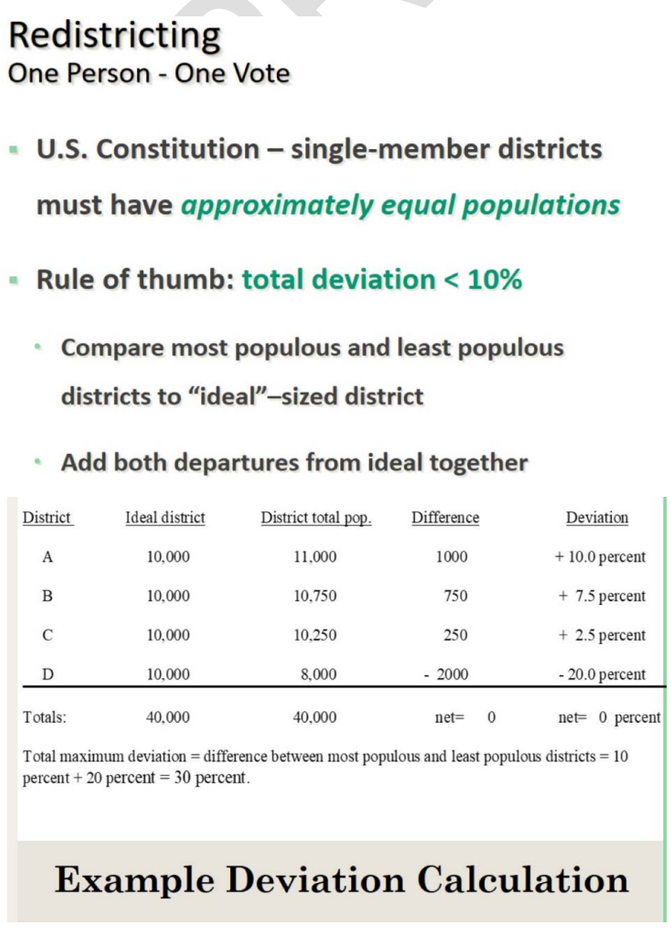
No comments.

2. REGULAR SESSION

A. Discussion on Redistricting and the City's legal obligations and adoption of redistricting principals and guidelines.

Joshua Katz, Bickerstaff Heath Delgado Acosta LLP presented the item.





Section 2 of the Voting Rights Act

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

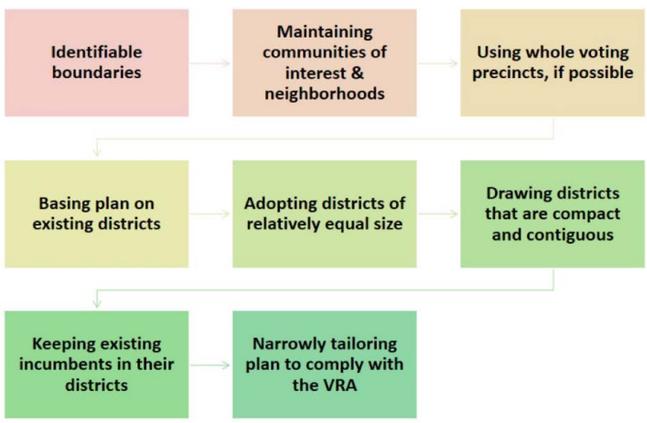
14th Amendment (*Shaw v. Reno*)

Limits race-based decision making, including redistricting

Was race the predominant consideration in drawing a redistricting plan?

If so, is the plan a *narrowly tailored* means of addressing a *compelling governmental interest*?

Adopt Criteria



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

Duncanville City Council Districts - Initial Assessment

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Summary 2020 Census Total Population

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

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

Ideal Size: 40745 / 5 = 8149

Total Population: 40,745

Overall Deviation: 12.69%

Some percentages may be subject to rounding errors.

B. Consider a Resolution establishing guidelines for persons submitting specific redistricting proposals and providing comments for use of 2021 redistricting process for places (1) one through five (5) of the City Council Single Member Districts; providing for review; providing for submission of citizen plans; providing for an effective date.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against (Mayor Pro Tem Patrick Harvey absent).

C. Consider a Resolution establishing criteria for use of 2021 redistricting process for places (1) one through five (5) of the City Council Single Member Districts; providing for review; providing for submission of citizen plans; providing for an effective date.

Joshua Katz, Bickerstaff Heath Delgado Acosta LLP, presented the item.

Mr. Katz stated his firm often advises their clients that making the simplest change necessary to fix your problem is a good idea. It meets the important criteria; keeping your existing districts, keeping incumbents in their districts, minimal impacts on minority populations within districts, allows the majority of voters to stay in their districts.

Plan A
Option A provides minimal change; 213 citizens will move from District Two to District Three.

Plan B
Option B affects District Two, District Three, and District Four, moving 187 citizens in District Four to District Three.

Plan C
Option C was produced and discussed.

Discussion on changes suggested by Councilmember Koontz resulted in an Option D with modifications to Option C.

Council concluded to bring Plans A, B, and C for Public Hearing at the December 7, 2021, Regular City Council Meeting.

City Attorney Hager recommended keeping the Plans as is and have blown up maps with the areas affected.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against (Mayor Pro Tem Patrick Harvey absent).

UNAPPROVED

ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

UNAPPROVED

Duncanville
City of Champions

STAFF REPORT

MEETING: City Council - 21 Dec 2021

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

FY 2021-2022 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

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

BACKGROUND/HISTORY:
The project includes pipebursting approximately 9,076 linear feet of substandard 6-inch and 10-inch sanitary sewer main with new High-Density Polyethylene (HDPE) sewer pipe, wastewater pipeline, and adjacent private sewer lateral replacements, appurtenances, landscaping, adding additional manholes, manhole replacement, and manhole lining. The improvements will be constructed along Briarmeade Drive, East Fairmeadows Drive, Fairmedows Circle, and various streets in the Forest Hills Addition.

Wastewater pipebursting is identified in the City's five-year capital improvements plan for wastewater system maintenance based on the age and condition of the existing infrastructure (Attachment 1). An active pipebursting program is required for compliance with the Texas Commission on Environmental Quality (TCEQ) program for mitigating Sanitary Sewer Overflows (SSO). The successful completion of the project will repair structural and capacity deficiencies of the current sewer, prevent rainwater and/or groundwater inflow and infiltration, reduce SSOs, sewage treatment costs, as well as future sewer system maintenance costs.

Vortex, headquartered in Houston, Texas, was awarded wastewater pipebursting contracts in fiscal years 2020 and 2021 through a Cooperative Purchasing Agreement using The Interlocal Purchasing System (TIPS). The contracts included the furnishing of all labor, materials, and equipment necessary to pipeburst sanitary sewer pipeline, twelve inches in diameter or less, and infrastructure and replacement of associated appurtenances and landscaping. The City was pleased with the work executed by Vortex under the previous contracts and the company's customer service-oriented culture.

The City has allocated funds for wastewater pipebursting improvements and wastewater manhole lining this fiscal year. Both wastewater pipeline and sewer manhole rehabilitation are key strategies for reducing sanitary sewer overflows as listed in the City's annual Sanitary Sewer Overflow Mitigation Plan required by the Texas Commission on Environmental Quality's, TCEQ, Sanitary Sewer Overflow Initiative.

Pipebursting is an effective and efficient method to replace failing, outdated or undersized sewer pipelines due, in part, to pipebursting not requiring excavation of the existing piping. Instead, pipebursting can be implemented through existing openings to the sewer system (such as the manholes) or through smaller insertion pits, rather than through excavation along the entire length of pipe. Because pipebursting does not require extensive excavation, it provides a method of correcting pipe deficiencies with less disturbance, less environmental degradation, and require less restoration than the traditional dig-and-replace sewer pipeline replacement method.

Manhole rehabilitation is necessary to reduce a variety of problems ranging from minor infiltration of stormwater into the wastewater manhole to major failure of the manhole. Manhole lining has been tested and proven to alleviate these problems. Manhole lining involves the preparation for and application of materials to manholes to provide strength and corrosion resistance. These unique, high-strength formulations allow spray application which helps restore the structural integrity to deteriorating manholes and provides a permanent seal against corrosion and infiltration and exfiltration into the sanitary sewer system. Excessive infiltration and exfiltration result in a less, efficient system.

The total value of the project is $999,996.25 with an appropriation of $99,999.63 for a contingency equaling ten (10) percent of the original contract price. This will be paid for with FY22 Utilities CIP funds. The Interlocal Purchasing System (TIPS) contract offers fixed discounts. Staff compared the discounted pricing received from Vortex to pricing from other jobs in the region that were competitively bid as well as the cost the City paid for under previous contracts and determined the pricing to be fair and reasonable. The contingency is appropriate for any necessary change orders.

The City of Duncanville has realized reductions in Inflow and Infiltration (I&I) to the wastewater system. As a result of the recent pipebursting projects, four of the seventeen Sanitary Sewer Overflow (SSO) sites have been eliminated. These account for some of the SSO sites which occur most frequently.

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

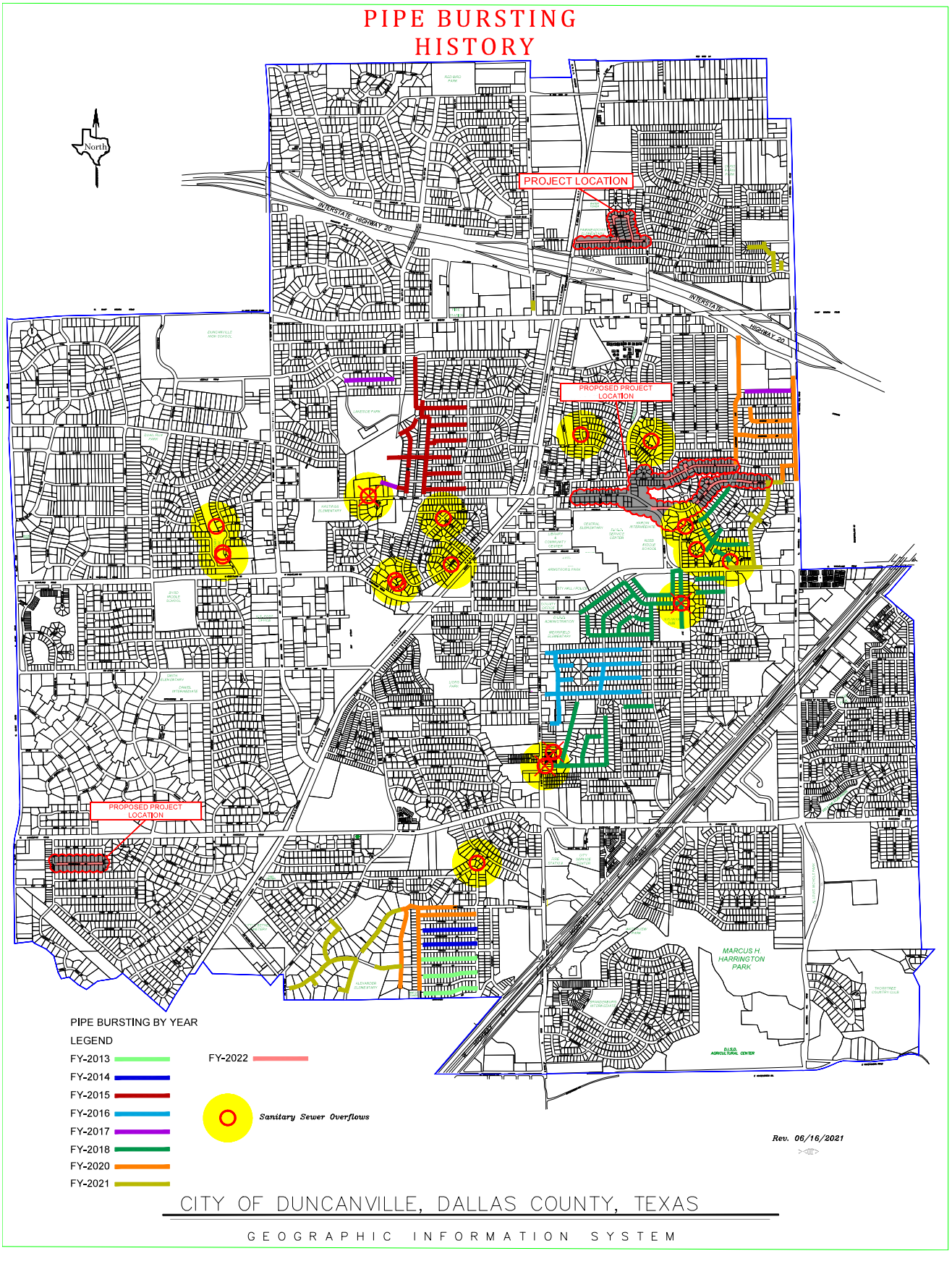
The Texas Local Government Code establishes procurement rules for municipalities regarding original contract price increase. Section 252.048 CHANGE ORDERS, Paragraph (d) states, “The original contract price may not be increased under this section by more than 25 percent. The original contract price may not be decreased under this section by more than 25 percent without the consent of the contractor.” Appropriating a ten (10) percent contingency also provides a buffer to not to exceed 25 percent of the original contract price contingency will not be added to the contract but set aside to be used as change orders are necessary.

FUNDING SOURCE:

ORG and Object Number
17400000-708102

Available Budget	**Purchase Amount**	**After Encumber**
$2,185,495.51	$999,996.25	$1,185,499.26

ATTACHMENTS:
Attachment 1 FY22 Sewer Pipe Bursting Including History
Attachment 2 - Resolution No. 2021-086 w/Exhibits - Pdf


PIPE BURSTING
HISTORY
North
PROJECT LOCATION
INTERSTATE HIGHWAY 20
I H 20
INTERSTATE
HIGHWAY 20
PROPOSED PROJECT LOCATION
PROPOSED PROJECT LOCATION
MARCUS H. HARRINGTON PARK
PIPE BURSTING BY YEAR
LEGEND
FY-2013
FY-2014
FY-2015
FY-2016
FY-2017
FY-2018
FY-2020
FY-2021
FY-2022
Sanitary Sewer Overflows
Rev. 06/16/2021
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS
GEOGRAPHIC INFORMATION SYSTEM

RESOLUTION NO. 2021-086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING A COOPERATIVE PURCHASING AGREEMENT WITH VORTEX COMPANIES VORTEX INFRASTRUCTURE HOLDINGS, LLC, USING THE INTERLOCAL PURCHASING SYSTEM (TIPS), CONTRACT #20110401 FOR WASTEWATER IMPROVEMENTS - PIPEBURSTING, FOR THE PUBLIC WORKS DEPARTMENT WITH AN ESTIMATED EXPENDITURE AMOUNT OF $999,996.25; AND AN APPROPRIATION OF $99,999.63 FOR A CONTINGENCY EQUALING TEN (10) PERCENT OF THE ORIGINAL CONTRACT PRICE FOR AN AMOUNT NOT TO EXCEED $1,099,995.88 AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary to maintain a safe and efficient water and sewer system; and

WHEREAS, the City has allocated funds for pipebursting wastewater improvements this fiscal year; and

WHEREAS, the City Council of the City of Duncanville, Texas, desires to authorize a Cooperative Purchasing Agreement with Vortex Companies Vortex Infrastructure Holdings, LLC, using The Interlocal Purchasing System (TIPS), Contract 20110401 Wastewater Improvements – Pipebursting and authorizes the execution of the necessary documents to procure said services.

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

SECTION 1. That the City Council of the City of Duncanville, Texas, does hereby award a bid and authorize an agreement for the procurement of pipebursting water improvements with Vortex Companies Vortex Infrastructure Holdings, LLC, in the estimated expenditure amount of $999,996.25 based on the pricing set forth in Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That the City Council of the City of Duncanville, Texas, does hereby appropriate $99,999.63 for a contingency equaling ten (10) percent of the original contract price.

SECTION 3. That the City Council of the City of Duncanville hereby authorizes the City Manager, or his designee, to execute the appropriate and necessary documents and/or purchase orders.

SECTION 4. 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 21st day of December, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

CONTRACTOR PRICING WORKSHEET

JOB ORDER CONTRACTING NO: **20110402**

PROJECT NAME: Duncanville - Fairmeadows, E. Center St, Cherry St, Briarmeade

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to Contract Administration @ 281-901-5336. Please type or carefully print; thank you.

				LIST PRICING		PROJECT SPECIFIC DISCOUNT	
Item	Description of Item	Est. Quant.	Unit	Unit Price	Total	Unit Price	Total
	BASE BID ITEMS						
1	Mobilization, Bond, Insurance	1	LS	$ 45,500.00	$ 45,500.00	$40,000.00	$ 40,000.00
2	Pipe Burst Existing 4,6, or 8" Sanitary Sewer With A 8.625" Sdr-19 'Ips' Gray Hdpe, Up To 10-Feet Deep	7594	LF	$ 52.00	$ 394,888.00	$44.00	$ 334,136.00
3	Pipe Burst Existing 10" Sanitary Sewer With A 12.75" Sdr-19 'Ips' Gray Hdpe, Up To 10-Feet Deep	1382	LF	$ 67.60	$ 93,423.20	$57.00	$ 78,774.00
4	Remove & Replace 8" Sanitary Sewer By Open Cut	0	LF	$ 101.40	$ -	$78.00	$ -
5	Reconnection Of 4-Inch Sanitary Sewer Service At The Main	150	EA	$ 260.00	$ 39,000.00	$200.00	$ 30,000.00
6	Reconnection Of 6-Inch Sanitary Sewer Service At The Main	0	EA	$ 390.00	$ -	$300.00	$ -
7	Extra Length 4" Service Lateral Beyond Connection	3036	LF	$ 26.00	$ 78,936.00	$22.00	$ 66,792.00
8	Extra Length 6" Service Lateral Beyond Connection	0	LF	$ 45.50	$ -	$35.00	$ -
9	Install Sanitary Sewer Double Cleanout	166	EA	$ 747.50	$ 124,085.00	$575.00	$ 95,450.00
10	Furnish & Install New 4' Diameter Manholes, 0' To 6' Depth, no coating	4	EA	$ 5,460.00	$ 21,840.00	$4,200.00	$ 16,800.00
11	Remove & Replace 4' Diameter Manholes, 0' To 6' Depth, no coating	10	EA	$ 5,850.00	$ 58,500.00	$4,500.00	$ 45,000.00
12	Furnish & Install Extra Depth For 4' Diameter Manholes, no coating	5	VF	$ 195.00	$ 975.00	$250.00	$ 1,250.00
13	Abandon Existing Manhole	0	EA	$ 780.00	$ -	$600.00	$ -
14	Furnish & Install Wastewater Access Device	10	EA	$ 1,885.00	$ 18,850.00	$1,450.00	$ 14,500.00
15	Pre-Tv And Clean 6, 8, 10 & 12" Sanitary Sewer	8977	LF	$ 4.23	$ 37,927.83	$3.25	$ 29,175.25
16	Post Tv 8-12" Sanitary Sewer, Mainline Only	8977	LF	$ 2.60	$ 23,340.20	$2.00	$ 17,954.00
17	Sprayline New Or Existing Manholes Using Spectrashield	197	VF	$ 331.50	$ 65,305.50	$270.00	$ 53,190.00

CONTRACTOR PRICING WORKSHEET

JOB ORDER CONTRACTING NO: **20110402**

PROJECT NAME: Duncanville - Fairmeadows, E. Center St, Cherry St, Briarmeade

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to Contract Administration @ 281-901-5336. Please type or carefully print; thank you.

Item	Description of Item	Est. Quant.	Unit	LIST PRICING Unit Price	LIST PRICING Total	PROJECT SPECIFIC DISCOUNT Unit Price	PROJECT SPECIFIC DISCOUNT Total
18	Flow Control Measures	1	LS	$ 9,100.00	$ 9,100.00	$7,000.00	$ 7,000.00
19	Standard Traffic Control	1	LS	$ 32,500.00	$ 32,500.00	$20,000.00	$ 20,000.00
20	Remove & Replace Asphalt Paving	810	SY	$ 195.00	$ 157,950.00	$155.00	$ 125,550.00
21	Remove & Replace Concrete Paving	100	SY	$ 266.50	$ 26,650.00	$220.00	$ 22,000.00
	Proposal BASE Total				**$ 1,228,770.73**		**$ 997,571.25**
	SUPPLEMENTAL ITEMS						
22	Furnish & Install Point Repairs To Remove Major Sags By Open Cut	1	LF	$ 227.50	$ 227.50	$175.00	$ 175.00
23	Obstruction Removal/Pot-Holing By Excavation, Up To 10 Feet Deep	1	EA	$ 455.00	$ 455.00	$350.00	$ 350.00
24	Point Repair, 8- Inch Sanitary Sewer, Up To 8 Feet Deep	1	EA	$ 1,300.00	$ 1,300.00	$1,000.00	$ 1,000.00
25	Install / Replace Standard Ring & Cover	1	EA	$ 845.00	$ 845.00	$650.00	$ 650.00
26	Adjust Manhole Ring And Cover To Grade	1	EA	$ 325.00	$ 325.00	$250.00	$ 250.00
	Proposal SUPPLEMENTAL ITEMS Total				**$ 3,152.50**		**$ 2,425.00**
	TOTAL BASE + SUPPLEMENTAL (incl Bonds)				**$ 1,231,923.23**		**$ 999,996.25**

Items NOT included in quote unless expressly noted:

Manhole Removal/Replacement or Coatings, Point Repairs, Dewatering, Traffic Control outside of typical cones and signage, Heavy Bypass Pumping, Surface Restoration beyond Sodding, SWPPP, Compaction Testing, Vibration Monitoring, Smoke Testing, Bonds, Mechanical Pipe Cleaning

REV2

Pricing Date: **11/2/2021**

TOTAL w/ Bonds: $ 999,996.25

CONTRACTOR PRICING WORKSHEET

JOB ORDER CONTRACTING NO: **20110402**

PROJECT NAME: Duncanville - Fairmeadows, E. Center St, Cherry St, Briarmeade

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to Contract Administration @ 281-901-5336. Please type or carefully print; thank you.

