

DUNCANVILLE

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DUNCANVILLE CITY COUNCIL MEETING AGENDA TUESDAY, AUGUST 6, 2013

BRIEFING SESSION – 6:00 P.M.

Briefing Room, City Hall
203 E. Wheatland Road

AGENDA

1. Review and discuss upcoming calendar items.
2. Discuss and consider future agendas and workshops.
3. Review and discuss all items listed on the Regular Meeting Agenda of the Duncanville City Council scheduled for this same date at 7:00 PM.

REGULAR MEETING – 7:00 P.M.

Council Chambers, City Hall
203 E. Wheatland Road

AGENDA

Invocation
Pledge of Allegiance
Mayor's Report
Recognition of Visitors / Proclamations / Presentations
Citizens Public Comment Period
[Each speaker will be allowed two (2) minutes to address the council.]

CONSENT ITEM(S)

- 1C. Approval of minutes for the Regular City Council Meeting held Tuesday, July 16, 2013 and the Special Meeting held Sunday July 21, 2013.
- 2C. Approval of \$375,000 transfer from Economic Development Fund to the Fieldhouse Fund for the settlement of the Community Bank litigation.

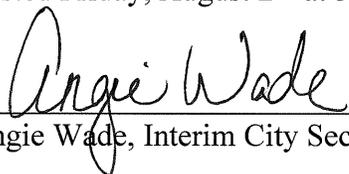
- 3C. Approval of Keep Duncanville Beautiful Property of the Month, Red Lobster, located at 603 N. Cockrell Hill Rd.

REPORTS/RECOMMENDATIONS/REQUESTS

4. Public Hearing to consider the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.
5. Consider directing staff on the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.
6. Public Hearing to consider the request of Pamela Foto-DaSabe, representing La Soirre DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive.
7. Consider directing staff on the request of Pamela Foto-DaSabe, representing La Soirre DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive.
8. Public Hearing on the Proposed FY 2013/2014 Hotel/Motel Tax Budget.
9. Discuss and consider directing staff on Hotel/Motel Tax funding requests.
10. Receive presentation from CTC, Inc., on quiet zones and railroad preemption updates relating to the BNSF Railroad.
11. Discuss and consider taking action on the Mosquito Borne Virus Response Policy.
12. Discuss and take action on re-appointing Audit Committee members.
13. Discuss and take action on appointing one Councilmember and one Community member to the Audit Committee.
14. Receive 3rd Quarter Investment Report from Finance Director Richard Summerlin.
15. Discuss and take action to repeal the current Rules of Procedure for the City Council, City of Duncanville, Texas, dated March 5, 1996.
16. Discuss and consider taking action to adopt, per the Duncanville Home Rule Charter, the Rules of Procedure for the 2013-2014 Duncanville City Council, City of Duncanville, Texas.

17. Discuss and consider taking action to authorize staff to issue a request for statement of qualifications for legal services for the City of Duncanville.
18. Discuss and take action on the Duncanville Community and Economic Development Corporation by removing members of the Board and appointing new members.
19. Receive Councilmember Reports – Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.
20. Recess into Executive Session in compliance with Texas Government Code Section:
 1. 551.071, Consultation with attorney to receive legal advice and/or discussion pending litigation regarding:
 - a. DCEDC v. MARA, Inc.
 - b. Wintergreen Road Referendum Petition
 - c. Redflex Scofflaw Program
 2. 551.076, To deliberate the deployment, or specific occasions for implementation, of security personnel or devices at the Fieldhouse.
21. Discuss any item and/or take any action necessary as a result of the Executive Session.

Posted Friday, August 2nd at 5:00 P.M.



Angie Wade, Interim City Secretary

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with the attorney for the City.

§ 551.072 – Discussing purchase, exchange, lease or value of real property.

§ 551.074 – Discussing personnel or to hear complaints against personnel.