				LIST PRICING		PROJECT SPECIFIC DISCOUNT	
Item	Description of Item	Est. Quant.	Unit	Unit Price	Total	Unit Price	Total
Buying Agency:	City of Duncanville			Contractor:	Vortex Services		
Contact Person:	Jacqueline Culton			Prepared By:	Jedidiah Brewer		
Phone:	972.780.5016			Phone:	615.495.9500		
Fax:				Fax:			
Email:	jculton@duncanville.com			Email:	jbrewer@vortexcompanies.com		

NOTE: **The Customer shall be responsible for providing:**

- Access to hydrants or free water source as necessary (including meters)
- All Heavy Traffic Control
- All Permits and Permissions which may be necessary (Federal, State, Local, etc.)

EXHIBIT B

TIPS VENDOR AGREEMENT

PART 1 ONLY

Between Vortex Companies, LLC **and**

(Company Name)

THE INTERLOCAL PURCHASING SYSTEM (TIPS),
a Department of Texas Education Service Center Region 8 for
TIPS RFP 201104 Pipe Bursting PART 1 ONLY

General Information

The Vendor Agreement ("Agreement") made and entered into by and between The Interlocal Purchasing System (hereinafter "TIPS") a government cooperative purchasing program authorized by the Region 8 Education Service Center, having its principal place of business at 4845 US Hwy 271 North, Pittsburg, Texas 75686 and the TIPS Vendor. This Agreement consists of the provisions set forth below, including provisions of all attachments referenced herein. In the event of a conflict between the provisions set forth below and those contained in any attachment, the provisions set forth shall control unless otherwise agreed by the parties in writing and by signature and date on the attachment.

A Purchase Order ("PO"), Agreement or Contract is the TIPS Member's approval providing the authority to proceed with the negotiated delivery order under the Agreement. Special terms and conditions as agreed between the Vendor and TIPS Member should be added as addendums to the Purchase Order, Agreement or Contract. Items such as certificate of insurance, bonding requirements, small or disadvantaged business goals are some, but not all, of the possible addendums.

Terms and Conditions

Freight
All quotes to Members shall provide a line item for cost for freight or shipping regardless if there is a charge or not. If no charge for freight or shipping, indicate by stating "No Charge", "$0", "included in price" or other similar indication. Otherwise, all shipping, freight or delivery changes shall be passed through to the TIPS Member at cost with no markup and said charges shall be agreed by the TIPS Member unless alternative shipping terms are agreed by TIPS as a result of the proposal award.

Warranty Conditions
All new supplies equipment and services shall include ***manufacturer's minimum standard warranty*** unless otherwise agreed to in writing. Vendor shall be legally permitted to sell all products offered for sale to TIPS Members if the offering is included in the Request for Proposal ("RFP") category. All goods proposed and sold shall be new unless clearly stated in writing.

Customer Support
The Vendor shall provide timely and accurate customer support for orders to TIPS Members as agreed by the Parties. Vendors shall respond to such requests within a commercially reasonable time after receipt of

the request. If support and/or training is a line item sold or packaged with a sale, support shall be as agreed with the TIPS Member.

Agreements
Agreements for purchase will normally be put into effect by means of a purchase order(s) executed by authorized agents of the TIPS Member participating government entities, but other means of placing an order may be used at the Member's discretion.

Tax exempt status
Most TIPS Members are tax exempt and the related laws and/or regulations of the controlling jurisdiction(s) of the TIPS Member shall apply.

Assignments of Agreements
No assignment of this Agreement may be made without the prior notification of TIPS. Written approval of TIPS shall not be unreasonably withheld. Payment for delivered goods and services can only be made to the awarded Vendor, Vendor designated reseller or vendor assigned company.

Disclosures

- Vendor and TIPS affirm that he/she, or any authorized employees or agents, has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with this Agreement.

- Vendor shall attach, in writing, a complete description of any and all relationships that might be considered a conflict of interest in doing business with the TIPS program.

- The Vendor affirms that, to the best of his/her knowledge, the offer has been arrived at independently, and is submitted without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give an unfair advantage over other vendors in the award of this Agreement.

Term of Agreement and Renewals
The Agreement with TIPS is for approximately three (3) years with an option for renewal for an additional one (1) consecutive year. If TIPS offers the renewal extension year, the Vendor will be notified by email to the primary contact of the awarded Vendor and shall be deemed accepted by the Vendor unless the awarded Vendor notifies TIPS of its objection to the additional term. TIPS may or may not exercise the available extension(s) provided in the original solicitation beyond the base three-year term. Whether or not to offer the extension is at the sole discretion of TIPS.

"Start Date" for Term Calculation Purposes Only: Regardless of actual award/effective date of Contract, for Agreement "term" calculation purposes only, the Agreement "start date" is the last day of the month that Award Notifications are anticipated as published in the Solicitation
Example: *If the anticipated award date published in the Solicitation is May 22, but extended negotiations delay award until June 27, The end date of the resulting initial "three-year" term Agreement, (which is subject to an extension(s)) will still be May 31, 2023.*

EXHIBIT B

"Termination Date": The scheduled Agreement "termination date" shall be the last day of the month of the month of the Original Solicitation's Anticipated Award Date plus three years.
Example: *If the original term is approximately three years, and the solicitation provides an anticipated award date of May 22, 2020, the expiration date of the original three-year term shall be May 31, 2023.*

Extensions: Any extensions of the original term shall begin on the next day after the day the original term expires.
Example Following the Previous Example: *If TIPS offers a one-year extension, the expiration of the extended term shall be May 31, 2024*.

TIPS may offer to extend Vendor Agreements to the fullest extent the original Solicitation permits.

Automatic Renewal Clauses Incorporated in Awarded Vendor Agreements with TIPS Members Resulting from the Solicitation and with the Vendor Named in this Agreement.
No Agreement for goods or services with a TIPS Member by the awarded vendor named in this Agreement that results from the solicitation award named in this Agreement, may incorporate an automatic renewal clause that exceeds month to month terms with which the TIPS Member must comply. All renewal terms incorporated in an Agreement by the vendor with the TIPS Member shall only be valid and enforceable when the vendor receives written confirmation by purchase order, executed Agreement or other written instruction issued by the TIPS Member for any renewal period. The purpose of this clause is to avoid a TIPS Member inadvertently renewing an Agreement during a period in which the governing body of the TIPS Member has not properly appropriated and budgeted the funds to satisfy the Agreement renewal. This term is not negotiable and any Agreement between a TIPS Member and a TIPS awarded vendor with an automatic renewal clause that conflicts with these terms is rendered void and unenforceable.

Shipments
The Vendor shall ship, deliver or provide ordered products or services within a commercially reasonable time after the receipt of the order from the TIPS Member. If a delay in said delivery is anticipated, the Vendor shall notify TIPS Member as to why delivery is delayed and shall provide an estimated time for completion of the order. TIPS or the requesting entity may cancel the order if estimated delivery time is not acceptable or not as agreed by the parties.

Invoices
Each invoice or pay request shall include the TIPS Member's purchase order number or other identifying designation as provided in the order by the TIPS Member. If applicable, the shipment tracking number or pertinent information for verification of TIPS Member receipt shall be made available upon request.

Payments
The TIPS Member will make payments directly to the Vendor, the Vendor Assigned Dealer or as agreed by the Vendor and the TIPS Member after receiving invoice and in compliance with applicable payment statute(s), whichever is the greater time or as otherwise provided by an agreement of the parties.

Pricing
Price increases will be honored according to the terms of the solicitation. All pricing submitted to TIPS shall include the participation fee, as provided in the solicitation, to be remitted to TIPS by the Vendor. Vendor will not show adding the fee to the invoice presented to TIPS Member customer.

Participation Fees and Reporting of Sales to TIPS by Vendor

EXHIBIT B

The Participation Fee that was published as part of the Solicitation and the fee published is the legally effective fee, along with any fee conditions stated in the Solicitation. Collection of the fees by TIPS is required under Texas Government Code §791.011 Et seq. Fees are due on all TIPS purchases reported by either Vendor or Member. Fees are due to TIPS upon payment by the Member to the Vendor, Reseller or Vendor Assigned Dealer. Vendor, Reseller or Vendor Assigned Dealer agrees that the participation fee is due to TIPS for all Agreement sales immediately upon receipt of payment including partial payment, from the Member Entity and must be paid to TIPS at least on a monthly basis, specifically within 31 calendar days of receipt of payment, if not more frequently, or as otherwise agreed by TIPS in writing and signed by an authorized signatory of TIPS. Thus, when an awarded Vendor, Reseller or Vendor Assigned Dealer receives any amount of payment, even partial payment, for a TIPS sale, the legally effective fee for that amount is immediately due to TIPS from the Vendor and fees due to TIPS should be paid at least on a monthly basis, specifically within 31 calendar days of receipt of payment, if not more frequently.

Reporting of Sales to TIPS by Vendor

Vendor is required to report all sales under the TIPS contract to TIPS. When a public entity initiates a purchase with a TIPS Awarded Vendor, if the Member inquires verbally or in writing whether the Vendor holds a TIPS Contract, it is the duty of the Vendor to verify whether or not the Member is seeking a TIPS purchase. Once verified, the Vendor must include the TIPS Contract number on any communications and related sales documents exchanged with the TIPS Member entity. To report sales, the Vendor must login to the TIPS Vendor Portal online at https://www.tips-usa.com/vendors_form.cfm and click on the PO's and Payments tab. Pages 3-7 of the Vendor Portal User Guide will walk you through the process of reporting sales to TIPS. Please refer to the TIPS Accounting FAQ's for more information about reporting sales and if you have further questions, contact the Accounting Team at accounting@tips-usa.com. The Vendor or vendor assigned dealers are responsible for keeping record of all sales that go through the TIPS Agreement and submitting same to TIPS. Failure to render the participation fee to TIPS shall constitute a breach of this agreement with our parent governmental entity, Texas Education Service Center Region 8, as established by the Texas legislature and shall be grounds for termination of this agreement and any other agreement held with TIPS and possible legal action. Any overpayment of participation fees to TIPS by a Vendor will be refunded to the Vendor within ninety (90) days of receipt of notification if TIPS receives written notification of the overpayment not later than the expiration of six (6) months from the date of overpayment and TIPS determines that the amount was not legally due to TIPS pursuant to this agreement and applicable law. It is the Vendor's responsibility to identify which sales are TIPS Agreement sales and pay the correct participation fee due for TIPS Agreement sales. Any notification of overpayment received by TIPS after the expiration of six (6) months from the date of overpayment will be non-refundable. Region 8 ESC and TIPS reserve the right to extend the six (6) month deadline to notify if approved by the Region 8 ESC Board of Directors. TIPS reserves all rights under the law to collect the fees due. Please contact TIPS at tips@tips-usa.com or call (866) 839-8477 if you have questions about paying fees.

Indemnity

The Vendor agrees to indemnify and hold harmless and defend TIPS, TIPS Member(s), officers and employees from and against all claims and suits by third parties for damages, injuries to persons (including death), property damages, losses, and expenses including court costs and reasonable attorney's fees, arising out of, or resulting from, Vendor's performance under this Agreement, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part, upon allegations of negligent or intentional acts on the part of the Vendor, its officers, employees, agents, subcontractors, licensees, or invitees. Parties found liable shall pay their proportionate share of damages as agreed by the parties or as ordered by a court of competent jurisdiction over the case. **NO LIMITATION OF LIABILITY FOR DAMAGES FOR PERSONAL INJURY OR PROPERTY DAMAGE ARE PERMITTED OR AGREED BY TIPS/ESC REGION 8.** Per

Texas Education Code §44.032(f), and pursuant to its requirements only, reasonable Attorney's fees are recoverable by the prevailing party in any dispute resulting in litigation.

State of Texas Franchise Tax
By signature hereon, the Vendor hereby certifies that he/she is not currently delinquent in the payment of any franchise taxes owed the State of Texas under Chapter 171, Tax Code.

Miscellaneous
The Vendor acknowledges and agrees that continued participation in TIPS is subject to TIPS sole discretion and that any Vendor may be removed from the participation in the Program at any time with or without cause. Nothing in the Agreement or in any other communication between TIPS and the Vendor may be construed as a guarantee that TIPS or TIPS Members will submit any orders at any time. TIPS reserves the right to request additional proposals for items or services already on Agreement at any time.

Purchase Order Pricing/Product Deviation
If a deviation of pricing/product on a Purchase Order or contract modification occurs between the Vendor and the TIPS Member, TIPS must be notified within five (5) business days of receipt of change order.

Termination for Convenience of TIPS Agreement Only
TIPS reserves the right to terminate this agreement for cause or no cause for convenience with a thirty (30) days prior written notice. Termination for convenience is conditionally required under Federal Regulations 2 CFR part 200 if the customer is using federal funds for the procurement. All purchase orders presented to the Vendor, but not fulfilled by the Vendor, by a TIPS Member prior to the actual termination of this agreement shall be honored at the option of the TIPS Member. The awarded Vendor may terminate the agreement with ninety (90) days prior written notice to TIPS 4845 US Hwy North, Pittsburg, Texas 75686. The vendor will be paid for goods and services delivered prior to the termination provided that the goods and services were delivered in accordance with the terms and conditions of the terminated agreement. This termination clause does not affect the sales agreements executed by the Vendor and the TIPS Member customer pursuant to this agreement. TIPS Members may negotiate a termination for convenience clause that meets the needs of the transaction based on applicable factors, such as funding sources or other needs.

TIPS Member Purchasing Procedures
Usually, purchase orders or their equal are issued by participating TIPS Member to the awarded vendor and should indicate on the order that the purchase is per the applicable TIPS Agreement Number. Orders are typically emailed to TIPS at tipspo@tips-usa.com.

- Awarded Vendor delivers goods/services directly to the participating member.
- Awarded Vendor invoices the participating TIPS Member directly.
- Awarded Vendor receives payment directly from the participating member.
- Fees are due to TIPS upon payment by the Member to the Vendor. Vendor agrees to pay the participation fee to TIPS for all Agreement sales upon receipt of payment including partial payment, from the Member Entity or as otherwise agreed by TIPS in writing and signed by an authorized signatory of TIPS.

Licenses
Awarded Vendor shall maintain, in current status, all federal, state and local licenses, bonds and permits required for the operation of the business conducted by awarded Vendor. Awarded Vendor shall remain reasonably fully informed of and in compliance with all ordinances and regulations pertaining to the lawful

provision of goods or services under the Agreement. TIPS and TIPS Members reserves the right to stop work and/or cancel an order or terminate this or any other sales Agreement of any awarded Vendor whose license(s) required for performance under this Agreement have expired, lapsed, are suspended or terminated subject to a 30-day cure period unless prohibited by applicable statue or regulation.

Novation

If awarded Vendor sells or transfers all assets, rights or the entire portion of the assets or rights required to perform this Agreement, a successor in interest must guarantee to perform all obligations under this Agreement. A simple change of name agreement will not change the Agreement obligations of awarded vendor. TIPS will consider Contract Assignments on a case by case basis. TIPS must be notified within five (5) business days of the transfer of assets or rights.

Site Requirements (*only when applicable to service or job*)

Cleanup: When performing work on site at a TIPS Member's property, awarded Vendor shall clean up and remove all debris and rubbish resulting from their work as required or directed by TIPS Member or as agreed by the parties. Upon completion of work, the premises shall be left in good repair and an orderly, neat, clean and unobstructed condition.

Preparation: Awarded Vendor shall not begin a project for which TIPS Member has not prepared the site, unless awarded Vendor does the preparation work at no cost, or until TIPS Member includes the cost of site preparation in a purchase order. Site preparation includes, but is not limited to: moving furniture, installing wiring for networks or power, and similar pre-installation requirements.

Registered sex offender restrictions: For work to be performed at schools, awarded Vendor agrees that no employee of a subcontractor who has been adjudicated to be a registered sex offender will perform work at any time when students are, or reasonably expected to be, present unless otherwise agreed by the TIPS Member. Awarded Vendor agrees that a violation of this condition shall be considered a material breach and may result in the cancellation of the purchase order at the TIPS Member's discretion. Awarded Vendor must identify any additional costs associated with compliance of this term. If no costs are specified, compliance with this term will be provided at no additional charge. **Safety measures:** Awarded Vendor shall take all reasonable precautions for the safety of employees on the worksite, and shall erect and properly maintain all necessary safeguards for protection of workers and the public. Awarded Vendor shall post warning signs against all hazards created by the operation and work in progress. Proper precautions shall be taken pursuant to state law and standard practices to protect workers, general public and existing structures from injury or damage.

Safety Measures

Awarded Vendor shall take all reasonable precautions for the safety of employees on the worksite, and shall erect and properly maintain all necessary safeguards for protection of workers and the public. Awarded vendor shall post warning signs against all hazards created by the operation and work in progress. Proper precautions shall be taken pursuant to state law and standard practices to protect workers, general public and existing structures from injury or damage.

Smoking

Persons working under Agreement shall adhere to the TIPS Member's or local smoking statutes, codes or policies.

Marketing

Awarded Vendor agrees to allow TIPS to use their name and logo within TIPS website, marketing materials and advertisement subject to any reasonable restrictions provided to TIPS in the Proposal to the

Solicitation. The Vendor may submit an acceptable use directive for Vendor's names and logos with which TIPS agrees to comply. Any use of TIPS name and logo or any form of publicity, inclusive of press release, regarding this Agreement by awarded vendor must have prior approval from TIPS which will not be unreasonably withheld. Request may be made by email to TIPS@TIPS-USA.COM.

Supplemental Agreements

The TIPS Member entity participating in the TIPS Agreement and awarded Vendor may enter into a separate Supplemental Agreement or contract to further define the level of service requirements over and above the minimum defined in this Agreement such as but not limited to, invoice requirements, ordering requirements, specialized delivery, etc. Any Supplemental Agreement or contract developed as a result of this Agreement is exclusively between the TIPS Member entity customer and the Vendor. TIPS, its agents, TIPS Members and employees not a party to the Supplemental Agreement with the TIPS Member customer, shall not be made party to any claim for breach of such agreement unless named and agreed by the Party in question in writing in the agreement. If a Vendor submitting a Proposal requires TIPS and/or TIPS Member to sign an additional agreement, those agreements shall comply with the award made by TIPS to the Vendor. Supplemental Vendor's Agreement documents may not become part of TIPS' Agreement with Vendor unless and until an authorized representative of TIPS reviews and approves it. TIPS review and approval may be at any time during the life of this Vendor Agreement. TIPS permits TIPS Members to negotiate additional terms and conditions with the Vendor for the provision of goods or services under the Vendor's TIPS Agreement so long as they do not materially conflict with this Agreement.

Survival Clause

All applicable sales, leases, Supplemental Agreements, contracts, software license agreements, warranties or service agreements that were entered into between Vendor and TIPS or the TIPS Member Customer under the terms and conditions of this Agreement shall survive the expiration or termination of this Agreement. All Orders, Purchase Orders issued or contracts executed by TIPS or a TIPS Member and accepted by the Vendor prior to the expiration or termination of this agreement, shall survive expiration or termination of the Agreement, subject to previously agreed terms and conditions agreed by the parties or as otherwise specified herein relating to termination of this agreement.

Legal obligations

It is the responding Vendor's responsibility to be aware of and comply with all local, state and federal laws governing the sale of products/services identified in the applicable Solicitation that resulted in this Vendor Agreement and any awarded Agreement thereof. Applicable laws and regulations must be followed even if not specifically identified herein.

Audit rights

Due to transparency statutes and public accountability requirements of TIPS and TIPS Members', the awarded Vendor shall, at their sole expense, maintain appropriate due diligence of all purchases made by TIPS Member that utilizes this Agreement. TIPS and Region 8 ESC each reserve the right to audit the accounting of TIPS related purchases for a period of three (3) years from the time such purchases are made. This audit right shall survive termination of this Agreement for a period of one (1) year from the effective date of termination. In order to ensure and confirm compliance with this agreement, TIPS shall have authority to conduct audits of Awarded Vendor's pricing or TIPS transaction documentation with TIPS Members with 30 days' notice unless the audit is ordered by a Court Order or by a Government Agency with authority to do so without notice. Notwithstanding the foregoing, in the event that TIPS is made aware of any pricing being offered to eligible entities that is materially inconsistent with the pricing under this agreement, TIPS shall have the ability to conduct the audit internally or may engage a third- party auditing

firm to investigate any possible non- compliant conduct or may terminate the Agreement according to the terms of this Agreement. In the event of an audit, the requested materials shall be reasonably provided in the time, format and at the location acceptable to Region 8 ESC or TIPS. TIPS agrees not to perform a random audit the TIPS transaction documentation more than once per calendar year, but reserves the right to audit for just cause or as required by any governmental agency or court with regulatory authority over TIPS or the TIPS Member.

Force Majeure
If by reason of Force Majeure, either party hereto shall be rendered unable wholly or in part to carry out its obligations under this Agreement then such party shall give notice and full particulars of Force Majeure in writing to the other party within a reasonable time after occurrence of the event or cause relied upon, and the obligation of the party giving such notice, so far as it is affected by such Force Majeure, shall be suspended during the continuance of the inability then claimed, except as hereinafter provided, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

Choice of Law
The Agreement between the Vendor and TIPS/ESC Region 8 and any addenda or other additions resulting from this procurement process, however described, shall be governed by, construed and enforced in accordance with the laws of the State of Texas, regardless of any conflict of laws principles.

Venue, Jurisdiction and Service of Process
Any Proceeding arising out of or relating to this procurement process or any contract issued by TIPS resulting from or any contemplated transaction shall be brought in a court of competent jurisdiction in Camp County, Texas and each of the parties irrevocably submits to the exclusive jurisdiction of said court in any such proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the Proceeding shall be heard and determined only in any such court, and agrees not to bring any proceeding arising out of or relating to this procurement process or any contract resulting from or any contemplated transaction in any other court. The parties agree that either or both of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and freely bargained for agreement between the parties irrevocably to waive any objections to venue or to convenience of forum. Process in any Proceeding referred to in the first sentence of this Section may be served on any party anywhere in the world. Venue for any dispute resolution process, other than litigation, between TIPS and the Vendor shall be located in Camp or Titus County, Texas.

Project Delivery Order Procedures
The TIPS Member having approved and signed an interlocal agreement, or other TIPS Membership document, may make a request of the awarded Vendor under this Agreement when the TIPS Member desires goods or services awarded to the Vendor. Notification may occur via phone, the web, courier, email, fax, or in person. Upon notification of a pending request, the awarded Vendor shall acknowledge the TIPS Member's request as soon as possible, but must make contact with the TIPS Member within two working days.

Status of TIPS Members as Related to This Agreement
TIPS Members stand in the place of TIPS as related to this agreement and have the same access to the proposal information and all related documents. TIPS Members have all the same rights under the awarded Agreement as TIPS.

EXHIBIT B

Vendor's Resellers as Related to This Agreement
Vendor's Named Resellers ("Resellers") under this Agreement shall comply with all terms and conditions of this agreement and all addenda or incorporated documents. All actions related to sales by Authorized Vendor's Resellers under this Agreement are the responsibility of the awarded Vendor. If Resellers fail to report sales to TIPS under your Agreement, the awarded Vendor is responsible for their contractual failures and shall be billed for the fees. The awarded Vendor may then recover the fees from their named reseller.

Support Requirements
If there is a dispute between the awarded Vendor and TIPS Member, TIPS or its representatives may, at TIPS sole discretion, assist in conflict resolution if requested by either party. TIPS, or its representatives, reserves the right to inspect any project and audit the awarded Vendor's TIPS project files, documentation and correspondence related to the requesting TIPS Member's order. If there are confidentiality requirements by either party, TIPS shall comply to the extent permitted by law.

Incorporation of Solicitation
The TIPS Solicitation which resulted in this Vendor Agreement, whether a Request for Proposals, the Request for Competitive Sealed Proposals or Request for Qualifications solicitation, or other, the Vendor's response to same and all associated documents and forms made part of the solicitation process, including any addenda, are hereby incorporated by reference into this Agreement as if copied verbatim.

SECTION HEADERS OR TITLES
THE SECTON HEADERS OR TITLES WITHIN THIS DOCUMENT ARE MERELY GUIDES FOR CONVENIENCE AND ARE NOT FOR CLASSIFICATION OR LIMITING OF THE RESPONSIBILITES OF THE PARTIES TO THIS DOCUMENT.

STATUTORY REQUIREMENTS
Texas governmental entities are prohibited from doing business with companies that fail to certify to this condition as required by Texas Government Code Sec. 2270.

By executing this agreement, you certify that you are authorized to bind the undersigned Vendor and that your company (1) does not boycott Israel; and (2) will not boycott Israel during the term of the Agreement.

You certify that your company is not listed on and does not and will not do business with companies that are on the Texas Comptroller of Public Accounts list of Designated Foreign Terrorists Organizations per Texas Gov't Code 2270.0153 found at https://comptroller.texas.gov/purchasing/docs/foreign-terrorist.pdf

You certify that if the certified statements above become untrue at any time during the life of this Agreement that the Vendor will notify TIPS within three (3) business day of the change by a letter on Vendor's letterhead from and signed by an authorized representative of the Vendor stating the non-compliance decision and the TIPS Agreement number and description at:

Attention: General Counsel
ESC Region 8/The Interlocal Purchasing System (TIPS)
4845 Highway 271 North
Pittsburg, TX,75686
And by an email sent to bids@tips-usa.com

EXHIBIT B

Insurance Requirements

The undersigned Vendor agrees to maintain the below minimum insurance requirements for TIPS Contract Holders:

General Liability	$1,000,000 each Occurrence/ Aggregate
Automobile Liability	$300,000 Includes owned, hired & non-owned
Workers' Compensation	Statutory limits for the jurisdiction in which the Vendor performs under this Agreement.
Umbrella Liability	$1,000,000

When the Vendor or its subcontractors are liable for any damages or claims, the Vendor's policy, when the Vendor is responsible for the claim, must be primary over any other valid and collectible insurance carried by the Member. Any immunity available to TIPS or TIPS Members shall not be used as a defense by the contractor's insurance policy. The coverages and limits are to be considered minimum requirements and in no way limit the liability of the Vendor(s). Insurance shall be written by a carrier with an A-; VII or better rating in accordance with current A.M. Best Key Rating Guide. Only deductibles applicable to property damage are acceptable, unless proof of retention funds to cover said deductibles is provided. "Claims made" policies will not be accepted. Vendor's required minimum coverage shall not be suspended, voided, cancelled, non-renewed or reduced in coverage or in limits unless replaced by a policy that provides the minimum required coverage except after thirty (30) days prior written notice by certified mail, return receipt requested has been given to TIPS or the TIPS Member if a project or pending delivery of an order is ongoing. Upon request, certified copies of all insurance policies shall be furnished to the TIPS or the TIPS Member.

Special Terms and Conditions

- **Orders:** All Vendor orders received from TIPS Members must be emailed to TIPS at tipspo@tips-usa.com. Should a TIPS Member send an order directly to the Vendor, it is the Vendor's responsibility to forward a copy of the order to TIPS at the email above within 3 business days and confirm its receipt with TIPS.
- **Vendor Encouraging Members to bypass TIPS agreement:** Encouraging TIPS Members to purchase directly from the Vendor or through another agreement, when the Member has requested using the TIPS cooperative Agreement or price, and thereby bypassing the TIPS Agreement is a violation of the terms and conditions of this Agreement and will result in removal of the Vendor from the TIPS Program.
- **Order Confirmation**: All TIPS Member Agreement orders are approved daily by TIPS and sent to the Vendor. The Vendor should confirm receipt of orders to the TIPS Member (customer) within 3 business days.
- **Vendor custom website for TIPS**: If Vendor is hosting a custom TIPS website, updated pricing when effective. TIPS shall be notified when prices change in accordance with the award.
- **Back Ordered Products**: If product is not expected to ship within the time provided to the TIPS Member by the Vendor, the Member is to be notified within 3 business days and appropriate action taken based on customer request.

The TIPS Vendor Agreement Signature Page is inserted here.

EXHIBIT B

TIPS Vendor Agreement Signature Form

RFP 201104 Pipe Bursting
PART 1 ONLY

Company Name Vortex Companies, LLC

Address 18150 Imperial Valley Drive

City Houston State TX Zip 77060

Phone 713-750-9081 Fax

Email of Authorized Representative nbanchetti@voetxcompanies.com

Name of Authorized Representative Nick Banchetti

Title Chief Operating Officer

Signature of Authorized Representative

Date 11/03/20

TIPS Authorized Representative Name Meredith Barton

Title Chief Operating Officer

TIPS Authorized Representative Signature Meredith Barton

Approved by ESC Region 8 David Wayne Fitts

Date 1/26/2021

EXHIBIT B

NOTICE TO MEMBERS REGARDING ATTRIBUTE RESPONSES

TIPS VENDORS RESPOND TO ATTRIBUTE QUESTIONS AS PART OF TIPS COMPETITIVE SOLICITATION PROCESS. THE VENDOR'S RESPONSES TO ATTRIBUTE QUESTIONS ARE INCLUDED HEREIN AS "SUPPLIER RESPONSE." PLEASE BE ADVISED THAT DEVIATIONS, IF ANY, IN VENDOR'S RESPONSE TO ATTRIBUTE QUESTIONS MAY NOT REFLECT VENDOR'S FINAL ATTRIBUTE RESPONSE, WHICH IS SUBJECT TO NEGOTIATIONS PRIOR TO AWARD. PLEASE CONTACT THE TIPS OFFICE AT 866-839-8477 WITH QUESTIONS OR CONCERNS REGARDING VENDOR ATTRIBUTE RESPONSE DEVIATIONS. PLEASE KEEP IN MIND THAT TIPS DOES NOT PROVIDE LEGAL COUNSEL TO MEMBERS. TIPS RECOMMENDS THAT YOU CONSULT YOUR LEGAL COUNSEL WHEN EXECUTING CONTRACTS WITH OR MAKING PURCHASES FROM TIPS VENDORS.

EXHIBIT B

201104
Vortex Companies
Supplier Response

Event Information

Number: 201104
Title: Pipe Bursting -2 Part with JOC
Type: Request for Proposal
Issue Date: 11/5/2020
Deadline: 12/11/2020 03:00 PM (CT)
Notes: This is a 2 PART solicitation. PART 1 is for projects that are not considered construction or a public work. It includes, but is not limited to, parts, supplies, maintenance services and repairs. PART 2 Job Order Contract (JOC) is for projects considered construction or public work projects. The determination of whether or not a project requires a PART 2 JOC is the responsibility of the TIPS member entity. Vendors are encouraged to respond to BOTH PARTS 1 and 2 to meet the needs of our members, but responses to both parts is not required.

Contact Information

Address: Region 8 Education Service Center
4845 US Highway 271 North
Pittsburg, TX 75686
Phone: +1 (866) 839-8477
Email: bids@tips-usa.com

EXHIBIT B

Vortex Companies Information

Contact: Ryan Graham
Address: 18150 Imperial Valley Drive
Houston, TX 77060
Phone: (713) 750-9081
Email: rellison@vortexcompanies.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Ronnie Ellison — *Signature*
rellison@vortexcompanies.com — *Email*

Submitted at 12/11/2020 2:11:15 PM

Requested Attachments

Vendor Agreement part 1 — 201104 Vendor Agreement PART 1 ONLY Signed.pdf

The vendor must download the Vendor Agreement from the attachment tab, fill in the requested information and upload the completed agreement.
DO NOT UPLOAD encrypted or password protected files.

Agreement Signature Form part 1 — Vendor Agreement Signature Pages Part 1 Signed.pdf

If you have not taken exception or deviation to the agreement language in the solicitation attributes, download the AGREEMENT SIGNATURE FORM from the "ATTACHMENTS" tab. This PDF document is a fillable form. Download the document to your computer, fill in the requested company information, print the file, SIGN the form, SCAN the completed and signed AGREEMENT SIGNATURE FORM, and upload here.
If you have taken exception to any of the agreement language and noted the exception in the deviations section of the attributes for the agreement, complete the AGREEMENT SIGNATURE FORM, but DO NOT SIGN until those deviations have been negotiated and resolved with TIPS management. Upload the unsigned form here, because this is a required document.

Vendor Agreement Part 2 — 201104 Vendor_Agreement_JOC_PART 2 ONLY Signed.pdf

If proposing on Part 2, the vendor must download the Vendor Agreement from the attachment tab, fill in the requested information and upload the completed agreement.
DO NOT UPLOAD encrypted or password protected files.

Agreement Signature Form Part 2 — Vendor Agreement Signature Pages Part 2 Signed.pdf

If proposing on Part 2, the vendor must download the Vendor Agreement from the attachment tab, fill in the requested information and upload the completed agreement.
DO NOT UPLOAD encrypted or password protected files.

Part 1 Pricing Spreadsheet #1 — TIPS Pricing - VTK (TIPS 1171105) NEW FOR BID.pdf

The vendor must download the PRICING SPREADSHEET SHEET from the attachment tab, fill in the requested information and upload the completed spreadsheet.
DO NOT UPLOAD encrypted or password protected files.

Part 1 Pricing Spreadsheet #2 — TIPS Pricing - VTK (TIPS 1171105) NEW FOR BID.pdf

The vendor must download the PRICING SPREADSHEET SHEET from the attachment tab, fill in the requested information and upload the completed spreadsheet.
DO NOT UPLOAD encrypted or password protected files.

JOC Pricing of Itemized list of Means non-prepriced items — JOC Pricing of Itemized List of Means Non-Prepriced Items.xlsx

If you have items listed on the form titled "JOC Pricing of Itemized list of Means non-prepriced items" please complete the form and upload. If you have nothing to offer in this price sheet, just upload the form blank and put Not Applicable on the form.

References VaughtRef_VS12.2020.pdf

EXHIBIT B

Valid Reference Email addresses are REQUIRED on the spreadsheet. The vendor must download the References spreadsheet from the attachment tab, fill in the requested information and upload the completed spreadsheet. DO NOT UPLOAD encrypted or password protected files.

Proposed Goods and Services Vortex Companies S&P.pdf

Please upload one or more documents or sheets describing your offerings, line cards, catalogs, links to offerings OR list links to your offerings that illustrate the catalog of proposed lines of goods and or services you carry and offer under this proposal. I does not have to be exhaustive but should, at a minimum tell us what you are offering. It could be as simple as a sheet with your link to your online catalog of goods and services.

D/M/WBE Certification OPTIONAL *No response*

D/M/WBE Certification documentation may be scanned and uploaded if you desire to claim your status as one of the identified enterprises. (Disadvantaged Business Enterprise, Minority Business Enterprise and/or Woman Business Enterprise) If vendor has more than one certification scan into one document. (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Warranty *No response*

Warranty information (if applicable) must be scanned and uploaded. (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Supplementary Vortex Companies S&P 2.pdf

Supplementary information can be scanned and uploaded. (Company information, brochures, catalogs, etc.) (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

All Other Certificates *No response*

All Other Certificates (if applicable) must be scanned and uploaded. If vendor has more than one other certification scan into one document. (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Logo and Other Company Marks Unknown.png

Conflict of Interest Form CIQ- ONLY REQUIRED IF A CONFLICT EXISTS PER THE INSTRUCTIONS *No response*

ONLY REQUIRED IF A CONFLICT EXISTS PER THE INSTRUCTIONS
Conflict of Interest Form for Vendors that are required to submit the form. The Conflict of Interest Form is included in the Base documents or can be found at https://www.tips-usa.com/assets/documents/docs/CIQ.pdf.

Certificate of Corporate Offerer - COMPLETE ONLY IF OFFERER IS A CORPORATION *No response*

COMPLETE AND UPLOAD FORM IN ATTACHMENTS SECTION ONLY IF OFFERER IS A CORPORATION

Lobbying Report Standard Form-LLL, “disclosure Form to Report Lobbying,” *No response*

If you answered "I HAVE Lobbied per above" to attribute #66, please download and complete and upload the Standard Form-LLL, “disclosure Form to Report Lobbying,” in the Response attachments section.

Confidentiality Form Confidentiality Form Signed.pdf

REQUIRED CONFIDENTIALITY FORM. Complete the form according to your company requirements, make any desired attachments and upload to the appropriate section under "Response Attachments" THIS FORM DETERMINES HOW ESC8/TIPS RESPONDS TO LEGAL PUBLIC INFORMATION REQUESTS.

Bonding Capacity Letter from Surety/Insurance Company Vortex GGL 12-9-20.pdf

REQUIRED IF YOU ARE PROPOSING ON PART 2 -Attach the Bonding Capacity Letter from Surety/Insurance Company. if you do not have one available at time of proposal, attached a letter stating it will be submitted when received to prove bonding capacity. No award can be made until official bonding capacity letter is received by TIPS.

Current W-9 Tax Form Vortex Companies LLC W-9 (2020).pdf

You are required by TIPS to upload a current W-9 Internal Revenue Service (IRS) Tax Form for your entity. This form will be utilized by TIPS to properly identify your entity. Additionally, if not designated “Confidential” in your proposal response, this W-9 may be accessed by TIPS Members for the purpose of making TIPS purchases from you in the event that you are awarded. If you wish to designate your required W-9 confidential, please do so according to the terms of the Confidentiality Claim Form which is an attachment to this solicitation.

EXHIBIT B

Bid Attributes

1	**Yes - No** Disadvantaged/Minority/Women Business Enterprise - D/M/WBE (Required by some participating governmental entities) Vendor certifies that their firm is a D/M/WBE? Vendor must upload proof of certification to the ”Response Attachments” D/M/WBE CERTIFICATES section. No
2	**Yes - No** Historically Underutilized Business - HUB (Required by some participating governmental entities) Vendor certifies that their firm is a HUB as defined by the State of Texas at https://comptroller.texas.gov/purchasing/vendor/hub/ or in a HUBZone as defined by the US Small Business Administration at https://www.sba.gov/offices/headquarters/ohp Proof of one or both may be submitted. Vendor must upload proof of certification to the “Response Attachments” HUB CERTIFICATES section. No
3	**Yes - No** The Vendor can provide services and/or products to all 50 US States? Yes
4	**States Served:** If answer is NO to question #3, please list which states can be served. (Example: AR, OK, TX) *No response*
5	**Company and/or Product Description:** This information will appear on the TIPS website in the company profile section, if awarded a TIPS contract. (Limit 750 characters.) At Vortex we repair, service and rehabilitate municipal and industrial water and sewer infrastructure using best-in-class trenchless technologies including bypass pumping (Sewer Bypass, Lift Station Backup, Pumping, Sludge Removal, Pre-treatment Sand Trap Pumping, Flood or Stormwater Drainage, Site Dewatering, Pump Watch), spin-cast pipe lining (Pipes, Culverts, and Tunnels, Manholes, Boxes and more), internal pipe seals, pipe coatings and pipe bursting.
6	**Primary Contact Name** Primary Contact Name Ryan Graham
7	**Primary Contact Title** Primary Contact Title Vice President, Sales
8	**Primary Contact Email** Primary Contact Email rgraham@vortexcompanies.com

9	**Primary Contact Phone** EXHIBIT B Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 7137509081
10	**Primary Contact Fax** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 18332477943
11	**Primary Contact Mobile** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 2816393237
12	**Secondary Contact Name** Secondary Contact Name Ronnie Ellison
13	**Secondary Contact Title** Secondary Contact Title Sales Support
14	**Secondary Contact Email** Secondary Contact Email rellison@vortexcompanies.com
15	**Secondary Contact Phone** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 7137509081
16	**Secondary Contact Fax** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 18332477943
17	**Secondary Contact Mobile** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 2816863111
18	**Admin Fee Contact Name** Admin Fee Contact Name. This person is responsible for paying the admin fee to TIPS. Nick Banchetti

19	**Admin Fee Contact Email** EXHIBIT B Admin Fee Contact Email nbanchetti
20	**Admin Fee Contact Phone** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 7137509081
21	**Purchase Order Contact Name** Purchase Order Contact Name. This person is responsible for receiving Purchase Orders from TIPS. Ryan Graham
22	**Purchase Order Contact Email** Purchase Order Contact Email rgraham@vortexcompanies.com
23	**Purchase Order Contact Phone** Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 7137509081
24	**Company Website** Company Website (Format - www.company.com) www.vortexcompanies.com
25	**Federal ID Number** Federal ID Number also known as the Employer Identification Number (EIN). Numeric only. (Format: 123456789) 364879397
26	**Primary Address** Primary Address 18150 Imperial Valley Drive
27	**Primary Address City** Primary Address City Houston
28	**Primary Address State** Primary Address State (2 Digit Abbreviation) TX
29	**Primary Address Zip** Primary Address Zip 77060

30 **Search Words:** EXHIBIT B

Please list search words to be posted in the TIPS database about your company that TIPS website users might search. Words may be product names, manufacturers, or other words associated with the category of award. YOU MAY NOT LIST NON-CATEGORY ITEMS. (Limit 500 words) (Format: product, paper, construction, manufacturer name, etc.)

Vortex, Vortex Services, Pipe Bursting, CIPP, Cured in place Pipe, Pipe Rehabilitation, Trenchless Rehabilitation, Trenchless Construction, Culvert Rehabilitation, Sewer Rehab, Wastewater Rehab, Sanitary Sewer Rehab, Quadex, Quadex Lining Systems, Geokrete, Geopolymer, Manhole Rehab, Manhole Rehabilitation, Epoxy Lining, Cementitious Lining, Vortex Companies, Underground Infrastructure, Sewer Rehabilitation, Manhole Lining,

31 **Do you want TIPS Members to be able to spend Federal grant funds with you if awarded? Is it your intent to be able to sell to our members regardless of the fund source, whether it be local, state or federal?**

Most of our members receive Federal Government grants and they make up a significant portion of their budgets. The members need to know if your company is willing to sell to them when they spend federal budget funds on their purchase. There are attributes that follow that are provisions from the federal regulations in 2 CFR part 200. Your answers will determine if your award will be designated as Federal or Education Department General Administrative Regulations (EDGAR)compliant.

Do you want TIPS Members to be able to spend Federal grant funds with you if awarded and is it your intent to be able to sell to our members regardless of the fund source, whether it be local, state or federal?

Yes

32 **Yes - No**

Certification of Residency - The vendor's ultimate parent company or majority owner:

(A) has its principal place of business in Texas;

OR

(B) employs at least 500 persons in Texas?

This question is required as a data gathering function for information to our members making purchases with awarded vendors. Does not affect scoring with TIPS.

Yes

33 **Company Residence (City)**

Vendor's principal place of business is in the city of?

Houston

34 **Company Residence (State)**

Vendor's principal place of business is in the state of?

TX

35 **Discount Offered - CAUTION READ CAREFULLY BECAUSE VENDORS FREQUENTLY MAKE MISTAKES ON THIS ATTRIBUTE QUESTION**

EXHIBIT B

Remember this is a MINIMUM discount percentage so, be sure the discount percentage inserted here can be applied to ANY OFFERING OF GOODS OR SERVICES THROUGH OUT THE LIFE OF THE CONTRACT

CAUTION: BE CERTAIN YOU CAN HONOR THIS MINIMUM DISCOUNT PERCENTAGE ON ANY OFFERED SERVICE OR GOOD NOW OR DURING THE LIFE OF THE CONTRACT.

What is the MINIMUM percentage discount off of any item or service you offer to TIPS Members that is in your regular catalog (as defined in the solicitation specifications document), website, store or shelf pricing or when adding new goods or services to your offerings during the life of the contract? The resulting price of any goods or services Catalog list prices after this discount is applied is a ceiling on your pricing and not a floor because, in order to be more competitive in the individual circumstance, you may offer a larger discount depending on the items or services purchased and the quantity at time of sale.
Must answer with a number between 0% and 100%.

5%

36 **Yes - No**

If awarded on Part 1 of the TIPS Contract, for the duration of the Contract, Vendor agrees to provide catalog pricing, as defined in the solicitation and below, to TIPS upon request for any goods and services offered on PART 1 of the Vendor's TIPS Contract, if any.

"Catalog" means the available list of tangible personal property or services, in the most current listing, regardless of date, during the life of the contract, that takes the form of a catalog, price list, schedule, shelf price or other form that:

A. is regularly maintained by the manufacturer or Vendor of an item; and
B. is either published or otherwise available for inspection by a customer during the purchase process;
C. to which the minimum discount proposed by the proposing Vendor may be applied.

YES

37 **TIPS administration fee**

By submitting a proposal, I agree that all pricing submitted to TIPS shall include the participation fee, as designated in the solicitation or as otherwise agreed in writing and shall be remitted to TIPS by the Vendor or the vendor's named resellers and as agreed in the Vendor agreement. I agree that the fee shall not and will not be added by the vendor as a separate line item on a TIPS member invoice, quote, proposal or any other written communications with the TIPS member.