The City of Duncanville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Duncanville at least 72 hours in advance at (972) 780-5012. (TDD access 1-800-RELAY-TX)

INVOCATION -

PLEDGE OF ALLEGIANCE - *Interim City Secretary Angie Wade*

MAYOR'S REPORT -

RECOGNITION - *Keep Duncanville Beautiful Board –
Awarded Gold Star Affiliate by Keep Texas
Beautiful*

Citizen Public Comment Period

The Citizen's Public Comment Period is a time for the public to address the City Council on any subject. However, the Texas Open Meetings Act prohibits us from discussing any subject raised during the Citizen's Public Comment Period that is not on the agenda; except that the Council or staff may give specific, factual information in response to the inquiry or propose that the subject be placed on an agenda for discussion at a future meeting.

Any citizen wishing to speak must file a request card with the City Secretary prior to the start of the Council meeting. When called forward, please state your name and address for the record, and limit your comment to two minutes.

Agenda Item 1C

Approval of minutes for the Regular City Council Meeting held Tuesday, July 16, 2013 and the Special Meeting held Sunday July 21, 2013.

BACKGROUND OF ISSUE:

Minutes are attached for meetings held on July 16, 2013 and July 21, 2013

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

City Council approval is requested.

**CITY COUNCIL
BRIEFING SESSION
JULY 16, 2013**

A briefing session of the City Council was held Tuesday, July 16, 2013 at 6:05 PM with a quorum present, to wit:

Deborah Hodge	Mayor
Cliff Boyd	Councilman, District 1
Stephen Jones	Councilman, District 2
Stan Smith	Councilman, District 3
Mark Cooks	Mayor Pro Tem, District 4
Johnette Jameson	Councilwoman, District 5
Patrick Harvey	Councilman, At-Large

The following staff members were also present: Interim City Manager Greg Contreras, Interim City Secretary Angie Wade, Finance Director Richard Summerlin, Police Chief Robert Brown, Interim Fire Chief Sam Rohde, Public Works Director Steve Miller, Assistant Public Works Director Mike Brownlee, Parks Director Bart Stevenson, Public Information Officer Claudia Garibay, Purchasing Manager Brunswick Morton and City Attorney Julie Fort.

1. REVIEW AND DISCUSS UPCOMING CALENDAR ITEMS

The following items were discussed:

- July 18, 2013 – Nelson Mandela International Day at Fair Park
- July 26, 2013 – Council Retreat, Hilton Garden Inn, Duncanville
- Interim City Manager Contreras will be on vacation beginning Friday, July 19 through Wednesday, July 24
- August 9 – 10, 2013 – TML Workshop for Newly Elected Officials in Roundrock, Texas
- August 23, 2013 – Public Officials Liability Workshop at the TML Center in Austin, Texas

2. DISCUSS AND CONSIDER FUTURE AGENDAS AND WORKSHOPS

- A date and location was selected for Day 2 of the City Council Retreat. It will be held Thursday, August 1, 2013 in the City Council Briefing Room.
- Topics of discussion to be included on the Agenda for the Retreat were submitted by Council and staff
- A presentation from Redflex was scheduled for August 1, day 2, of the Council Retreat at 6:00PM.

3. REVIEW AND DISCUSS ALL AGENDA ITEMS

ITEM 1C. Councilman Smith asked for the information he submitted involving instances of eminent domain at the June 24, 2013 Special Meeting be included in the minutes.

ITEM 2C. No discussion.

ITEM 3C. No discussion.

ITEM 4C. No discussion.

- ITEM 5C. No discussion.
- ITEM 6C. No discussion.
- ITEM 7C. No discussion.
- ITEM 8C. No discussion.
- ITEM 9. No discussion.
- ITEM 10. No discussion.
- ITEM 11. No discussion.
- ITEM 12. No discussion.
- ITEM 13. Pulled from Agenda by Councilman Smith.
- ITEM 14. No discussion.
- ITEM 15. No discussion.
- ITEM 16. No discussion.