38 **REQUIRED FOR PART 2 JOC - PRICING OF Regular Hours Coefficient** Exhibit B

What is your regular hours coefficient for the RS Means Price Book? (FAILURE TO RESPOND PROHIBITS PART 2 JOC EVALUATION)

Remember that this is a ceiling price proposed. You can discount lower than your proposed contract coefficient, but not higher.

This is one of three pricing questions that are required for consideration for award on this solicitation. Please consider your answer carefully. An explanation of the TIPS scoring of pricing is included in the attachments for your information.

The below is an Example of how pricing model works (not intended to influence your proposed coefficient, you should propose a coefficient that you determine is right for your business):

To propose the exact pricing as the RS Means Unit Price Book, you would insert a 1.0 and to propose a 5% discount for the RS Means Price Book would be a .95 regular hours coefficient and so on.

0.95

39 **REQUIRED FOR PART 2 JOC - PRICING OF After Hours Coefficient**

What is your after hours coefficient for the RS Means Price Book for work performed after normal working hours? (FAILURE TO RESPOND PROHIBITS PART 2 JOC EVALUATION)

Remember that this is a ceiling price proposed. You can discount to any TIPS Member customer a lower coefficient than your proposed contract coefficient, but not higher.

This is one of three pricing questions that are required for consideration for award on this solicitation. Please consider your answer carefully. An explanation of the TIPS scoring of pricing titled "Pricing Coefficient Instruction" is included in the attachments for your information.

The below is an EXAMPLE of how the pricing model works (It is not intended to influence your proposed coefficient, you should propose a coefficient that you determine is reasonable for your business for the life of the contract): The most common after hours coefficient is time and a half of the RS Means Unit Price Book prices. To illustrate this coefficient, if your regular hours coefficient is .95, your after hours coefficient would be 1.45.

1

40 **REQUIRED FOR 2 PART JOC - PRICING for Markup of Non-Prepriced Items in RS Means Unit Price Book**

What is your proposed Markup Percentage on materials not found in the RS Means Price Book? (FAILURE TO RESPOND PROHIBITS PART 2 JOC EVALUATION)

If any materials being utilized for a project cannot be found in the RS Means Price Book, this question is what is the markup percentage on those materials?

When answering this question please insert the number that represents your percentage of proposed markup. Example: if you are proposing a 30 percent markup, please insert the number "30".

Remember that this is a ceiling markup. You may markup a lesser percentage to the TIPS Member customer when pricing the project, but not a greater percentage.

EXAMPLE: You need special materials that are not in the RS Means Unit Price Book for a project. You would buy the materials and mark them up to the TIPS Member customer by the percentage you propose in this question. If the materials cost you, the contractor, $100 and you proposed a markup on this question for the material of 30 percent, then you would charge the TIPS Member customer $130 for the materials.

20%

41	**Yes - No** EXHIBIT B Vendor agrees to remit to TIPS the required administration fee or, if resellers are named, guarantee the fee remittance by or for the reseller named by the vendor? TIPS/ESC Region 8 is required by Texas Government Code § 791 to be compensated for its work and thus, failure to agree shall render your response void and it will not be considered. Agreed
42	**Yes - No** Do you offer additional discounts to TIPS members for large order quantities or large scope of work? No
43	**Years experience in this category of goods or services.** Company years experience in this category of goods or services? 6
44	**Resellers:** Does the vendor have resellers that it will name under this contract? Resellers are defined as other companies that sell your products under an agreement with you, as the awarded vendor of TIPS. EXAMPLE: BIGmart is a reseller of ACME brand televisions. If ACME were a TIPS awarded vendor, then ACME would list BIGmart as a reseller. (If applicable, Vendor should add all Authorized Resellers within the TIPS Vendor Portal upon award). Yes
45	**Right of Refusal** Does the proposing vendor wish to reserve the right not to perform under the awarded agreement with a TIPS member at vendor's discretion? No

46 **NON-COLLUSIVE BIDDING CERTIFICATE** EXHIBIT B

By submission of this bid or proposal, the Bidder certifies that:

1) This bid or proposal has been independently arrived at without collusion with any other Bidder or with any Competitor;

2) This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids, or proposals for this project, to any other Bidder, Competitor or potential competitor:

3) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not to submit a bid or proposal;

4) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the Bidder as well as to the person signing in its behalf.

Not a negotiable term. Failure to agree will render your proposal non-responsive and it will not be considered.

47 **CONFLICT OF INTEREST QUESTIONNAIRE - FORM CIQ -Do you have any CONFLICT OF INTEREST TO REPORT OR DISCLOSE under this statutory requirement?**

Do you have any CONFLICT OF INTEREST TO REPORT OR DISCLOSE under this statutory requirement? YES or NO

If you have a conflict of interest as described in this form or the Local Government Code Chapter 176, cited therein- you are required to complete and file with TIPS.

You may find the Blank CIQ form on our website at:

Copy and Paste the following link into a new browser or tab:

https://www.tips-usa.com/assets/documents/docs/CIQ.pdf

There is an optional upload for this form provided if you have a conflict and must file the form.

No

48 **Filing of Form CIQ**

If yes (above), have you filed a form CIQ by uploading the form to this RFP as directed above?

No response

49 **Regulatory Standing**

I certify to TIPS for the proposal attached that my company is in good standing with all governmental agencies Federal or state that regulate any part of our business operations. If not, please explain in the next attribute question.

Yes

50 **Regulatory Standing**

Regulatory Standing explanation of no answer on previous question.

No response

51	**Antitrust Certification Statements (Tex. Government Code § 2155.005)** EXHIBIT C By submission of this bid or proposal, the Bidder certifies that: I affirm under penalty of perjury of the laws of the State of Texas that: (1) I am duly authorized to execute this contract on my own behalf or on behalf of the company, corporation, firm, partnership or individual (Company) listed below; (2) In connection with this bid, neither I nor any representative of the Company has violated any provision of the Texas Free Enterprise and Antitrust Act, Tex. Bus. & Comm. Code Chapter 15; (3) In connection with this bid, neither I nor any representative of the Company has violated any federal antitrust law; (4) Neither I nor any representative of the Company has directly or indirectly communicated any of the contents of this bid to a competitor of the Company or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Company.

52	**Suspension or Debarment Instructions** EXHIBIT B

Instructions for Certification:

1. By answering yes to the next Attribute question below, the vendor and prospective lower tier participant is providing the certification set out herein in accordance with these instructions.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and / or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participants,” “person,” “primary covered transaction,” “principal,” “proposal” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and / or debarment.

53 **Suspension or Debarment Certification** EXHIBIT B

By answering yes, you certify that no federal suspension or debarment is in place, which would preclude receiving a federally funded contract as described above.

Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

By answering yes, you certify that no federal suspension or debarment is in place, which would preclude receiving a federally funded contract as described above.

Yes

54 **Non-Discrimination Statement and Certification**

In accordance with Federal civil rights law, all U.S. Departments, including the U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3)
email: program.intake@usda.gov.

(Title VI of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title 7 CFR Parts 15, 15a, and 15b; the Americans with Disabilities Act; and FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities)

All U.S. Departments, including the USDA are equal opportunity provider, employer, and lender.

Not a negotiable term. Failure to agree will render your proposal non-responsive and it will not be considered. I certify that in the performance of a contract with TIPS or its members, that our company will conform to the foregoing anti-discrimination statement and comply with the cited and all other applicable laws and regulations.

Yes

55	**2 CFR PART 200 Contract Provisions Explanation** EXHIBIT B Required Federal contract provisions of Federal Regulations for Contracts for contracts with ESC Region 8 and TIPS Members: The following provisions are required to be in place and agreed if the procurement is funded in any part with federal funds. The ESC Region 8 and TIPS Members are the subgrantee or Subrecipient by definition. Most of the provisions are located in 2 CFR PART 200 - Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards at 2 CFR PART 200. Others are included within 2 CFR part 200 et al. In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.
56	**2 CFR PART 200 Contracts** Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate. Notice: Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members reserves all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party. Does vendor agree? Yes
57	**2 CFR PART 200 Termination** Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of $10,000) Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members reserves the right to terminate any agreement in excess of $10,000 resulting from this procurement process for cause after giving the vendor an appropriate opportunity and up to 30 days, to cure the causal breach of terms and conditions. ESC Region 8 and TIPS Members reserves the right to terminate any agreement in excess of $10,000 resulting from this procurement process for convenience with 30 days notice in writing to the awarded vendor. The vendor would be compensated for work performed and goods procured as of the termination date if for convenience of the ESC Region 8 and TIPS Members. Any award under this procurement process is not exclusive and the ESC Region 8 and TIPS reserves the right to purchase goods and services from other vendors when it is in the best interest of the ESC Region 8 and TIPS. Does vendor agree? Yes

58	**2 CFR PART 200 Clean Air Act** EXHIBIT B Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). Pursuant to the Clean Air Act, et al above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires that the proposer certify that during the term of an award by the ESC Region 8 and TIPS Members resulting from this procurement process the vendor agrees to comply with all of the above regulations, including all of the terms listed and referenced therein. Does vendor agree? Yes
59	**2 CFR PART 200 Byrd Anti-Lobbying Amendment** Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires the proposer certify that during the term and during the life of any contract with ESC Region 8 and TIPS Members resulting from this procurement process the vendor certifies to the terms included or referenced herein. Does vendor agree? Yes
60	**2 CFR PART 200 Federal Rule** Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of $100,000) Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires the proposer certify that in performance of the contracts, subcontracts, and subgrants of amounts in excess of $100,000, the vendor will be in compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). Does vendor certify that it is in compliance with the Clean Air Act? Yes

61 **2 CFR PART 200 Procurement of Recovered Materials** Extended

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with
maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Does vendor certify that it is in compliance with the Solid Waste Disposal Act as described above?

Yes

62 **Certification Regarding Lobbying**

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding $100,000 in Federal Funds

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “disclosure Form to Report Lobbying,” in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding $100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

I HAVE NOT Lobbied per above

63 **Lobbying Report Standard Form-LLL, “disclosure Form to Report Lobbying,”**

ONLY IF you answered "I HAVE Lobbied per above" to attribute above titled "**Certification Regarding Lobbying**", please download and complete and upload the Standard Form-LLL, “disclosure Form to Report Lobbying,” in the Response attachments section.

64 **Subcontracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

Do you ever anticipate the possibility of subcontracting any of your work under this award if you are successful?

IF NO, DO NOT ANSWER THE NEXT ATTRIBUTE QUESTION. . IF YES, and ONLY IF YES, you must answer the next question YES if you want a TIPS Member to be authorized to spend Federal Grant Funds for Procurement.

YES

65	**ONLY IF YES TO THE PREVIOUS QUESTION OR If you ever do subcontract any part of your performance under the TIPS Agreement, do you agree to comply with the following federal requirements?** ONLY IF YES TO THE ABOVE QUESTIONS OR if you ever do subcontract any part of your performance under the TIPS Agreement, do you agree to comply with the following federal requirements? Federal Regulation 2 CFR §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (a)The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. (b) Affirmative steps must include:(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce ; and (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs(1) through (5) of this section. YES
66	**If proposing on PART 2, Davis-Bacon Act compliance.** IF proposing on PART 2, Texas Statute requires compliance with Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part S, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act {40 U.S.C. 314S), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. BY SUBMITTING A PROPOSAL FOR PART 2 OF THIS SOLICITATION, the Vendor agrees, AS REQUIRED BY LAW, to comply with the Davis Bacon Act, IF APPLICABLE and if proposing on PART 2 of this solicitation.

67 **Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708)** EXHIBIT 5

Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

By submitting a proposal to PART 2 of this solicitation and IF the customer is utilizing federal funds as described above, the Vendor agrees to comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).

68 **Indemnification**

The ESC Region 8 and TIPS is a Texas Political Subdivision and a local governmental entity; therefore, is prohibited from indemnifying third parties pursuant to the Texas Constitution (Article 3, Section 52) except as specifically provided by law or as ordered by a court of competent jurisdiction. A provision in a contract to indemnify or hold a party harmless is a promise to pay for any expenses the indemnified party incurs, if a specified event occurs, such as breaching the terms of the contract or negligently performing duties under the contract. Article III, Section 49 of the Texas Constitution states that "no debt shall be created by or on behalf of the State ... " The Attorney General has counseled that a contractually imposed obligation of indemnity creates a "debt" in the constitutional sense. Tex. Att'y Gen. Op. No. MW-475 (1982). Contract clauses which require the System or institutions to indemnify must be deleted or qualified with "to the extent permitted by the Constitution and Laws of the State of Texas." Liquidated damages, attorney's fees, waiver of vendor's liability, and waiver of statutes of limitations clauses should also be deleted or qualified with "to the extent permitted by the Constitution and laws of State of Texas."

Do you agree to these terms?

Yes

69 **Remedies**

The parties shall be entitled to exercise any right or remedy available to it either at law or in equity, subject to the choice of law, venue and service of process clauses limitations agreed herein. Nothing in this agreement shall commit the TIPS to an arbitration resolution of any disagreement under any circumstances. Any Claim arising out of or related to the Contract, except for those specifically waived under the terms of the Contract, may, after denial of the Board of Directors, be subject to mediation at the request of either party. Any issues not resolved hereunder MAY be referred to non-binding mediation to be conducted by a mutually agreed upon mediator as a prerequisite to the filing of any lawsuit over such issue(s). The parties shall share the mediator's fee and any associated filing fee equally. Mediation shall be held in Camp or Titus County, Texas. Agreements reached in mediation shall be reduced to writing, and will be subject to the approval by the District's Board of Directors, signed by the Parties if approved by the Board of Directors, and, if signed, shall thereafter be enforceable as provided by the laws of the State of Texas.

Do you agree to these terms?

Yes, I Agree

70 **Remedies Explanation of No Answer**

No response

71 Choice of Law EXHIBIT B

The agreement between the Vendor and TIPS/ESC Region 8 and any addenda or other additions resulting from this procurement process, however described, shall be governed by, construed and enforced in accordance with the laws of the State of Texas, regardless of any conflict of laws principles.
THIS DOES NOT APPLY to a vendor's agreement entered into with a TIPS Member, as the Member may be located outside Texas.

Do you agree to these terms?

Agreed

72 Venue, Jurisdiction and Service of Process

Any proceeding, involving Region 8 ESC or TIPS, arising out of or relating to this procurement process or any contract issued by TIPS resulting from or any contemplated transaction shall be brought in a court of competent jurisdiction in Camp County, Texas and each of the parties irrevocably submits to the exclusive jurisdiction of said court in any such proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the Proceeding shall be heard and determined only in any such court, and agrees not to bring any proceeding arising out of or relating to this procurement process or any contract resulting from or any contemplated transaction in any other court. The parties agree that either or both of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and freely bargained for agreement between the parties irrevocably to waive any objections to venue or to convenience of forum. Process in any Proceeding referred to in the first sentence of this Section may be served on any party anywhere in the world. Any dispute resolution process other than litigation shall have venue in Camp County or Titus County Texas.

Do you agree to these terms?

Agreed

73 Alternative Dispute Resolution Explanation of No Answer

No response

74 Infringement(s)

The successful vendor will be expected to indemnify and hold harmless the TIPS and its employees, officers, agents, representatives, contractors, assignees and designees from any and all third party claims and judgments involving infringement of patent, copyright, trade secrets, trade or service marks, and any other intellectual or intangible property rights attributed to or claims based on the Vendor's proposal or Vendor’s performance of contracts awarded and approved.

Do you agree to these terms?

Yes, I Agree

75 Infringement(s) Explanation of No Answer

No response

76 Acts or Omissions

The successful vendor will be expected to indemnify and hold harmless the TIPS, its officers, employees, agents, representatives, contractors, assignees and designees from and against any and all liability, actions, claims, demands or suits, and all related costs, attorney's fees and expenses arising out of, or resulting from any acts or omissions of the vendor or its agents, employees, subcontractors, or suppliers in the execution or performance of any agreements
ultimately made by TIPS and the vendor.

Do you agree to these terms?

Yes, I Agree

77	**Acts or Omissions Explanation of No Answer** EXHIBIT B *No response*
78	**Contract Governance** Any contract made or entered into by the TIPS is subject to and is to be governed by Section 271.151 et seq, Tex Loc Gov't Code. Otherwise, TIPS does not waive its governmental immunities from suit or liability except to the extent expressly waived by other applicable laws in clear and unambiguous language. Yes
79	**Payment Terms and Funding Out Clause** Payment Terms: TIPS or TIPS members shall not be liable for interest or late payment fees on past due balances at a rate higher than permitted by the laws or regulations of the jurisdiction of the TIPS Member. Funding Out Clause: Vendor agrees to abide by the laws and regulations, including Texas Local Government Code § 271.903, or any statutory or regulatory limitations of the jurisdiction of any TIPS Member which governs contracts entered into by the Vendor and TIPS or a TIPS Member that requires all contracts approved by TIPS or a TIPS Member are subject to the budgeting and appropriation of currently available funds by the entity or its governing body. See statute(s) for specifics or consult your legal counsel. Not a negotiable term. Failure to agree will render your proposal non-responsive and it will not be considered. Do you agree to these terms? Yes

80	**Insurance and Fingerprint Requirements Information** Exhibit B Insurance If applicable and your staff will be on TIPS member premises for delivery, training or installation etc. and/or with an automobile, you must carry automobile insurance as required by law. You may be asked to provide proof of insurance. Fingerprint It is possible that a vendor may be subject to Chapter 22 of the Texas Education Code. The Texas Education Code, Chapter 22, Section 22.0834. Statutory language may be found at: http://www.statutes.legis.state.tx.us/ If the vendor has staff that meet both of these criterion: (1) will have continuing duties related to the contracted services; and (2) has or will have direct contact with students Then you have ”covered” employees for purposes of completing the attached form. TIPS recommends all vendors consult their legal counsel for guidance in compliance with this law. If you have questions on how to comply, see below. If you have questions on compliance with this code section, contact the Texas Department of Public Safety Non-Criminal Justice Unit, Access and Dissemination Bureau, FAST-FACT at NCJU@txdps.state.tx.us and you should send an email identifying you as a contractor to a Texas Independent School District or ESC Region 8 and TIPS. Texas DPS phone number is (512) 424-2474. See form in the next attribute to complete entitled: Texas Education Code Chapter 22 Contractor Certification for Contractor Employees

81

Texas Education Code Chapter 22 Contractor Certification for Contractor Employees Exhibit B

Introduction: Texas Education Code Chapter 22 requires entities that contract with school districts to provide services to obtain criminal history record information regarding covered employees. Contractors must certify to the district that they have complied. Covered employees with disqualifying criminal histories are prohibited from serving at a school district.

Definitions: Covered employees: Employees of a contractor or subcontractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes direct contact with students. Disqualifying criminal history: Any conviction or other criminal history information designated by the District, or one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school:

(a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state.

I certify that:

NONE (Section A) of the employees of Contractor and any subcontractors are covered employees, as defined above. If this box is checked, I further certify that Contractor has taken precautions or imposed conditions to ensure that the employees of Contractor and any subcontractor will not become covered employees. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided.

OR

SOME (Section B) or all of the employees of Contractor and any subcontractor are covered employees. If this box is checked, I further certify that:

(1) Contractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.

(2) If Contractor receives information that a covered employee subsequently has a reported criminal history, Contractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.