The Briefing Session adjourned at 6:45 PM

APPROVED:

MAYOR

ATTEST:

INTERIM CITY SECRETARY

**CITY COUNCIL
REGULAR MEETING
JULY 16, 2013**

A regular session of the City Council was held Tuesday, July 16, 2013 at 7:00 PM with a quorum present, to wit:

Deborah Hodge	Mayor
Cliff Boyd	Councilman, District 1
Stephen Jones	Councilman, District 2
Stan Smith	Councilman, District 3
Mark Cooks	Mayor Pro Tem, District 4
Johnette Jameson	Councilwoman, District 5
Patrick Harvey	Councilman, At-Large

The Invocation was provided by Reverend Jason Hilliard. The Pledge of Allegiance and Texas Pledge were led by Interim City Secretary Angie Wade.

MAYOR'S REPORT

Mayor Hodge announced the 2013 Nelson Mandela International Day to be held July 18, 2013 from 4:00PM to 6:00PM at Fair Park

PROCLAMATION

Mayor Hodge read a proclamation declaring July as Park and Recreation Month in the City of Duncanville. The proclamation was presented to Parks and Recreation Director Bart Stevenson. Mr. Stevenson introduced members of his staff including Tim Hamilton, Parks Operations Manager and Elaine Hamm, Senior Center Manager. Also recognized, but not present were Amy Sisler, Recreation Superintendent and Ricky and LaTisha Brice, Duncanville Fieldhouse Managers

CITIZENS PUBLIC COMMENT PERIOD

Mayor Hodge read a prepared statement regarding procedure for Citizens' Public Comment Period indicating that Councilmembers will not respond to citizen comments except for providing factual information.

Mayor Hodge also asked that Council is enforcing no clapping during the Citizen Public Comment Period as well as the meeting.

The following persons spoke during the Citizens' Public Comment Period:

David Bates, 1614 Nob Hill Drive, spoke in favor of eminent domain.

Cindy Jones, 226 Hummingbird, spoke on concerns over Wintergreen Road petition and means of obtaining signatures.

Jennifer Pennebaker, 403 Dula Circle, presented an audio recording made of petitioner at her home.

Jeff Burton, 810 Delphi, Spoke in favor of eminent domain.

Judy Richards, 407 N. Horne, spoke against the Wintergreen Road Project.

Ron Dotson, 2130 S. Main Street, submitted Wintergreen Road Project petition to City Secretary.

Claudia Kingston, 222 Hummingbird Lane, spoke in favor of the Wintergreen Road Project.

Wesley Jameson, 1214 Lady Lane, spoke on the Rules of Procedure and in support of the 2/3 majority.

CONSENT AGENDA

Councilman Jones made a motion, seconded by Councilwoman Jameson, to approve Consent Agenda Items 1C through 8C. A vote was cast, 7 in favor, 0 against.

- 1C. Approval of minutes for the Regular City Council Meeting held Tuesday, June 18, 2013 and for the City Council Workshop held June 24, 2013 as amended.
- 2C. Approval of Ordinance No. 2201 amending the Code of Ordinances Appendix A, Zoning, and the zoning map to change the existing "C-1" Light Commercial zoning to "R-1.8" Residential – 1.8 on Lot 9C, Block 5, Woodhaven Addition, more commonly known as 1203 N. Cockrell Hill Road; providing severability, repealing and savings clauses; providing a penalty of fine not to exceed two thousand dollars (\$2,000) for each and every offense; providing an effective date; and providing for the publication of the caption hereof.
- 3C. Award of two year term bid for official newspaper designation to the Focus Daily News in the amount of \$18,937.50
- 4C. Approval of Resolution No. 2013-071604 authorizing the City to accept an award from the Edward Byrne Memorial Justice Assistance Grant Fund Share, administered by the U.S. Department of Justice, for L3 Mobile Vision extended warranty coverage.
- 5C. Approval of a sign grant for Newhouse Furniture located at 633 E. Highway 67, Suite A in the amount of \$2,500.75.
- 6C. Approval of annual purchase of mechanical sewer line cleaning services from Insituform Technologies, Inc. in the amount of \$44,147.50 through the Texas Local Government Purchasing Cooperative (TLGPC).
- 7C. Approval of a Utility Fund expenditure in the amount of \$64,935.28 for the annual purchase of manhole rehabilitation services from Insituform Technologies, Inc. through the Texas Local Government Purchasing Cooperative.
- 8C. Approval of an expenditure in the amount of \$62,957.12 for the purchase of firefighter self-contained breathing apparatus (SCBA) from Municipal Emergency Services, Inc. through the City of Fort Worth Cooperative Purchasing Program.