(3) Upon request, Contractor will provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

(4) If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Contractor agrees to discontinue using that covered employee to provide services at the District.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

None

82	**Texas Business and Commerce Code § 272 Requirements as of 9-1-2017** EXHIBIT B SB 807 prohibits construction contracts to have provisions requiring the contract to be subject to the laws of another state, to be required to litigate the contract in another state, or to require arbitration in another state. A contract with such provisions is voidable. Under this new statute, a “construction contract” includes contracts, subcontracts, or agreements with (among others) architects, engineers, contractors, construction managers, equipment lessors, or materials suppliers. “Construction contracts” are for the design, construction, alteration, renovation, remodeling, or repair of any building or improvement to real property, or for furnishing materials or equipment for the project. The term also includes moving, demolition, or excavation. BY RESPONDING TO THIS SOLICITATION, AND WHEN APPLICABLE, THE PROPOSER AGREES TO COMPLY WITH THE TEXAS BUSINESS AND COMMERCE CODE § 272 WHEN EXECUTING CONTRACTS WITH TIPS MEMBERS THAT ARE TEXAS GOVERNMENT ENTITIES.
83	**Texas Government Code 2270 Verification Form** Texas Government Code 2270 Verification Form If (a) Vendor is not a sole proprietorship; (b) Vendor has ten (10) or more full-time employees; and (c) this Agreement has a value of $100,000 or more, the following certification shall apply; otherwise, this certification is not required. Pursuant to Chapter 2270 of the Texas Government Code, the Vendor hereby certifies and verifies that neither the Vendor, nor any affiliate, subsidiary, or parent company of the Vendor, if any (the "Vendor Companies"), boycotts Israel, and the Vendor agrees that the Vendor and Vendor Companies will not boycott Israel during the term of this Agreement. For purposes of this Agreement, the term "boycott" shall mean and include refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Our company is not listed on and we do not do business with companies that are on the Texas Comptroller of Public Accounts list of Designated Foreign Terrorists Organizations per Texas Gov't Code 2270.0153 found at https://comptroller.texas.gov/purchasing/docs/foreign-terrorist.pdf I swear and affirm that the above is true and correct. YES
84	**Logos and other company marks** Please upload your company logo to be added to your individual profile page on the TIPS website. If any particular specifications are required for use of your company logo, please upload that information under the "Logo and Other Company Marks" section under the “Response Attachment” tab. Preferred Logo Format: 300 x 225 px - .png, .eps, .jpeg preferred Potential uses of company logo: * Your Vendor Profile Page of TIPS website * Potentially on TIPS website scroll bar for Top Performing Vendors * TIPS Quarterly eNewsletter sent to TIPS Members * Co-branding Flyers and or email blasts to our TIPS Members (Permission and approval will be obtained before publishing)

85	**Solicitation Deviation/Compliance** EXHIBIT B Does the vendor agree with the General Conditions Standard Terms and Conditions or Item Specifications listed in this proposal invitation? Yes
86	**Solicitation Exceptions/Deviations Explanation** If the bidder intends to deviate from the General Conditions Standard Terms and Conditions or Item Specifications listed in this proposal invitation, all such deviations must be listed on this attribute, with complete and detailed conditions and information included or attached. TIPS will consider any deviations in its proposal award decisions, and TIPS reserves the right to accept or reject any bid based upon any deviations indicated below or in any attachments or inclusions. In the absence of any deviation entry on this attribute, the proposer assures TIPS of their full compliance with the Standard Terms and Conditions, Item Specifications, and all other information contained in this Solicitation. *No response*
87	**Agreement Deviation/Compliance** Does the vendor agree with the language in the Vendor Agreement? Yes
88	**Agreement Exceptions/Deviations Explanation** If the proposing Vendor desires to deviate form the Vendor Agreement language, all such deviations must be listed on this attribute, with complete and detailed conditions and information included. TIPS will consider any deviations in its proposal award decisions, and TIPS reserves the right to accept or reject any proposal based upon any deviations indicated below. In the absence of any deviation entry on this attribute, the proposer assures TIPS of their full compliance with the Vendor Agreement. *No response*
89	**Long Term Cost Evaluation Criterion on PART 1 EVALUATION ONLY** READ CAREFULLY and see in the RFP document under "Proposal Scoring and Evaluation". Points will be assigned to this criterion based on your answer to this Attribute. Points are awarded if you agree not increase your catalog prices (as defined herein) more than X% annually over the previous year for years two and three and potentially year four, unless an exigent circumstance exists in the marketplace and the excess price increase which exceeds X% annually is supported by documentation provided by you and your suppliers and shared with TIPS, if requested. If you agree NOT to increase prices more than 5%, except when justified by supporting documentation, you are awarded 10 points; if 6% to 14%, except when justified by supporting documentation, you receive 1 to 9 points incrementally. Price increases 14% or greater, except when justified by supporting documentation, receive 0 points. price increases will be <7% annually per question

90	**Felony Conviction Notice** EXHIBIT B Texas Education Code, Section 44.034, Notification of Criminal History, Subsection (a), states “a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.” Subsection (b) states “a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.” (c) This section does not apply to a publicly held corporation. The person completing this proposal certifies that they are authorized to provide the answer to this question. Select A., B. or C. A. My firm is a publicly held corporation; therefore, this reporting requirement is not applicable. OR B.My firm is not owned nor operated by anyone who has been convicted of a felony, OR C. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony. (if you answer C below, you are required to provide information in the next attribute. B. Firm not owned nor operated by felon; per above
91	**If you answered C. My Firm is owned or operated by a felon to the previous question, you are REQUIRED TO ANSWER THE FOLLOWING QUESTIONS.** If you answered C. My Firm is owned or operated by a felon to the previous question, you must provide the following information. 1. Name of Felon(s) 2. The named person's role in the firm, and 3. Details of Conviction(s). *No response*
92	**Required Confidentiality Claim Form** Required Confidentiality Claim Form This form is required by TIPS. By submitting a response to this solicitation you agree to download from the “Attachments” section, complete according to the instructions on the form, then uploading the completed form, with any confidential attachments, if applicable, to the “Response Attachments” section titled “Confidentiality Form” in order to provide to TIPS the completed form titled, “CONFIDENTIALITY CLAIM FORM”. By completing this process, you provide us with the information we require to comply with the open record laws of the State of Texas as they may apply to your proposal submission. If you do not provide the form with your proposal, an award will not be made if your proposal is qualified for award, until TIPS has an accurate, completed form from you. Read the form carefully before completing and if you have any questions, email Rick Powell at TIPS at rick.powell@tips-usa.com
93	**Choice of Law clauses for TIPS Members** If the vendor is awarded a contract with TIPS under this solicitation, the vendor agrees to make any Choice of Law clauses in any contract or agreement entered into between the awarded vendor and with a TIPS member entity to read as follows: "Choice of law shall be the laws of the state where the customer resides" or words to that effect. Agreed
94	**Venue of dispute resolution with a TIPS Member** In the event of litigation or use of any dispute resolution model when resolving disputes with a TIPS member entity as a result of a transaction between the vendor and TIPS or the TIPS member entity, the Venue for any litigation or other agreed upon model shall be in the state and county where the customer resides unless otherwise agreed by the parties at the time the dispute resolution model is decided by the parties. Agreed

95	**Indemnity Limitation with TIPS Members** EXHIBIT B Texas and other states restrict by law or state Constitution the ability of a governmental entity to indemnify others. TIPS requires that any contract entered into between a vendor and TIPS or a TIPS Member as a result of an award under this Solicitation limit the requirement that the Customer indemnify the Vendor by either eliminating any such indemnity requirement clauses in any agreements, contracts or other binding documents **OR** by prefacing all indemnity clauses required of TIPS or the TIPS Member entity with the following: "To the extent permitted by the laws or the Constitution of the state where the customer resides, ". **Agreement is a required condition to award of a contract resulting from this Solicitation.** Agreed
96	**Arbitration Clauses** Except for certain circumstances, TIPS forbids a mandatory arbitration clause in any contract or agreement entered into between the awarded vendor with TIPS or a TIPS member entity. Does the vendor agree to exclude any arbitration requirement in any contracts or agreement entered into between TIPS or a TIPS member entity through an awarded contract with TIPS? **Agreement is a required condition to award of a contract resulting from this Solicitation.** Agreed
97	**Upload of Current W-9 Required** Please note that you are required by TIPS to upload a current W-9 Internal Revenue Service (IRS) Tax Form for your entity. This form will be utilized by TIPS to properly identify your entity. Additionally, if not designated “Confidential” in your proposal response, this W-9 may be accessed by TIPS Members for the purpose of making TIPS purchases from you in the event that you are awarded. If you wish to designate your required W-9 confidential, please do so according to the terms of the Confidentiality Claim Form which is an attachment to this solicitation.

EXHIBIT B

TIPS RFP # 201104

Required Confidential Information Status Form

Vortex Companies, LLC

Name of company

Nick Banchetti, Chief Operating Officer

Printed Name and Title of authorized company officer declaring below the confidential status of material

18150 Imperial Valley Drive	Houston	TX	77060	713-750-9081
Address	**City**	**State**	**ZIP**	**Phone**

ALL VENDORS MUST COMPLETE THE ABOVE SECTION

CONFIDENTIAL INFORMATION SUBMITTED IN RESPONSE TO COMPETITIVE PROCUREMENT REQUESTS OF EDUCATION SERVICE CENTER REGION 8 AND TIPS (ESC8) IS GOVERNED BY TEXAS GOVERNMENT CODE, CHAPTER 552

If you consider any portion of your proposal to be confidential information and not subject to public disclosure pursuant to Chapter 552 Texas Gov't Code or other law(s), **you must attach a copy of all claimed confidential materials within your proposal and put this COMPLETED form as a cover sheet to said materials then scan, name "CONFIDENTIAL" and upload with your proposal submission.** (You must include all the confidential information in the submitted proposal. The copy uploaded is to indicate which material in your proposal, if any, you deem confidential in the event the receives a Public Information Request.) ESC8 and TIPS will follow procedures of controlling statute(s) regarding any claim of confidentiality and shall not be liable for any release of information required by law. Upon your claim and your defense to the Office of Texas Attorney General is required to make the final determination whether the information submitted by you and held by ESC8 and TIPS is confidential and exempt from public disclosure.

ALL VENDORS MUST COMPLETE ONE OF THE TWO OPTIONS BELOW.

OPTION 1:

I DO CLAIM parts of my proposal to be confidential and *DO NOT* desire to expressly waive a claim of confidentiality of all information contained within our response to the solicitation. The attached contains material from our proposal that I classify and deem confidential under Texas Gov't Code Sec. 552 or other law(s) and I invoke my statutory rights to confidential treatment of the enclosed materials.

IF CLAIMING PARTS OF YOUR PROPOSAL CONFIDENTIAL, YOU MUST ATTACH THE SHEETS TO THIS FORM AND LIST THE NUMBER OT TOTAL PAGES THAT ARE CONFIDENTIAL.

ATTACHED ARE COPIES OF_____PAGES OF CLAIMED CONFIDENTIAL MATERIAL FROM OUR PROPOSAL THAT WE DEEM TO BE NOT PUBLIC INFORMATION AND WILL DEFEND THAT CLAIM TO THE TEXAS ATTORNEY GENERAL IF REQUESTED. WE REQUEST THAT NOTICE OF ANY REQUEST IS MADE FO

Signat

OR

OPTION 2:

I DO NOT CLAIM any of my proposal to be confidential, complete the section below.

Express Waiver: I desire to expressly waive any claim of confidentiality as to any and all information contained within our response to the competitive procurement process (e.g. RFP, CSP, Bid, RFQ, etc.) by completing the following and submitting this sheet with our response to Education Service Center Region 8 and TIPS.

Signature_____ Date 12/10/20

Confidentiality Claim Form rev 10012020RP

EXHIBIT B

Vortex Companies Services: https://www.vortexcompanies.com/services/

Vortex Companies Products: https://www.vortexcompanies.com/products/

Vortex Companies Catalog & Brochures: https://www.vortexcompanies.com/catalog/

EXHIBIT B

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See **Specific Instructions** on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Vortex Companies LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☑ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► P

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
18150 Imperial Valley Drive

Requester's name and address (optional)

6 City, state, and ZIP code
Houston, TX 77060

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number
			–		–				

or

Employer identification number
		–							
3	6	–	4	8	7	9	3	9	7

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person** ► Bailey Carroll **Date** ► 2020

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

Cat. No. 10231X

Form **W-9** (Rev. 10-2018)

STAFF REPORT

MEETING: City Council - 21 Dec 2021

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

FY 2020 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

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

BACKGROUND/HISTORY:
The City of Duncanville has utilized annual term bids for traffic signal maintenance services for over three decades. The contracted work involves routine large-scale construction and maintenance activities outside the abilities of the Traffic Operations Division. In 2006, an annual traffic signal maintenance program was initiated to proactively maintain and upgrade our infrastructure. Since the creation of the annual traffic signal maintenance program, annual expenditures have ranged from $106,383.00 to $189,142.00 based on what maintenance activities are scheduled for the year. This year, the contract amount is $156,610.00.

The current contract with Siemens Mobility, Inc. was awarded by Council on December 15, 2020, and expired on November 26, 2021. This is the third of four renewal options associated with this contract and will be effective November 27, 2021, through November 26, 2022.

This contract is one of three traffic signal maintenance contracts the Traffic Operations Division uses every year to maintain the City's 34 signaled intersections. The other two contracts are for Paradigm and Consolidated Traffic Controls. Paradigm provides all the computer hardware that goes inside the traffic signal cabinets and Consolidated Traffic Controls provides signal-related parts and materials such as signal bulbs, batteries, and wiring harnesses. As stated above, the Siemens contract which Council is considering is for major repairs and minor construction projects. Examples of this work are: re-aligning signal masts, replacing signal fixtures, boring & trenching for conduit, and constructing new pedestal bases for street lights or school zone flashers.

Siemens Mobility, Inc., is headquartered in Germany but has provided traffic management and maintenance services in Texas for over 15 years. They are located in Houston with a satellite office in Dallas. In addition to traffic signal maintenance services, Siemens Mobility, Inc., provides automation, building technologies, drive technology, energy, and mobility services. Siemens Mobility, Inc., has

provided traffic signal maintenance services for the City for the past three years with an excellent service record.

POLICY EXPLANATION:
This annual term contract renewal is for labor and heavy equipment to install, maintain, and repair existing signalization infrastructure at traffic signal locations throughout the City on an as-needed basis. This is the third of four renewal options associated with this contract. Council approval is required for all contracts valued over $50,000.00.

FUNDING SOURCE:

ORG and Object Number
01066300-700450

Available Budget	**Purchase Amount**	**After Encumber**
$320,997.16	$156,610.00	$164,387.16

ATTACHMENTS:
Attachment 1 - Resolution No. 2019-101R1 - Seimens Traffic Signal Maintenance Contract #19-001 Second Renewal

RESOLUTION NO. 2019-101R1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL OF TERM CONTRACT #19-001, TRAFFIC SIGNAL MAINTENANCE SERVICES, WITH SIEMENS MOBILITY, INC., ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A", WITH AN ESTIMATED EXPENDITURE AMOUNT OF $156,610.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is required to provide a safe, reliable and efficient traffic signalization system within the City of Duncanville; and

WHEREAS, such system requires routine maintenance services; and

WHEREAS, the City awarded Term Contract #19-001, Traffic Signal Maintenance Services, for the unit prices bid, to Siemens Mobility, Inc. on November 20, 2018, with an initial contract term of November 27, 2020 to November 27, 2021, with four optional one-year renewal terms; and

WHEREAS, the City desires to exercise the option to renew the contract for the third one-year renewal term effective November 27, 2021, through November 26, 2022.

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

SECTION 1. That the City Council of the City of Duncanville does hereby authorize a one-year contract to renew the terms and conditions of Annual Term Contract #19-001, Traffic Signal Maintenance Services with Siemens Mobility, Inc., effective November 27, 2021, through November 26, 2022, with an estimated expenditure of $156,610.00.

SECTION 2. That the City Manager of the City of Duncanville is hereby authorized to execute any and all documents necessary to extend the contract term as authorized in Section 1 herein.

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

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 21st day of December, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

November 11, 2021

Siemens Mobility, Inc.
Attn: Michelle Flynn
16560 Air Center Blvd.
Houston, TX 7703

RE: Contract IFB-19-001 - Renewal 3 of 4 for Traffic Signal Maintenance

Ms. Michelle Flynn,

The above referenced contract expires on November 26, 2021. The City is offering an option to renew for an additional one (1) year period beginning on November 27, 2021 through November 26, 2022.

If you are interested in exercising this renewal option under the terms, conditions, and pricing for the contract as awarded, please sign Exhibit A, Agreement to Renew Contract, on the following page and return by email to omotayo.sokale@duncanville.com.

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

Respectfully,

Omotayo Sokale, CPPO, CPCM
Purchasing Manager

cc: Public Works Department

203 E. Wheatland Road I Duncanville, Texas 75116 I 972.780.5058 P I omotayo.sokale@duncanville.com

Exhibit A

Agreement to Renew Contract

Contract Renewal #3 of 4 options
Traffic Signal Maintenance
Agreement IFB-19-001

By executing this document, contractor submits:

1. That it desires to exercise the renewal option under the same terms, conditions, and pricing beginning on November 27, 2021 through to November 26, 2022;

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

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

City of Duncanville, Texas Owner	Siemens Mobility, Inc. Contractor
	Tucker Jr William Digitally signed by Tucker Jr William DN: serialNumber=Z003HH7M, givenName=William, sn=Tucker Jr, o=Siemens, cn=Tucker Jr William Reason: I am approving this document Date: 2021.11.23 15:49:24 -06'00'
Signature	Signature
Printed Name	William Tucker Printed Name
Title	Operations Manager SE Title
Date	11/23/2021 Date

203 E. Wheatland Road I Duncanville, Texas 75116 I 972.780.5058 P I omotayo.sokale@duncanville.com

STAFF REPORT

MEETING: City Council - 21 Dec 2021

TITLE:
Consider a Resolution authorizing the purchase of Traffic Operations Equipment, Maintenance, and Supplies from Consolidated Traffic Control, Inc., using the Houston-Galveston Area Council of Governments (HGAC) Cooperative Contract #PE-05-21, in the amount up to $85,376.00.

FY2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

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

BACKGROUND/HISTORY:
This contract with Consolidated Traffic Controls provides signal-related parts and materials such as signal bulbs, batteries, and wiring harnesses. It is one of three traffic signal maintenance contracts the Traffic Operations Division uses every year to maintain the City's 34 signaled intersections. The other two contracts are for Siemens Mobility and Paradigm. The Siemens contract is for routine large-scale construction and maintenance activities. The Paradigm contract provides all the computer hardware that goes inside the traffic signal cabinets.

Consolidated Traffic Controls is located in Arlington, TX.

POLICY EXPLANATION:
State law provides that a local government purchasing an item under a cooperative purchasing agreement satisfies any state law requiring that the local government seek competitive bids to purchase the item. H-GAC Contracts are competitively bid to increase and simplify the purchasing power of government entities across the State of Texas.

Council approval is required for all contracts over $50,000.00.

FUNDING SOURCE:

ORG and Object Number
01066300-700451 and 01066300-700227

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

$159,385.00	$85,376.00	$74,009.00

ATTACHMENTS:
Resolution No. - 2021-093 - Consolidated Traffic Control Traffic Operations Equipment, Maintenance & Supplies - Pdf

RESOLUTION NO. 2021-093

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE PURCHASE OF TRAFFIC OPERATIONS EQUIPMENT, MAINTENANCE AND SUPPLIES FROM CONSOLIDATED TRAFFIC CONTROL, INC., USING THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) COOPERATIVE CONTRACT #PE-05-21, IN THE AMOUNT UP TO $85,376.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Works Traffic Operations Division purchases traffic signal equipment, maintenance and supplies as a part of their annual maintenance and replacement program for signalized intersections; and

WHEREAS, the City of Duncanville has entered into an Interlocal Cooperative Purchasing Agreement with the Houston-Galveston Area Council of Governments (HGAC) Cooperative Purchasing Program; and

WHEREAS, the Houston-Galveston Area Council of Governments (HGAC) has taken sealed bids for Traffic Control, Enforcement & Signal Preemption Equipment; and

WHEREAS, the Houston-Galveston Area Council of Governments (HGAC) has awarded Contract #PE-05-21 for Traffic Control, Enforcement & Signal Preemption Equipment to Consolidated Traffic Controls, Inc.; and

WHEREAS, the City of Duncanville desires to purchase traffic operations equipment, maintenance, and supplies from Consolidated Traffic Controls, Inc. through the Houston-Galveston Area Council of Governments (HGAC). Contract #PE-05-21 in the expenditure amount of $85,376.00.

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

SECTION 1. That the City Council of the City of Duncanville, Texas, hereby awards a bid and approves the purchase of traffic operations equipment, maintenance and supplies from Consolidated Traffic Controls, Inc., through the Houston-Galveston Area Council of Governments (HGAC) Cooperative Contract #PE-05-19-(19-00204) as set forth in the contract pricing sheet, incorporated here within and attached hereto as Exhibit "A", with an expenditure amount of $96,600.00.

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 21st day of December, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

EXHIBIT A

HGACBuy	CONTRACT PRICING WORKSHEET For Catalog & Price Sheet Type Purchases	Contract No.:	PE-05-21	Date Prepared:	10/12/2021

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	Duncanville	**Contractor:**	Consolidated Traffic Controls, Inc.
Contact Person:	John Borchardt	**Prepared By:**	Bobby Hale
Phone:	972-780-5059	**Phone:**	800-448-8841
Fax:		**Fax:**	800-448-8850
Email:	jborchardt@ci.duncanville.tx.us	**Email:**	Bobby.Hale@CTC-Traffic.com

Catalog / Price Sheet Name:	Traffic Control, Enforcement & Signal Preemption Equipment
General Description of Product:	Traffic Control Equipment

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary
Labor for ILSN Replacement

Line Number	Quan	Description	Unit Pr	Total
54	1	PNS10-503576K Two Battery Cabinet Including Panel No. 2 lock, Regulator and Flare Mounting Bracket 17 1/4"x	$ 1,174.00	$ 1,174.00
56	1	PNS10-502564K AC Cabinet Including Panel, NEMA Flasher, #2 Lock 4.5" Ubolt Mount 14"x16"x10"	$ 701.00	$ 701.00
87	2	PNS10-SP85 85 Watt Solar Panel Assy incl Top of Pole Mount and Wiring	$ 655.00	$ 1,310.00
140	39	PNS10-S1S1-1-RGK S1-1 School Pedestrian Sign Right WITHOUT Lines (36"x36") HV Green	$ 256.00	$ 9,984.00
544	1	PNS10-502598LCB Panel Only for Two Battery Cabinet With Regulator	$ 283.00	$ 283.00
674	1	110610-MM Model 764 Multimode Phase Selector	$ 2,946.00	$ 2,946.00
677	1	110603-MM Model 768 Auxiliary Panel	$ 545.00	$ 545.00
679	1	110611 3100 GPS Radio Unit (Mast Mount)	$ 2,841.00	$ 2,841.00
719	500	110605A GPS Cable 500 Ft Roll (Per Ft.)	$ 1.26	$ 630.00
723	1	201011 (hub) Mast Arm Mount (GPS)	$ 88.00	$ 88.00
744	10	0 CMS Annual Maintenance for Five Intersections	$ 113.00	$ 1,130.00
763	48	CTCINSTALL Opticom Annual Maintenance per Intersection	$ 230.00	$ 11,040.00
1033	25	190110 16" Ped Head Aluminum Yellow with Clamshell	$ 161.00	$ 4,025.00
1043	35	821002-IL-TXD 16" Countdown Ped	$ 129.00	$ 4,515.00
1051	6	201502 Square Base	$ 158.00	$ 948.00
1184	1	EX71802-0VB Hardened (-40°C - 75°C) Managed Ethernet Switch with 8 10/100TX Ports + 2 Gigabit SFP Slots. D	$ 1,134.00	$ 1,134.00
1235	1	DR-30-24 Power Supply, (-10C - +60C) 30 Watts 24VDC Output Industrial DIN-Rail Power Supply	$ 42.00	$ 42.00
1717	10	820003 12" Green Ball	$ 34.00	$ 340.00
1719	10	820002 12" Yellow Ball	$ 34.00	$ 340.00
1721	20	820001 12" Red Ball	$ 34.00	$ 680.00
1795	30	190003TX 3 Section Poly Head (With Visor) TxDot Yellow	$ 166.00	$ 4,980.00
1807	30	192003 3 Sec VF, ABS	$ 36.00	$ 1,080.00
1813	30	201160-84 1Way, 3 Sec (84" Cable)	$ 162.00	$ 4,860.00
1884	10	190005TX 5 Section Poly Head (With Visor) TxDot Yellow	$ 286.00	$ 2,860.00
1892	10	192005 5 Sec VF, ABS	$ 55.00	$ 550.00
1906	10	201160-5-84 1Way, 5 Sec (84" Cable)	$ 178.00	$ 1,780.00
2364	39	CTCINSTALL On Site Time One Man and Pickup Truck (2 Hr minimum including drive time)	$ 150.00	$ 5,850.00
2366	39	CTCINSTALL Second Man with a Pickup to be used as a Crash Truck (Use whenever a bucket truck is needed on a t	$ 150.00	$ 5,850.00
2367	39	CTCINSTALL Bucket Truck Upcharge (Include Both Drive and On Site Time)	$ 60.00	$ 2,340.00
		Total From Other Sheets, If Any:		
		Subtotal A:		$ 74,846.00

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary
(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
39	Upgrade PNS10-S1S1-1-RGK for ILSN Lens Replacements	$ 270.00	$ 10,530.00
			$ -
			$ -
			$ -
	Total From Other Sheets, If Any:		
	Subtotal B:		$ 10,530.00

EXHIBIT A

HGACBuy	CONTRACT PRICING WORKSHEET For Catalog & Price Sheet Type Purchases	Contract No.:	PE-05-21	Date Prepared:	10/12/2021

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	Duncanville	**Contractor:**	Consolidated Traffic Controls, Inc.
Contact Person:	John Borchardt	**Prepared By:**	Bobby Hale
Phone:	972-780-5059	**Phone:**	800-448-8841
Fax:		**Fax:**	800-448-8850
Email:	jborchardt@ci.duncanville.tx.us	**Email:**	Bobby.Hale@CTC-Traffic.com

Catalog / Price Sheet Name:	Traffic Control, Enforcement & Signal Preemption Equipment
General Description of Product:	Traffic Control Equipment

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary
Labor for ILSN Replacement

Line Number	Quan	Description							Unit Pr	Total

Check: The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A.	**For this transaction the percentage is:**	14%

C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges

Quan	Description	Unit Pr	Total
			$ -
			$ -
		Subtotal C:	$ -
Delivery Date:	**30 to 45 Days ARO**	**D. Total Purchase Price (A+B+C):**	**$ 85,376.00**

Accounts:

- 010663-700223: $73,156.00
- 010663-700451: $12,220.00

STAFF REPORT

MEETING: City Council - 21 Dec 2021

TITLE:
Consider a Resolution authorizing the purchase of Traffic Operations Equipment and Supplies from Paradigm Traffic Systems using BuyBoard Cooperative Purchasing Agreement #603-20, in the amount up to $91,800.00.

FY 2021-2022 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

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

BACKGROUND/HISTORY:
This contract with Paradigm provides all the computer hardware that goes inside the traffic signal cabinets. It is one of three traffic signal maintenance contracts the Traffic Operations Division uses every year to maintain the City's 34 signaled intersections. The other two contracts are for Siemens Mobility and Consolidated Traffic Controls. The Siemens contract is for routine large-scale construction and maintenance activities. The Consolidated Traffic Controls provides signal-related parts and materials such as signal bulbs, batteries, and wiring harnesses.

Paradigm is located in Arlington, TX.

POLICY EXPLANATION:
State law provides that a local government purchasing an item under a cooperative purchasing agreement satisfies any state law requiring that the local government seek competitive bids to purchase the item. Texas Association School Board (TASB) BuyBoard Contracts are competitively bid to increase and simplify the purchasing power of government entities across the State of Texas.

City Council approval is required for all purchases over $50,000.00.

FUNDING SOURCE:

ORG and Object Number
01066300-700450

Available Budget	**Purchase Amount**	**After Encumber**
$164,387.16	$91,800.00	$72,587.16

ATTACHMENTS:
Resolution No. 2021-092 - Paradigm Traffic Operations Equipment, Maintenance & Supplies FY22 - Pdf

RESOLUTION NO. 2021-092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE PURCHASE OF TRAFFIC OPERATIONS EQUIPMENT, MAINTENANCE AND SUPPLIES FROM PARADIGM TRAFFIC SYSTEMS, INC., USING BUYBOARD COOPERATIVE PURCHASING CONTRACT #603-20, IN AN AMOUNT UP TO $91,800.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Public Works Traffic Operations Division purchases traffic signal equipment, maintenance, and supplies as a part of their annual maintenance and replacement program for signalized intersections; and

WHEREAS, the City of Duncanville has entered into a Cooperative Purchasing Agreement with the Local Government Purchasing Cooperative, BuyBoard, for products and services; and

WHEREAS, BuyBoard has taken competitive sealed bids have taken bids for Public Safety & Firehouse Supplies & Equipment.; and,

WHEREAS, BuyBoard has awarded Contract #603-20, Renewal #4 for Public Safety & Firehouse Supplies & Equipment to Paradigm Traffic Systems, Inc.; and

WHEREAS, Paradigm Traffic Systems, Inc., has prepared a quote specifically for the City of Duncanville for the requested traffic operations equipment, maintenance and supplies based on the BuyBoard unit bid prices with a repeat customer discount; and

WHEREAS, the City of Duncanville desires to purchase traffic operations equipment, maintenance, and supplies from Paradigm Traffic Systems, Inc. through BuyBoard Contract #603-20, for the estimated expenditure amount of $91,800.00.

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, Texas, hereby awards a bid and approves the purchase of traffic operations equipment, maintenance, and supplies from Paradigm Traffic Systems, Inc., through Buyboard Contract #603-20, incorporated here within and attached hereto as Exhibit "A", with an expenditure amount of $91,800.00.

SECTION 2. 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 21st day of December, 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

EXHIBIT A

PARADIGM Traffic Systems

P.O. Box 5508 – Arlington – Texas – 76005-5508
817.831.9406 – fax 817.831.9407
www.paradigmtraffic.com

QUOTATION

TO: City of Duncanville
330 Shady Trail
Duncanville, TX 75137
attn: John Borchardt
ph: 972-780-5059
email: jborchardt@duncanville.com

RFQ: BuyBoard Contract # 603-20
Public Safety, Fire House Supply& Equipment &
Traffic Signals
512-467-0222 pn
1-800-211-5454 fax

DATE	SLSMN	DELIVERY	FREIGHT	SHIP VIA	F.O.B.	TERMS	QUOTE #
11/3/21	MH	30 - 45 Days ARO	PPD & Allowed	Best Way	Destination	Net 30	Q28816MH

ITEM	QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	5	**Applied Information , AI-500-085-02 - Preempt/Priority FMU2 4G** Includes In-Cabinet Device, Glance Software w/Configuration, 10 Year Connectivity Service With Passthrough And Video	**$8,500.00**	**$42,500.00**
2	**1**	**Centracs SMA Basic Renewal (10/2021-10/2022)**	**$8,800.00**	**$8,800.00**
3	**3**	**PTSI-Duncanville P44 Cabinet Assembly** **NEMA TS2-1 Cabinet Assembly (Special) c/o:** Double Door Cabinet Assembly with Police Panel Mounted on Rear Door 16 Position Backpanel(Flash Transfer Relays Included) 60 Amp Whole Cabinet Surge Protection (Innovative Tech.) Cabinet Includes the Following Plug-Ins 1ea SSS-87 I/O Flasher 16ea SSS-87 I/O Loadswitches 1ea GPS Comm Unit No Controller, No Power Supply, No MMU, No Detectors, No BIU's	**$13,500.00**	**$40,500.00**

Accounts
•010663-700236/$42,500
•010663-700451/$ 8,800
•010663-700884/$40,500

NOTE: PURCHASE ORDER MUST BE PROCESSED THROUGH www.buyboard.com

TOTAL **$91,800.00**

Thank you for the opportunity to submit a proposal to you on this equipment. **Please reference this quotation (by QTE number) when placing order.** If you have any questions please call or send a fax to me.
This quote is valid for 120 days. Thereafter it is subject to change without notice.

OFFERED BY:
Matt Hendricks
Paradigm Traffic Systems, Inc.
Federal ID# 75-2520341

STAFF REPORT

MEETING: City Council - 21 Dec 2021

TITLE:
Consider an Ordinance amending Chapter 5 (Buildings and General Building Regulations); by adding Article VIII (Short-Term Rental Registration Regulations).

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

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

STAFF RESPONSIBLE:
Skye Thibodeaux, AICP - City Planner
Agustin "Gus" Garcia - Managing Director of Development Services

BACKGROUND/HISTORY:
As vacation rentals grow in popularity, the demand for them increases. More and more property owners are opting to rent their houses to travelers. There is a surge in the short-term rental industry, as shown by the growth of HomeAway, TurnKey, and Airbnb, and other web-based platforms, including newspaper advertisements. The web-based platforms serve as a conduit for individuals to rent homes, apartments, or even single rooms to travelers, often for high-profile events such as sports contests or concerts.

In reaction to the City of Austin's strict regulations for short-term rentals in 2016 toward the banning of short-term rentals by the year 2022, Senate Bill 451 was approved in September 2017, preventing cities from banning short-term rentals but still allowing cities to impose health, safety, traffic, and nuisance rules. The bill intends to allow property owners to protect rental investment despite a few irresponsible homeowners who fail to manage their properties and continue to provide opportunities to generate tax revenues to local and state economies.

An item added to the Zoning Ordinance update back in March of 2021, which was in response to Senate Bill 451, was the establishment of the use "Short-Term Rental". The use is permitted in certain zoning districts in the City via approval of a Specific Use Permit, and "by right" in the Downtown Duncanville District, with additional regulations as outlined in Section 3.04 of the Zoning Ordinance.

Once adopted, Ordinance No. 2419 will be the regulating document related to the permitting, registering, and performance regulations associated with short-term rentals who apply to operate within the City of Duncanville.

POLICY EXPLANATION:
Council approval is required for all ordinances.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ATTACHMENTS:
Ordinance No. - 2419 - Short Term Rental Regulations - Pdf

ORDINANCE NO. 2419

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUNCANVILLE, BY AMENDING CHAPTER 12C 'BOARDING AND GROUP HOMES' BY ADDING NEW ARTICLE II "SHORT-TERM RENTAL REGISTRATION REGULATIONS", SECTIONS 12C-50 THROUGH 12C-64; PROVIDING FOR DEFINITIONS; PROVIDING THE POWERS AND DUTIES OF THE CITY PLANNER AS THE DESIGNATED ADMINISTRATOR; PROVIDING FOR THE ESTABLISHMENT OF A SHORT-TERM RENTAL REGISTRATION PROGRAM FEE; PROVIDING FOR RESERVE SECTIONS 12C-65 – 12C-99; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Duncanville, deems it necessary for the purpose of promoting the health, safety and general welfare of the City and its residents, to adopt and enforce regulations regarding short-term rental properties which are offered for lease, barter or rent in the City,

WHEREAS, the City Council has determined that regulations are needed to be updated to address regulations for Short-Term Rentals, and

WHEREAS, permanent residents desire the option to occasionally utilize their properties for home share rentals, and

WHEREAS, the operation of Short-Term Rentals should not negatively affect property values, and

WHEREAS, the short-term rental registration program shall be implemented Citywide and shall apply to each single-family, two-family (duplex), multi-family, and townhouse, as defined, short-term rental units within the City.

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

SECTION 1. That Chapter 12C "Boarding and Group Homes" of the Duncanville Code of Ordinances is hereby amended by adding a new Article II, "Short-Term Rental Registration Program Regulations", which shall read as follows:

"CHAPTER 12C – BOARDING AND GROUP HOMES

ARTICLE I. IN GENERAL

. . . . . .

ARTICLE II. SHORT-TERM RENTAL REGISTRATION PROGRAM REGULATIONS

Sec. 12C-50 Purpose and Applicability

The purpose of this division is to establish regulations for the registration and use of Short-Term Rentals for single-family, two-family (duplex), and townhouse living units. The requirements of this division apply only to Short-Term Rentals, as defined herein, located in residential and certain non-residential zoning districts established under the City's Zoning Ordinance, Chapter 23 of Code of Ordinances. Nothing in this division, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days, or any other applicable provision of the Duncanville Code of Ordinances.

Sec. 12C-51 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short-Term Rental in order to promote the availability of the Short-Term Rental.

City Manager means the person designated by the City Council and Home Rule Charter.

City Planner means the person designated by the City Manager as the City Planner or their designee.

Host means the person, firm, corporation, partnership or association, assigned the duty and responsibility by the owner to manage or rent residence for a Short-Term Rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Chapter 18, Article II of the Duncanville Code of Ordinances and Chapter 3 of the Texas Tax Code, as may be amended.

Local Emergency Contact means an individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the Short-Term Rental Property, and be authorized by the owner to

act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means the person who, in accordance with the most recently recorded deed, deed of trust, security instrument, trust instrument, affidavit of heirship, muniment of title or other similar document indicating title to real property recorded in the Official Public Records of Dallas County, Texas, is vested in, the ownership, dominion or title of real property, including, but not limited to:

1. the owner of a fee simple title;
2. the owner of a life estate or an estate for years;
3. the purchaser named in an executory contract for conveyance entered in compliance with title 2, chapter 5, subchapter D of the Texas Property Code, as amended, and recorded in the Official Public Records of Dallas County, Texas if required by V.T.C.A., Property Code § 5.076, as amended; or
4. a mortgagee, receiver, executor or trustee in control of real property.
5. a person with a long-term lease of thirty (30) days or greater.

Person means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or community entity.

Primary Residence means the usual dwelling place of the applicant's residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, property tax documents, or utility bill. For purpose of this chapter, a person may have only one primary residence.

Short-Term Rental, as defined by the City's Zoning Ordinance, shall mean "a residential unit offered for rental to guests for residential purposes for a period of one (1) to thirty (30) nights. Examples include, but are not limited to, Airbnb, Vacation Rentals by Owner, HomeAway, other brokers or persons. Such rentals may include a shared room, a single room, or the entire dwelling unit. These uses are conducted by the homeowner or tenant, not by a hotel or other business." The term does not include;

1. a dwelling, or a part thereof, unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet or event space, or another similar use as determined by the City Planner;
2. a bed and breakfast; or
3. a hotel/residence hotel.

Group home or assisted living defined by the Comprehensive Zoning Ordinance.

Single-family residence means a single-family residence as referred to in this article which includes the following:

1. One-family dwelling (detached): A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract;

2. One-family dwelling (attached): A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a platted separate lot, delineated by front, side and rear lot lines;

3. Two-family dwelling: A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families, one in each unit; and

4. Condominium: The separate ownership of single dwelling units in a multiple unit structures with common elements and;

5. Multi-family dwelling or apartment: Any building or portion of a building, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Residential districts: Includes the following districts: SF-43 Estate Single-Family Residential District, SF-13 Single-Family Residential District, SF-10 Single-Family Residential District, SF-7 Single-Family Residential District, TF-7 Duplex Residential District, MF-21 Multi-Family Residential District, MF-14 Multi-Family Residential District as defined in Chapter 23 of the Code of Ordinances.

Short-term rental permit means the permit issued by the City Planner or their designee pursuant to this article.

Sec. 12C-52 City Manager / City Planner, Power and Duties.

The City Manager, City Planner or designee is hereby designated as the administrator of the provisions of this Article. In addition to the powers and duties otherwise prescribed for the city planner, as administrator of this Article, the city planner shall have the authority to:

1) Administer and enforce all provisions of this ordinance along with related standards for Short-Term Rentals contained in Chapter 23 (Zoning Ordinance) within the Duncanville's Code of Ordinances.

2) Keep records of all registrations issued in the program.

3) Adopt reasonable rules and regulations, not inconsistent with the provisions of

this Article, with respect to the form and content of application for registration, the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper administration and enforcement of the provisions of this Article.

4) Conduct periodic inspections of residential rental properties throughout the City to ensure compliance with this Article and all other applicable City ordinances and State laws, and applicable adopted codes including but not limited to the adopted Building Codes in Chapter ___ of the Code of Ordinances as amended, 2015 related to the purpose and/or enforcement of this Article.

Sec. 12C-53 Short-Term Rental Registration Requirements

A. No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the City as a Short-Term Rental for which a registration has not been properly made and filed with the development services department of the city. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

1) Name, address, phone number and e-mail address of the property owner(s) of the Short-Term Rental property.

2) Verification of ownership and authorization by the owner's Residence regarding primary residence.

3) Name, address, phone number and e-mail address of the designated Local Emergency Contact.

4) The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with the Code of Ordinances.

5) A submission of a detailed floor plan of the dwelling with dimensioned room layout.

6) Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys; other public rights-of-way or public property.

7) Property owner must submit complete list of all rentals whether or not located withing the City advertised on all hosting sites.

8) Name, address, e-mail address, and telephone number of the resident owner, nonresident owner, property manager, resident manager, local emergency contact, and mortgagee, if there is a mortgage against property.

9) Trade name of resident owner or nonresident owner.

10) Names and addresses of all registered agents should the parties named in this subsection be corporations.

11) Zoning classification(s).

12) Acknowledgement of receipt of a copy of this article and agreement to comply with all provisions of this article as a condition to receiving and maintaining a short-term rental license.

Sec. 12C-54 Inspection Required

A. Upon registration and renewal, and prior to the first rental occupant of a Short-Term rental property, after such registration and renewal, the owner is required to schedule an Inspection of the residential structure with the City development services department to determine compliance with the minimum property standards contained in the Code of Ordinances in this Article and other applicable codes.

1) If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.

2) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable City codes and ordinances, the City shall provide written notice of such violation and shall set a re-inspection date for violation to be corrected prior to its rental or occupancy.

Sec. 12C-55 Restrictions on Short-Term Rentals

A. *External Signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a Short Term Rental).

B. *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a home share rental, except that:

1) There shall be a maximum occupancy of ten (10) persons, including adult and children.

2) Bedrooms under 120 square feet shall be limited to only adult one occupant.

C. *Limits on number of vehicles.* There shall be a maximum of one motor vehicle per bedroom, or maximum number of motor vehicle that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks) whichever is less.

D. *Advertisement and contracts*. Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

E. *Other Restrictions*. It is unlawful:

1) To operate or allow to be operated a Short-Term Rental without first registering the property in which the rental is to occur with the City in accordance with this article;

2) To advertise or offer a Short-Term Rental without first registering the property in which the rental is to occur with the City in accordance with this article; documented advertisement of the subject property as a Short-Term Rental, online or offline, shall be considered prima face evidence of a violation of this ordinance;

3) To operate a Short-Term Rental that does not comply with all applicable city and state laws and codes;

4) To operate a Short-Term Rental without paying the required hotel occupancy taxes;

5) To offer or allow the use of a Short-Term Rental for the sole or primary purpose of having an establishment that allows for an environment that produces unwanted public nuisances such as noise.;

6) To fail to include a written prohibition against the use of a Short-Term Rental for having a party in every advertisement, listing, or other publication offering the premises for rent.

7) Permit the use of the Short-Term Rental for the purpose of housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.

Sec. 12C-56 Brochure and Safety Features

A. *Informational brochure.* Each registrant operating a Short-Term Rental shall provide to guests a brochure and file the same with the City that includes:

1) The registrant's twenty-four (24) hour contact information;

2) The host's twenty-four (24) hour contact information if the property owner is not within the city limits when guests are renting the premises;

3) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;

4) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

B. *Safety features.* Each Short-Term Rental registrant shall provide in the premises working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher for each sleeping unit and kitchen. The premises shall otherwise comply with applicable standards and regulations contained in the City's Code of Ordinances, and as amended.

Sec. 12C-57 Notification of Approval of Short-Term Rental

Within ten (10) days of the approval of a Short-Term Rental registration or renewal, a notice will be sent to all property owners within two-hundred feet (200 ft.) of the property, which shall include the 24-hour complaint line..

Sec. 12C-58 Registration Term, Fees, and Renewal

A All registrations approved under this Chapter shall be valid for a period of one year from the date of its issuance.

1) The fees for registration of a Short-Term Rentals shall be as established by resolution of the City Council and may include the following:

   a. The initial registration fee,

   b. a late fee of twice the established the fee, and

   c. senior exemption or other exemption.

B. Upon receipt of an application for renewal of the registration, the City Planner or their designee may deny the renewal if there is reasonable cause to believe that:

1) The registrant has violated any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any

other person; or

2) There are grounds for suspension, revocation, or other registration sanction as provided in this article.

Sec. 12C-59 Inspections; Re-inspections; Suspension and Revocation of License

A. *Inspections; access.* The resident owner, nonresident owner, resident manager and property manager, as a condition to the issuance of a short-term rental license required by this article, shall consent and agree to permit and allow the city's building official or their designee to make the following inspections of the short-term rental when and as needed to ensure compliance with this article.

1) Right and access to inspect all portions of the premises and structures located on the premises that are not dwelling units, including, but not limited to, all storage areas, detached garages, and swimming pools, upon reasonable advance notice being given to the resident owner, nonresident owner, property manager or resident manager;

2) Right and access to inspect all unoccupied dwelling units upon giving reasonable notice to resident owner, nonresident owner, resident manager or property manager;

3) Right and access to inspect all occupied dwelling units when, upon receipt of reliable information, the building official or their designee has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property; and

4) Before the short-term rental license and any renewal of the short-term rental license is approved, and before the rental of any single-family residence as a short-term rental under this article, the resident owner, nonresident owner, resident manager or property manager shall request an inspection and make the single-family residence available for inspection by the building official or their designee. The building official or their designee and the resident owner, nonresident owner, resident manager and property manager shall agree on a reasonable date and time for the requested inspection.

B. *Admission to premises.* The City Planner or their designee may enforce the provisions of this article upon presentation of proper identification to the occupant in charge of the short-term rental and may enter, with the occupant's permission, any short-term rental between the hours of 8:00 a.m. and 6:00 p.m.; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, the building official or their designee may enter the short-term rental referenced in subsection (a) of this section

at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the building official is denied admission to inspect any short-term rental under this provision, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection.

C. *Reinspection.* If any of the inspections authorized by this article require a second reinspection due to noted violations, then a reinspection fee of $50.00 shall be paid prior to the second reinspection.

D. *Suspension or revocation of license.* Failure of an owner to comply with the provisions of this article after receipt of written notice of the violation from the building official or their designee setting out the violations and the time allowed to rectify the violations, the short-term rental license authorized by this article issued to the owner may be suspended or revoked by the community development department.

E. *Reinstatement.* Any person requesting a reinstatement or reissuance of a short-term rental license that has been suspended or revoked shall be required to apply for and receive a new short-term rental license issued under this article as a condition precedent to the reissuance or reinstatement of the certificate of occupancy.

Sec. 12C-60 Revocation/Appeal

A. Permit maybe denied and/or revoked by the City Manager or designee upon a finding by the noncompliance with any provisions of this article or violations of the Zoning Ordinance, or other applicable city codes.

B. A permit holder may be subject to revocation of their permit if there are four or more violations within a twelve-month period of this article or other safety, health and welfare ordinances of the City.

C. The Neighborhood Services Department shall issue a notice of violation of any provision of this article or violations as provided herein. Such notice shall include the date, time and synopsis of the facts surrounding such violation.