REPORTS/RECOMMENDATIONS/REQUESTS

ITEM 9. Assistant Public Works Director Mike Brownlee introduced Ben Hagood from Freese and Nichols. Mr. Hagood presented to Council a report on the Stormwater Quality Program, Phase II MS4 Permit, Annual Update. An annual update to the City Officials is one of the requirements of the Stormwater Program. The program is water quality protection from stormwater runoff and stems from the Clean Water Act. The EPA enforces the Clean Water Act. Information on who is covered was

discussed. Duncanville in the 6th year of the plan; all parts of program are ongoing. City is required to meet six minimum controls – construction site runoff control, public education/outreach, post-construction management, illicit discharge/elimination, public involvement and good housekeeping. The city has 31 Best Management Practices, to include the annual clean-up event. The permit year 6 compliance deadline is August 12, 2013. City is in good position and will continue to maintain the current program. Following questions from Council, Mr. Hagood responded that the program is administered in Duncanville by Public Works Director Steve Miller and Assistant Public Works Director Mike Brownlee. Texas Commission on Environmental Quality oversees the permitting process. Finance Director Richard Summerlin explained that the Drainage fee covers the cost of implementing all programs required.

ITEM 10. Interim Fire Chief Sam Rohde presented to Council the Fire Department Quarterly Public Safety Report. Chief Rohde gave staffing information to include: 53 positions, 1 in paramedic school, 1 position frozen and 1 in the process of employment. Station staffing was given, as well as total calls for the quarter. Discussion on optimum staffing figures ensued following the presentation. Chief Rohde explained that optimum staffing is 4 on the engine. Aluminum wiring in homes was also discussed; Chief Rohde recommended having the Fire Marshal research the statistics of fires caused by aluminum wiring. Average time of arrival to runs was reported to be around 5 minutes. Information on agreements with Cedar Hill, DeSoto and Dallas for back-up was explained.

ITEM 11. Councilman Harvey made a motion to amend the City of Duncanville Financial Policies to require recommendations on purchases and contracts of \$50,000 and above be presented to the council for approval, along with stipulations made by Mayor Hodge which include: 1) the merchandise must be budgeted, 2) the selected bid price is at or under budget, 3) the merchandise is acquired through a cooperative purchasing program or interlocal agreement. The motion was seconded by Mayor Pro Tem Cooks who added a friendly amendment to reflect that an accumulative total of vendors on contract stay under the \$50,000 total. Mayor Pro Tem Cooks withdrew his second until the current policy can be reviewed. Councilman Harvey made a motion to mirror the state law requirement of purchases of \$50,000 and above be presented to Council for approval; Mayor Pro Tem Cooks seconded the motion with the addendum to see the complete current policy of the City. A vote was cast, 4 in favor, 3 against (Hodge, Jones, Jameson).

ITEM 12. Councilman Boyd made a motion, seconded by Councilman Harvey to approve the amendment to the Rules of Procedure changing all instances of 2/3's vote to be a simple majority. Councilman Jones called for Point of Order to require Council to conform to the Rules of Procedure as they are currently written. The City Attorney will submit a determination on the requirements to amend the Rules of Procedure in one week. Mayor Hodge called for a vote on the Point of Order motion made by Councilman Jones. A vote was cast, 3 in favor, 1 against (Smith) with 3 abstentions (Harvey, Boyd, Cooks)

ITEM 13. Pulled from Agenda

ITEM 14. COUNCILMEMBER REPORTS

Councilman Smith – spoke on Attorney General Gregg Abbott's visit to Duncanville and his bid for Governor of Texas, also spoke on the Tournament of Champions at the Fieldhouse this weekend.