D. An applicant or permit holder who wishes to appeal the denial or revocation of a permit under this article, shall file an appeal with the Board of Adjustment for reinstatement of a denied or revoked permit.

E. The Board of Adjustment shall conduct an evidentiary hearing, take testimony and receive any documented evidence to determine whether the decision of City Manager or designee should be upheld or overturned.

F. At the hearing, the Board of Adjustment shall receive a testimony and evidence to contest the decision to deny or revoke a permit.

G. The Board of Adjustment upon completion of a hearing, shall upon a majority vote of four-fifths of the Board may overturn the decision of the City Manager or designee.

H. After a permit under this article has been revoked an owner may not reapply until after six (6) months of any revocation or appeal from a final decision of the Board of Adjustment or court of competent jurisdiction.

I. All decision of the Board of Adjustment under this article shall be deemed final.

Sec. 12C-61 Fees

All fees for registration, inspection or renewal, including any late fees or exemptions, as provided in this article, shall be as established by resolution of the City Council.

Sec. 12C-62 Presumption; Presentation of Documents or Affidavit

A. Presumption. Its hall be a rebuttable presumption that a single-family residence that is occupied by one or more person(s) who are not the owner is being occupied pursuant to an agreement between the owner and the occupant(s) of the single-family residence wherein the occupant(s) have agreed to rent said residence from the owner as Short-Term Rental.

B. *Presentation of documents or affidavits.* Any resident owner or nonresident owner claiming that the owner is not required to obtain a short-term rental license pursuant to this article shall, not later than five business days following receipt of a written request of the administrator of this Ordinance or their designee or, in the case of an appeal filed pursuant to Section 9-29-10 of this article deliver to the community development department a true and correct copy of any agreements, documents of title, letters of administration, letters testamentary, executory contracts for conveyance (also known as "contracts for deed"), affidavits, or other documents that establish to the satisfaction of the community development department that a landlord/tenant relationship does not exist between the owner and the occupant(s) of the single-family residence. Unless an extension of the time for delivery of such documents or affidavits is granted by the building official or their designee or city manager, as the case may be, the failure of the owner to present the requested documents within the time provided by this subsection (b) shall result in the presumption described in subsection (a) above, becoming irrefutable.

Sec. 12C-63 Violations and Penalties

Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Reserve 12C-64 – 12C-99”

SECTION 2. That all provisions of the Ordinances of the City of Duncanville, Texas, in conflict 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 3. If any article, paragraph or subdivision, clause or provision of this shall be judged invalid or held unconstitutional, 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 valid or unconstitutional.

SECTION 4. Any person, firm, corporation or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Duncanville, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2000.00) for each offense. Every day that a violation occurs shall constitute a separate offence.

SECTION 5. This ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 21st day of December 2021.

APPROVED:

_____

Barry L. Gordon, Mayor

ATTEST:

_____

Kristin Downs, City Secretary

APPROVED AS TO FORM:

_____

Robert E. Hager, City Attorney

STAFF REPORT

MEETING: City Council - 21 Dec 2021

TITLE:
Receive and Consider approving the DCEDC FY22 Strategic Plan.

FY 2019 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **N/A**
  - **Goal: N/A**
    - **WorkPlan Item N/A**

STAFF RESPONSIBLE:
Agustin Garcia, Economic Development Director

BACKGROUND/HISTORY:
The City of Duncanville Community and Economic Development Corporation(DCEDC) is pleased to present the department's Strategic Plan of the 2021-2022 Fiscal Year. We strongly believe that in order to implement effective change and improve our City, a detailed structure needs to be put into place. This strategic plan will be the foundation of the DCEDC and our future projects to ensure that we can accomplish all our goals. The method that we find to be the most efficient is mapping out our projects, creating metrics to keep ourselves focused, and setting deadlines to keep our promise of improving Duncanville. Our residents and businesses deserve our full attention, and this strategic plan will highlight that priority.

Our vision is to significantly enhance our community. We have the opportunity to fill Duncanville with more culture, collaboration, and creativity. With new restaurants, stores, and facilities, the residents can come together and celebrate the development of the City. We want to emphasize the importance of community engagement and activity throughout our City. We will aim to attract new residents and businesses through various strategies such as marketing and networking.

Duncanville is a place of innovation and imagination. Our City is filled with kind, intelligent, and inspiring people. We wish to give them a city that reflects these characteristics. The DCEDC has the intention of promoting our diverse town, our vibrant quality of life, and our beautiful environment. We hope to provide only the best for our City of Champions.

POLICY EXPLANATION:
The Duncanville Community and Economic Development Corporation (DCEDC) Board of Directors, at their Planning Retreat held on October 18th, 2021, gave DCEDC staff approval to bring the DCEDC FY22 Strategic Plan to City Council for consideration.

DCEDC staff is bringing before Council the DCEDC FY22 Strategic Plan for consideration as of the December 21, 2021 meeting.

FUNDING SOURCE:

ORG and Object Number
N/A

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

ATTACHMENTS:
Attachment 1- DCEDC FY22 Strategic Plan

Attachment 1

FISCAL YEAR 2021-2022

STRATEGIC PLAN

DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPMENT CORPORATION

203 E Wheatland Rd, Duncanville, TX 75116
972.780.5090
www.duncanvilleedc.com
duncanvilleedc@duncanville.com

Attachment 1

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ACKNOWLEDGEMENT

Duncanville Community and Economic Development Corporation

Kenneth Govan – President

Michael Grace – Vice President

Tammi Abney – Board Member

Jarred Davis – Board Member

Charles Reed – Board Member

Linda Lydia – Board Member

Duncanville City Council

Barry L. Gordan – Mayor

Patrick Harvey – Councilmember At-Large

Joe Veracruz – Councilmember, District 1

Don McBurnett – Councilmember, District 2

Jeremy Koontz – Councilmember, District 3

Mark D. Cooks – Councilmember, District 4

Greg Contreras – Councilmember, District 5

Economic Development Team

Agustin "Gus" Garcia – Economic Development Director

Clay Mansell – Economic Development Manager

Texxa Simmons – Economic Development Executive Assistant

Niyati Modha – Economic Development Intern

EXECUTIVE STATEMENT

Duncanville stands at the crossroads of immense opportunity. Since the late 1980s and the early 1990s, the globalization of the world economy created an environment where employers and employees were increasingly no longer geographically restricted. This led to the disruption of the Post-WWII economy, based around institutional employers that were responsible for the employment and economic welfare of their communities. As we are again seeing in the Post-COVID economy in the form of remote and hybrid work, the contemporary employee and employer are increasingly even less geographically restricted. And while the COVID-19 pandemic still rages on with seemingly no end in sight, the effects the pandemic has had on the contemporary American economy have already been accepted as a permanent fixture of our day-to-day lives.

Employers in the Post-COVID economy will want to locate their operations in areas that their employees, who are increasingly mobile and empowered by remote work technologies, want to live. It is not enough to simply have decent jobs and good schools to attract families and workers to our community. It must be a place people want to live regardless of their employment, and this means amenities; restaurants, retail, art, entertainment, environmental features, and parks.

The crossroads Duncanville stands at is the same crossroads that all older suburban communities across the country stand at. Option one is to continue down the same, antiqued approach to economic development, believing that the one major institutional employer will come in and save the City by employing the majority of the community. While this approach was simple and proven in a previous economic period, it is no longer viable in the modern economy. Option two is a more complex, less readily available approach to economic development that is dependent on a multi-faceted approach dependent on a diverse array of economic endeavors that provides resiliency during an ever-changing economic system by making our community a place where people want to live, and therefore, a place employers want to establish their operations.

The following Strategic Plan outlines many different approaches aimed at placing Duncanville on the path towards a diverse and resilient future. These efforts alone will not address every hurdle against economic development in Duncanville, but these efforts will establish the proper practices that will establish the foundation for the City's future prosperity.

Attachment 1

VISION & VALUES

The City of Duncanville Community and Economic Development Corporation (DCEDC) is pleased to present the department's Strategic Plan of the 2021-2022 Fiscal Year. We strongly believe that in order to implement effective change and improve our City, a detailed structure needs to be put into place. This strategic plan will be the foundation of the DCEDC and our future projects to ensure that we can accomplish all our goals. The method that we find to be the most efficient is mapping out our projects, creating metrics to keep ourselves focused, and setting deadlines to keep our promise of improving Duncanville. Our residents and businesses deserve our full attention, and this strategic plan will highlight that priority.

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Respectfully,
The Duncanville Community and Economic Development Team

Attachment 1

SWOT ANALYSIS

STRENGTHS

- Loyal and diverse community.
- Great attractions and assets within the City.
- Low Debt City.
- Transportation infrastructure.
- Strategic location.
- Active service organizations.
- City Council reflective of the community.

WEAKNESSES

- 92% of the City is already built out.
- Lack of space for new businesses.
- Duncanville is not very well known outside of DFW.
- Lack of community engagement.
- False perception of high crime and low income demographics by developer and broker community.

OPPORTUNITIES

- New social media will be implemented soon.
- Redevelopment opportunities are endless.
- Could recruit multiple new businesses for community.
- Fieldhouse and associated development.
- Future downtown and commuter rail station.
- Capitalize on the park system.

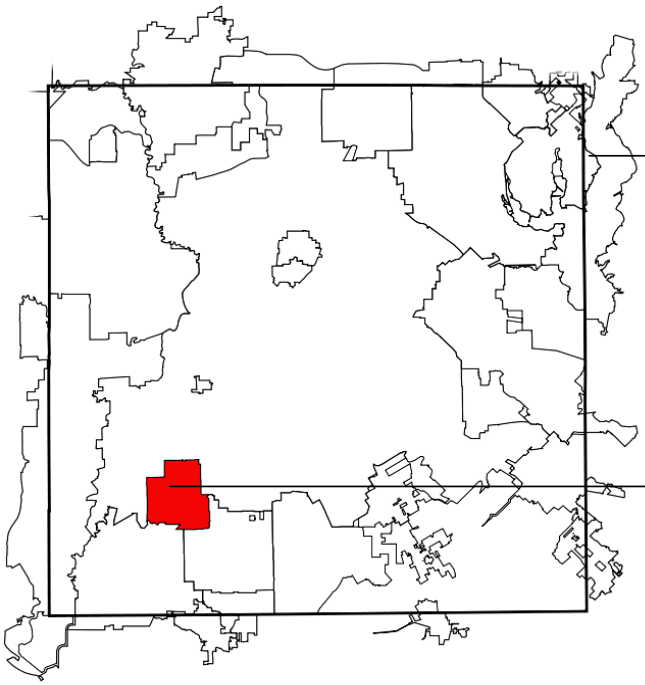
THREATS

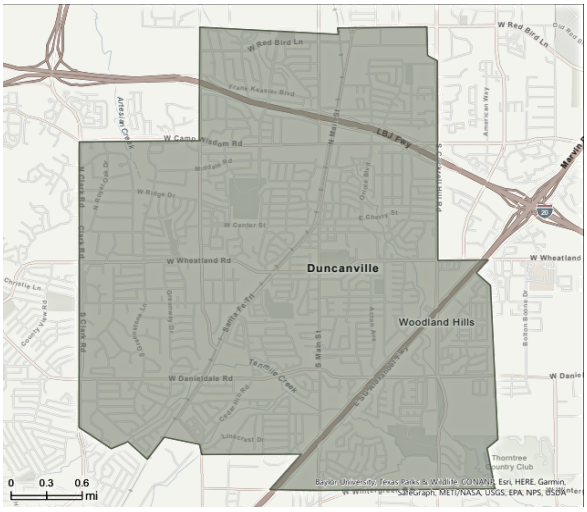
- Rebranding and changing the perception of the City will take at least a few years.
- Competition with other cities.
- Possible lack of staff and personnel for planned projects.
- Blight and lack of greenfields.
- Older neighborhoods in decline.
- Absentee property owners.

Attachment 1

INDUSTRY ANALYSIS

Regional Map





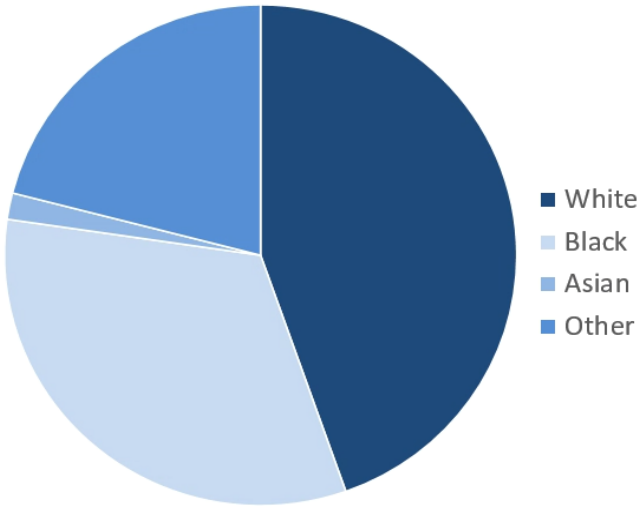
Duncanville is located in the Southwest region of Dallas County. It is a part of the Best Southwest Partnership, which includes Duncanville's neighboring cities, Desoto, Cedar Hill, and Lancaster. Duncanville is a 20 minute drive from Downtown Dallas, Fort Worth, and DFW International Airport and placed between two major highways, Interstate 20 and Highway 67.

Attachment 1

Demographics

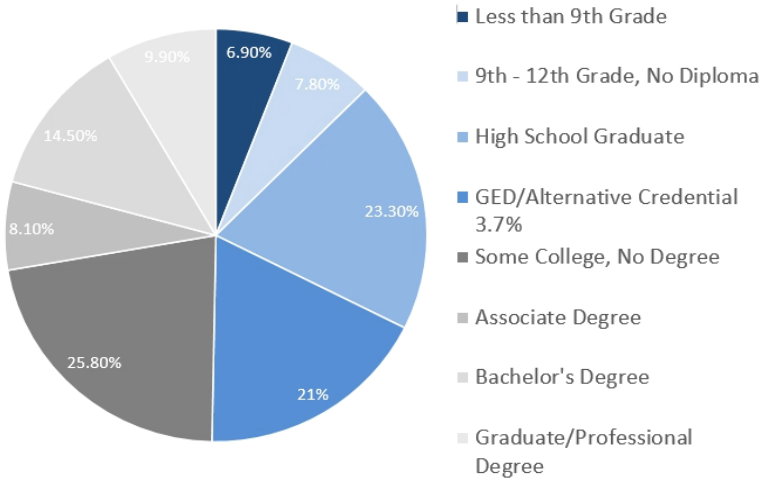
Duncanville has a population of 40,739. The annual growth rate is 0.56% and the median age is 36.6.

Duncanville has about 13,616 households and the average household size is 2.98.



Duncanville is one of the most diverse towns in Southwest Dallas. We have a 44.6% White population, 32.7% Black population, 1.7% Asian population, and 21% of the population are other races or of multiple races. Of this population, about 39.3% identify as Hispanic.

Duncanville's residents have different backgrounds in education as well. The chart to the right illustrates the different levels of education completed by the residents.



Attachment 1

Financial Analysis

The DCEDC uses many tools to collect data and information on the community, the City's economy, and businesses. Some of these tools include:

- Business Recruitment, Retention, and Expansion software: A tool that allows economic development departments to manage the City's business data, track analytics, run reports, and easily track communications with all businesses in City limits. (Ex: Bludot.io)
- Consumer Tracking and Location Analytics software: A tool that performs industry analysis that reveals current consumer trends by using location-based tracking data to identify retail hotspots. (Ex: Placer.ai)
- GIS and Business Analytics software: Tools that provide mapping, statistics, and internal and external information about specific areas and cities. (Ex: ArcGIS, Esri, CoStar)

Duncanville's median household income is $59,405. Our 2021 per capita income is $30,382 and our median net worth is $88,548.

Duncanville has about 1,519 businesses and 15,783 employees. 63% of the workforce is in the White Collar industry, 26% in the Blue Collar industry, and 11% in Other industries.

Attachment 1

Top 10 Employers

Duncanville ISD	1,800
Cabinetworks (formerly Masco Cabinets)	615
City of Duncanville	332
Costco Wholesale	200
Pioneer Foods	180
Pappadeaux Seafood Kitchen	148
Tom Thumb Food & Pharmacy	145
Freedom Dodge Chrysler	130
Olive Garden Italian Restaurant	110
La Mexicana Tortilla Factory	110
TOTAL:	3,770

Top 10 Taxpayers

Company	FYTD Collections	%Total
Costco Wholesale Corporation		
84 Lumber Company		
TXU Energy Retail Company LLC		
Deford Lumber Company, LTD		
Amazon.com Services Inc. (Marketplace)		
Pappas Restaurants, Inc		
Amazon Fulfillment Services Inc		
Kroger Texas L.P.		
New Cingular Wireless PCs, LLC		
Harbor Freight Tools USA, Inc		
Top 10 Companies	$3,700,186	31.6%
Other Large Companies	7,822,039	66.8%
Small Companies/Other	$172,709	1.5%
Single Local Tax Rate (SLT)	$8,407	0.1%
TOTAL:	$11,703,341	100.0%

Attachment 1

Industry Segment Breakdown

INDUSTRY SEGMENT*	% Total Current YTD Collections	Prior Fiscal YTD Sales Tax Collections	Current Fiscal YTD Sales Tax Collections	Change $	Change %
Retail Trade	46.6%	4,694,930	5,373,421	678,490	14.5%
Lodging, Food Svcs	13.5%	1,358,919	1,552,562	193,643	14.2%
Wholesale Trade	7.6%	705,353	881,279	175,926	24.9%
Utilities	7.0%	725,243	803,248	78,005	10.8%
Telecom	4.5%	743,113	520,718	(222,394)	-29.9%
Top 5	**79.2%**	**8,227,559**	**9,131,228**	**903,669**	**11.0%**
Unidentified	5.6%	469,005	645,593	176,588	37.7%
Manufacturing	3.6%	320,592	411,252	90,660	28.3%
Other Services	2.3%	312,509	261,240	(51,269)	-16.4%
Admin, Support, Waste Mgmt	2.5%	234,959	286,913	51,954	22.1%
Construction	2.7%	209,432	309,830	100,397	47.9%
Real Estate, Rental, Leasing	1.3%	143,896	150,040	6,144	4.3%
Information excl. Telecom	0.7%	66,914	85,508	18,594	27.8%
Prof, Scientific, Tech Svcs	0.6%	61,661	68,408	6,747	10.9%
Recreation, Arts, Entmt	0.5%	57,516	57,205	(311)	-0.5%
Company, Enterprise Mgmt	0.2%	77,734	27,745	(49,989)	-64.3%
Financial, Insurance	0.4%	44,301	41,676	(2,625)	-5.9%
Transportation, Warehousing	0.2%	9,064	20,274	11,211	123.7%
Health Care, Social Assistance	0.1%	13,484	11,304	(2,181)	-16.2%
Public Admin	0.1%	11,093	9,926	(1,168)	-10.5%
Education Services	0.0%	6,718	3,450	(3,267)	-48.6%
Ag, Forestry, Fishing, Hunting	0.0%	287	349	62	21.7%
Mining, Oil/Gas Extr	0.0%	208	285	77	37.0%
All Other	**20.8%**	**2,039,372**	**2,390,998**	**351,625**	**17.2%**
TOTAL COLLECTIONS	**100.0%**	**10,266,931**	**11,522,225**	**1,255,294**	**12.2%**

Sales Tax YOY Change 2017-21

	FISCAL YEAR				
	2017	2018	2019	2020	2021
Oct	$ 756,552	$ 786,932	$ 871,174	$ 885,497	$ 806,953
Nov	$ 890,954	$ 945,418	$ 1,027,248	$ 1,023,608	$ 1,036,229
Dec	$ 757,766	$ 795,079	$ 808,135	$ 899,967	$ 830,234
Jan	$ 734,159	$ 767,921	$ 761,308	$ 799,875	$ 802,203
Feb	$ 954,233	$ 1,022,044	$ 982,541	$ 1,093,884	$ 1,045,330
Mar	$ 729,619	$ 758,470	$ 751,474	$ 692,647	$ 798,308
Apr	$ 728,095	$ 749,940	$ 763,496	$ 677,612	$ 816,990
May	$ 1,051,996	$ 1,098,424	$ 1,069,254	$ 888,124	$ 1,215,345
Jun	$ 758,412	$ 859,016	$ 846,390	$ 773,097	$ 1,073,951
Jul	$ 913,709	$ 914,447	$ 879,868	$ 809,544	$ 895,092
Aug	$ 810,342	$ 1,017,290	$ 1,018,284	$ 1,021,136	$ 1,130,684
Sep	$ 776,192	$ 906,974	$ 861,472	$ 774,925	$ 1,013,137
YEAR	**$ 9,862,026**	**$ 10,621,953**	**$ 10,640,645**	**$ 10,339,917**	**$ 11,464,458**
YoY Change		**7.7%**	**0.2%**	**-2.8%**	**10.9%**

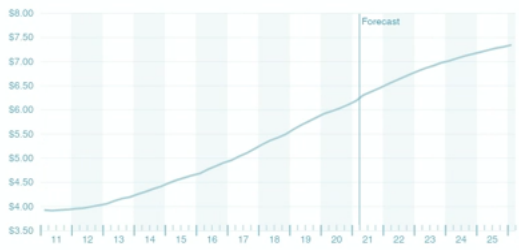
Attachment 1

Trends to Monitor

Industrial

INVENTORY SF	UNDER CONSTRUCTION SF	12 MO NET ABSORPTION SF	VACANCY RATE	MARKET RENT/SF	MARKET SALE PRICE/SF	MARKET CAP RATE
1.7M +0%	354K -	9.3K +178.2%	0.3% -0.5%	$6.28 +5.4%	$74 +6.5%	6.3% +0%
Prior Period 1.7M	Prior Period 0	Prior Period (11.8K)	Prior Period 0.8%	Prior Period $5.96	Prior Period $70	Prior Period 6.3%

Market Rent Per SF

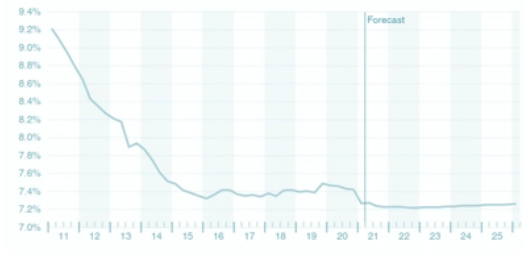


Occupancy Rate

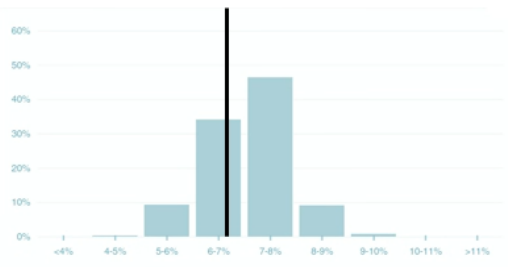
Office & Retail

INVENTORY SF	UNDER CONSTRUCTION SF	12 MO NET ABSORPTION SF	VACANCY RATE	MARKET RENT/SF	MARKET SALE PRICE/SF	MARKET CAP RATE
3.5M +0%	6.8K -	9.3K +113.6%	8.8% -0.3%	$14.63 +1.1%	$163 +4.3%	7.3% -0.2%
Prior Period 3.5M	Prior Period 0	Prior Period (68.4K)	Prior Period 9.1%	Prior Period $14.47	Prior Period $156	Prior Period 7.5%

Market Cap Rate



Market Cap Rate Distribution

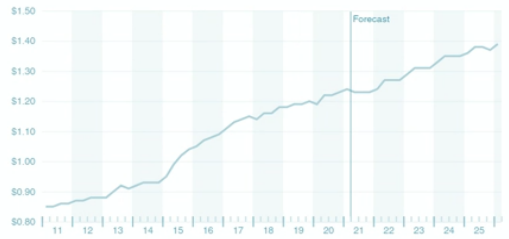


Trends to Monitor (cont.)

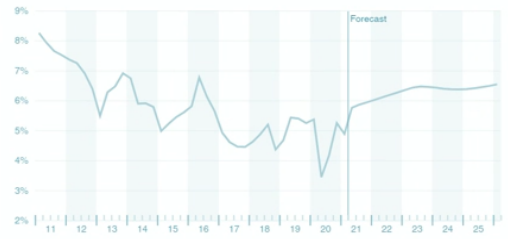
Multi- Family

INVENTORY UNITS	UNDER CONSTRUCTION UNITS	12 MO ABSORPTION UNITS	VACANCY RATE	MARKET RENT/UNIT	MARKET SALE PRICE/UNIT	MARKET CAP RATE
2,536 +0%	0 -	(38) -204.8%	5.4% +1.5%	$1,111 +3.5%	$117K +9.6%	5.5% -0.2%
Prior Period 2,536	Prior Period 0	Prior Period 36	Prior Period 3.9%	Prior Period $1,073	Prior Period $107K	Prior Period 5.7%

Market Asking Rent Per SF



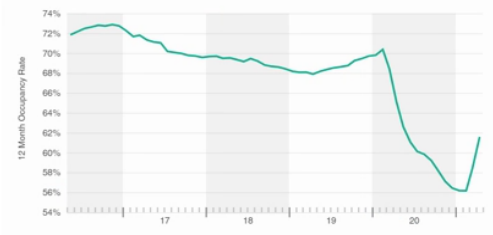
Stabilized Vacancy Rate



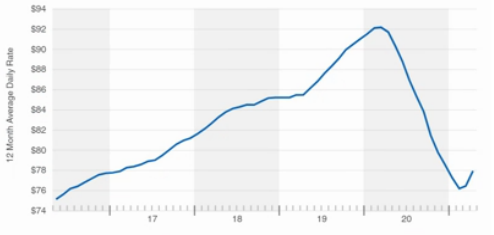
Hospitality

INVENTORY ROOMS	UNDER CONSTRUCTION ROOMS	12 MO OCC RATE	12 MO ADR	12 MO REVPAR	MARKET SALE PRICE/ROOM	MARKET CAP RATE
679 +0%	0 -	61.6% -8.5%	$78 -15.3%	$48 -22.5%	$77.2K -14.4%	9.0% +0%
Prior Period 679	Prior Period 0	Prior Period 67.3%	Prior Period $92	Prior Period $62	Prior Period $90.1K	Prior Period 9.0%

Occupancy



ADR



Attachment 1

Duncanville

City of Champions

Attachment 1

STRATEGIC GOALS AND INITIATIVES

Economic Development

1

- Attract Small-Scale projects.
- Improve relations with Duncanville businesses.
- Identify and develop area plans for key areas for redevelopment.
- Attract Catalyst projects.
- Attract a Legacy project.
- Promote green and environmentally-friendly initiatives for the City.

Community Enhancement

2

- Increase beautification efforts around the City.
- Enhance City inter-departmental cooperation.
- Enhance job training and workforce development.
- Increase and lead efforts on collaboration with internal and external boards and commissions.
- Establish Music and Art focused events and institutions within the City.

Marketing

3

- Design and implement tourism initiatives.
- Create DCEDC-specific social media.
- Initiate a redesign and restructure of the DCEDC website.
- Create Duncanville asset videos.
- Engage in traditional marketing methods.

Attachment 1

ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

The Economic Development objectives are designed to address external business opportunities in the City of Duncanville focused on expanding sales tax generation and job growth by attracting, retaining, and expanding tax-generating activities within the City.

OBJECTIVE 1: Attract Small-scale Projects.

Small-scale projects are meant to enhance Duncanville in a shorter period by addressing business opportunities that are focused on an individual basis, independent of any larger area plan or catalyst project. These projects may include:

- Restaurant recruitment.
- Recreational enterprises.
- Retail recruitment.
- Entrepreneur/Small Business support.
- Developer support.

Metrics:

- Ongoing Metrics
  - Support and guide developers, entrepreneurs, and small businesses to address any issues we can help with (permitting, incentives, business resources, financing).
- One-year Metrics
  - Recruit 5 new restaurants or lounges.
  - Attracting a festival/event operator to initiate a food truck park event.
- Long-term Metrics
  - Expand and assist recreation enterprises in recruiting and/or expanding entertainment options in Duncanville.

OBJECTIVE 2: Improve relations with Duncanville businesses.

Duncanville has over 1,500 businesses within the City and the ED team has the goal of strengthening our relationship with them. We would accomplish this through:

- Small Business Retention and Expansion Outreach efforts.
- Rental property, Retail, and Developer, Real Estate roundtable events.

Metrics:

- Long-term Metrics
  - Reach out and establish contact with at least 400 businesses in Duncanville over the next five years.
  - Reach out and establish contact with at least 150 businesses that have not had a relationship with the DCEDC before.
  - Receive survey feedback from at least 750 businesses about the strengths, weaknesses, opportunities, and threats facing them as business owners in Duncanville, and how they would like to see the City support them.

OBJECTIVE 3: Identify and develop area plans for key areas for redevelopment.

Duncanville, being a first-ring suburb, needs revitalization. Due to being nearly 92% built-out, this revitalization has to take the form of redevelopment and reuse. The strategic redevelopment will require the identification of key areas throughout the City and the development of plans to address the unique challenges and opportunities of these given areas. Redevelopment will improve the appearance of our streets and buildings, enabling us to attract new residents and businesses.

Metrics:

- Ongoing Metrics
  - Discuss and receive support from residential, business, and property owners in redevelopment areas.
- One-year Metrics
  - In collaboration with Planning, identify and categorize all residential, commercial, and industrial areas of Duncanville into small areas segments.
- Long-term Metrics
  - Create, when appropriate, small area plans, special districts, and overlay districts to address redevelopment of identified areas.

OBJECTIVE 4: Attract Catalyst Projects.

When one project has begun, it usually sparks more ideas and more projects around it. Blight can further drive blight. Success can further drive success. Catalyst projects are meant to represent an initial spark that will show the potential of a given area, then spur further success by attracting many more great additions to Duncanville. Catalyst areas can include:

- Opportunity areas.
- Retail “Strip mall” centers.
- Downtown.
- Main Street.
- The Charles F. Ladd property.
- Gateways into the City.

Metrics:

- Ongoing Metrics
  - Track success of an area through visitor count.
  - Analyze sales tax generation from new and enhanced businesses in select catalyst areas.
  - Analyze job creation from new and enhanced businesses in select catalyst areas.
  - Analyze long-term property values of catalyst area after attraction of catalyst business.

OBJECTIVE 5: Attract Legacy Projects.

Legacy projects are the projects that will change what Duncanville is known for. We want to add value and purpose to our City and make Duncanville a destination. These projects are long-term, institutional developments that will require extensive collaboration with our residents, elected and appointed officials, City staff, the business community, and other stakeholders to implement such a monumental project.
Metrics:

- One-year Metrics
  - Connect with the Top 20 DFW developers to discuss viable legacy projects in Duncanville.
- Long-term Metrics
  - Identify a Top 20 developer and begin coordination to initiate a legacy project.

OBJECTIVE 6: Promote green and environmentally-friendly initiatives for the City.

Green initiatives promote the livability of urban environments by enhancing air quality, reducing traffic noise, and cooler temperatures. Green initiatives also enhance mental health, reduce stress, and provide safes areas for exercise, walkability, and recreation. Green enterprise opportunities would promote sales tax generation and job creation while still incorporating green spaces and remaining environmentally conscious. These may include:

- Eco-Village Project.
  - Urban Agriculture.
  - Upcycling enterprises/initiatives.
  - Renewable energy and rainwater.
  - Sustainability workshops/education.
  - Green tourism.
- Tenmile Creek Greenbelt.
- Green Space Amenities and Interactive Features.

Metrics:

- Long-term Metrics
  - Recruit and promote environmentally conscious enterprises and projects that help promote Duncanville's economy.
  - Create small area plan proposals that incorporate green features into redevelopment initiatives.

Attachment 1

COMMUNITY ENHANCEMENT

Attachment 1

COMMUNITY ENHANCEMENT

The Community Enhancement objectives are focused on improving internal operations within the City by enhancing internal cooperation in the City government, leading beautification efforts, assisting our constituents with job training programs, and improving relations with external boards and commissions.

OBJECTIVE 1: Increase beautification efforts around the City.

The purpose of beautification efforts is to improve the physical appearance of Duncanville. These efforts will include:

- Utilizing the City's Tax Increment Financing (TIF) program to Duncanville's gateway corridors and adding monuments to welcome people to the City.
- Education and disbursement of exterior structure renovation incentives. Incentives will include grants for facade and architecture, designs, environmental remediation, paint, signage, landscaping, and lot repavement.
- The community will also have the option to utilize the Community Tool Shed program, which will offer residents lawn upkeep equipment for free.
- Collaborate with Public Works and the City Planner to secure a Blue-Grey-Green program grant by NCTCOG to promote water features, pedestrian mobility, and the environment/green belt.

Metrics:

- One-year Metrics
  - Collaborate with Neighborhood Services to have 25-50% of residents who receive property citations utilize the Community Tool Shed program.
  - Successfully collaborate with Public Works and Planning to win a Blue-Grey-Green grant.
- Long-term Metrics
  - Improve Duncanville's landscapes by adding more trees, plants, and flowers to increase the greenery in the City by rewarding incentive grants.

OBJECTIVE 2: Enhance City inter-departmental cooperation.

The purpose of this objective is to better coordinate internal communication and processes among City departments that pertain to development and the overall appearance of our City and how private entities interact with staff. Efforts will include:

- Simplifying the permit process and making it accessible online and easier to navigate.
- Collaborate with city departments to assemble a development permit guide.
- Evaluate City codes to be in compliance and competitive with international, federal, state, and regional standards.
- Work with Neighborhood Services to identify code violations and red-tagged properties throughout the City for potential redevelopment.

Metrics:

- Ongoing Metrics
  - Increased EDC participation in helping assist code violations receive qualified assistance.
  - Increased EDC participation in reforming and improving permit processes and receiving positive developer feedback.

OBJECTIVE 3: Enhance job training and workforce development.

The purpose of this objective is to provide workers with resources to gain the necessary skills and training for their occupation. These resources include:

- Texas Workforce Commission.
- DISD - HB1882 (Charter school ISD specialization partnership).
- Gig economy workshop.
- Entrepreneur workshop.
- Remote workers workshop.
- Education opportunities (partnerships with community colleges).

Metrics:

- One-year Metrics
  - Host at least three workshops for the labor force.
  - Build strong partnerships with local community colleges.

OBJECTIVE 4: Increase and lead efforts on collaboration with internal and external boards and commissions.

The purpose of enhanced collaboration is to better integrate the Duncanville EDC into local and regional development efforts to ensure our community benefits from larger economic trends influencing the metroplex.

- Duncanville City Council.
- Duncanville Community and Economic Development Corporation.
- Duncanville Planning and Zoning Board.
- Duncanville Zoning Board of Adjustments.
- Best South West EDC's (DeSoto, Cedar Hill, Lancaster).
- Chamber of Commerce.
- North Central Texas Council of Governments.
- Dallas Economic Development Corporation.

Metrics:

- Ongoing Metrics
  - Establish working relationships with key contact persons with each board/commission.

OBJECTIVE 5: Establish Music and Art focused events and institutions within the City.

Cultural elements are important to the development of a city. Giving the residents the opportunity to experience different forms of music and art will help create a more well-rounded community while also supporting local artists. The City will increase these efforts by providing the community with events such as:

- Live music events.
- Murals.
- Art Shows.
- Art Galleries.
- Open Mic Nights.
- Partnerships to increase the housing stock for affordable artist live/workspaces.

Metrics:

- One-year Metrics
  - In conjunction with food truck events, incorporate a live music element.
  - Support new and existing art shows and open mic night opportunities at Main Station and other communal venues.
- Long-term Metrics
  - Support artists through organizing live events and promoting them through our social media and providing them a platform to showcase their work at community recreational events.
  - Identify locations throughout the City for mural opportunities that showcase the individual identity of that part of town.
  - Work with residential developers to incorporate units for artist live/workspaces.

Attachment 1

MARKETING

MARKETING

The Marketing objectives are designed to address external perceptions of the City of Duncanville and improve the City's reputation as a place for doing business and as a destination for retail, entertainment, and tourism.

OBJECTIVE 1: Design and implement tourism initiatives.

The purpose of the tourism initiative is to establish more attractions for Duncanville visitors. The attraction of external consumers to Duncanville will increase sales and use tax revenues and publicity for Duncanville. Future attractions may include:

- Sports entertainment highlighting the “City of Champions."
- Food and wine/beer Festival.
- Food truck events/Flavor of Duncanville.
- Expanded restaurant and dining options.

Metrics:

- Long-term Metrics
  - Collect 500-1000 feedback surveys from the community and tourists about possible attractions.
  - Reward 5 HOT grants to help market events to increase tourism, event attendance, and hotel usage.
- Ongoing Metrics
  - Identify a significant increase in external travel to Duncanville.

OBJECTIVE 2: Create DCEDC-specific Social Media.

The DCEDC would create social media accounts separate from the City of Duncanville’s to inform the public of DCEDC updates and events. The social media accounts would include Facebook, LinkedIn, Twitter, and Instagram.

Metrics:

- Ongoing Metrics
  - Regular postings of updates around the City, DCEDC meeting info, business-related events, ribbon cuttings, and other resources.
  - Utilization of social media and traditional marketing to promote Duncanville hotels and restaurants for major events.
  - Publish and/or host a podcast on at least a monthly basis.

OBJECTIVE 3: Initiate a redesign and restructure of the EDC website.

The EDC website (www.duncanvilleedc.com) is meant to inform the public about economic development updates, offer site selection, and community resources. To effectively present this information, the DCEDC is collaborating with the Duncanville Public Information Officer (PIO) to create enhanced EDC pages on the City's website. This will include new pages, neater graphics, and more concise information.

Metrics

- Ongoing Metrics
  - Schedule biweekly meetings with the PIO to check on the progress of the website.
  - Track website analytics and compare the number of users post-redesign to pre-redesign.

OBJECTIVE 4: Create a Duncanville asset video.

The purpose of an asset video is to highlight Duncanville's attractions, sites, schools, and other major areas. The video will include demographic information and statistics about the City to inform the public what Duncanville has to offer. The video will be produced by a professional videographer. The DCEDC would like to produce the following types of asset videos:

- Types of Asset Videos
  - Introduction/Overview Video.
  - Opportunity Areas.
  - Sports/Schools.
  - Downtown (Main Station, Duncan Switch, First Fridays, etc).
  - Parks/Green Belt/Green Space Potential, etc.
    - Safety/Quality of Life.

Metrics:

- Ongoing Metrics
  - Post the asset videos on City and DCEDC social media accounts.

OBJECTIVE 5: Engage in traditional marketing methods.

The DCEDC would like to promote Duncanville in multiple forms of media. This would include utilizing:

- Billboards.
- Advertisements (magazines, trade journals, Zillow, Trulia).
  - Blog style articles that highlight Duncanville assets and expand on asset video materials.
- Marketing materials and merchandise packages for external events.

Metrics:

- One-year Metrics
  - Assemble 35 marketing and merchandise packages for the promotion of Duncanville at external business events and trade shows.

Attachment 1

Duncanville

City of Champions

Attachment 1

Appendix 1 - Budget Items

The DCEDC has allotted appropriate amounts of funds to the various projects mentioned within this strategic plan. The projects and their budget is as follows:

Hotel Occupancy Tax Grants

- $42K Lions Club, Sandra Meadows Tournament.
- $45K Great American Shoot Out (GASO).
- $45K Duncanville Football Classic (ALW).
- $18K Chamber of Commerce Visitors Center.
- $45K Hampton Inn & Suites Rebate.
- $30K Duncanville Community leader.

Economic Development Projects

- $100K Marketing.
  - Placer.ai, Bludot.io, Asset videos, Social media.
- $100K restaurant recruitment (Golden Plate).
- $50K small area plan.
- $40K Keep Duncanville Beautiful.
- $350K American Rescue Funds (AFP) for small business assistance.

Attachment 1

Appendix 2 - Timeline

Metrics with No Definitive Beginning or End Date

- Continue monitoring and analyzing sales tax generation in the City.
- Continue monitoring and analyzing job creation in the City.
- Continue monitoring and analyzing long-term property values in the City.
- Continue monitoring tourism and external travel to Duncanville for retail and special events.
- Work with Neighborhood Services to assist citizens to utilize the Community Tool Shed program after they have received a property citation.
- Have at least 10-25% of Duncanville businesses successfully implement one of our incentive programs.
- Have ongoing discussions and collaborations with residential, business, and property owners in redevelopment areas.
- Recruit and assist recreation enterprises in expanding entertainment options in Duncanville.
- Support and guide developers, entrepreneurs, and small businesses to address any issues we can help with (permitting, incentives, business resources, financing).
- Reach out and establish contact with 400 businesses in Duncanville over the next five years.
- Reach out and establish contact with at least 150 businesses that have not had a relationship with the EDC before.
- Continue working with Neighborhood Services in helping assist code violators to receive qualified assistance in the form of incentives and/or grants.
- Improve Duncanville's landscapes by adding more trees, plants, and flowers to increase the greenery in the City.
- Increase EDC participation in reforming and improving permit processes and receiving positive developer feedback to promote the City as “Developer-friendly”.
- Build strong partnerships with local community colleges and workforce groups.
- Identify all the relevant local and regional special interest groups regarding development and establish working relationships with key contact persons in each organization.
- Reward at least 5 HOT grants every year to help market events to increase tourism, event attendance, and hotel usage in Duncanville.
- Regular postings of updates around the City, DCEDC meeting info, business-related events, ribbon cuttings, and other business resources.

Attachment 1

October 2021

- Establish Facebook, LinkedIn, Twitter, and Instagram social media accounts for EDC.
- Send the PIO all of our ideas and contributions for the DCEDC portion of the City website for inclusion in the website redesign.
- Reach out to local business leaders who have expressed interest in organizing a food truck event.
- Discuss and outline asset video details with a videographer.
- Reach out to and begin building a strong relationship with one of the Top 20 DFW Developers.
  - Discuss the feasibility of a legacy project.

November 2021

- Assemble marketing and merchandise packages for the promotion of Duncanville at external business events, trade shows, conferences, and meetings with VIPs.
- Outline a podcast program and procure the necessary equipment to begin publishing a DCEDC podcast on a monthly basis.
- Begin production for asset video.
- Identify and categorize all residential, commercial, and industrial areas of Duncanville into small areas segments using a mapping tool.
- Begin designing and preparing for a springtime food truck event.
  - In conjunction with the food truck event, incorporate a live music element.

December 2021

- Prepare constituent surveys for community input.
  - Create a survey for Duncanville businesses asking for feedback on the City's perceived strengths, weaknesses, opportunities, and threats (SWOT).
  - Create a feedback survey for the community and tourists about future attractions.
- Identify key redevelopment opportunities within cluster areas to advertise to developers.

Attachment 1

January 2022

- Have the final asset video completed.
- Post the asset video on City and DCEDC social media accounts.
- Send out constituent surveys
  - SWOT survey to as many Duncanville businesses as possible.
  - Make the feedback survey public and accessible for the community and tourists.
- Reach out to the selected restaurants through email or physical mail to set up a meeting time to discuss Project Golden Plate.

February 2022

- Publish the first monthly episode of the podcast on DCEDC social media.
- Begin site selection with restaurants that are receptive to expansion to Duncanville.
  - Follow up with restaurants that did not respond to initial outreach.
- Begin planning and preparation to host Retail, Developer, Real Estate, and Workforce roundtable events.
- Collect survey results
  - Collect all SWOT surveys and analyze results.
  - Collect between 500-1000 feedback surveys and analyze the results.

March 2022

- Establish the Community Tool Shed Program.
- Work with the current open mic organizers at Main Station to expand open mic/live music opportunities.
- Secure food truck vendors for the springtime event.

April 2022

- Identify redevelopment areas that could benefit from small area plans, special districts, and overlay districts.
- Meet with the PIO and the other members of the Website Design team to check on the progress of the website.

Attachment 1

May 2022

- Host the food truck event as a springtime/summer kickoff event.
  - Support a regularly recurring food truck event.
- Explore incorporating live music entertainment into future food truck events.

June 2022

- Host an all-day roundtable workshop event for retailers, developers, real estate professionals, and local workforce stakeholders.

July 2022

- Continue implementing ongoing efforts.

August 2022

- Continue implementing ongoing efforts.

September 2022

- Ensure the opening of five (5) new Project Golden Plate restaurants in Duncanville.

Attachment 1