Councilman Boyd – encouraged all to visit and support all new businesses in Duncanville to include City Taco on Main Street and El Mana on Wheatland Rd. Also mentioned the flags put out by the Rotary Club for Attorney General Abbot's visit to Duncanville today.

ITEM 15. Council recessed into Executive Session at 9:16 PM in compliance with Texas Government Code Section

551.071, Consultation with attorney to receive legal advice and/or discussion pending litigation regarding:

a. DCEDC v. MARA, Inc.

551.074, Personnel(a)(2), Discussion of complaints filed against City Manager

ITEM 16. City Council reconvened at 9:57 PM. Having no further business, the meeting was adjourned.

APPROVED:

MAYOR

ATTEST:

INTERIM CITY SECRETARY

DRAFT

**CITY COUNCIL
SPECIAL MEETING
JULY 21, 2013**

The City Council held a Special Meeting on Sunday, July 21, 2013 at 1:04 p.m. with a quorum present, to wit:

Deborah Hodge	Mayor
Janet Harris	Councilwoman
Don Freeman	Councilman
Stephen Jones	Councilman, absent
Leslie Thomas	Councilwoman
Mark Cooks	Councilman
Johnette Jameson	Mayor Pro Tem, absent

ITEM 1. *Discuss and consider taking action on Referendum for the Wintergreen Road Project.*

No discussion or action.

ITEM 2. *Discuss and consider taking action on the City Manager's procedures for verification of Referendum Petition.*

Item pulled.

ITEM 3. *Recess into Executive Session in compliance with Texas Local Government Code Section:*

a. 551.071, Consultation with attorney regarding Referendum Petition on the Wintergreen Road project

Council recessed into Executive Session at 1:10 PM.

ITEM 4. *Discuss any item and/or take any action necessary as a result of the Executive Session.*

Council reconvened at 2:02

Interim City Secretary Angie Wade presented Council with the Wintergreen Road Referendum Petition.

The meeting was adjourned at 2:03 PM

APPROVED:

MAYOR

ATTEST:

INTERIM CITY SECRETARY

Agenda Item 2C

Approval of \$375,000 transfer from Economic Development Fund to the Fieldhouse Fund for the settlement of the Community Bank litigation.

BACKGROUND OF ISSUE:

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

City Council approval is requested.

Agenda Item 3C

Approval of Keep Duncanville Beautiful Property of the Month, Red Lobster, located at 603 N. Cockrell Hill.

BACKGROUND OF ISSUE:

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

Agenda Item 4

Public Hearing to consider the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.

BACKGROUND OF ISSUE:

A public hearing was held before the Planning & Zoning Commission on July 22, 2013, to consider the request of Freedom Dodge Chrysler Jeep to amend the existing Special Use Permit "SUP" that allows Auto Dealers, New Car Sales with Incidental Used Car Sales.

The applicant is requesting the existing conditions be amended to waive time limits.

Following discussion, the Planning & Zoning Commission voted unanimously to approve the request subject to eight (8) conditions, per the attached minutes.

Nineteen (19) notices were sent to properties within the 200-foot radius. As of this writing, no survey responses have been received.

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

Following citizen input, a motion to close the public hearing would be appropriate.

DUNCANVILLE

The Perfect Blend of Family, Community and Business.

City of Duncanville
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-780-5016; (f) 972-780-6458
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(w) www.duncanville.com

TO: GREG CONTRERAS, INTERIM CITY MANAGER

FROM: MIKE BROWNLEE, ASSISTANT DIRECTOR OF PUBLIC WORKS JMB

DATE: JULY 23, 2013

SUBJECT: PUBLIC HEARING (2013-15), REQUEST OF FREEDOM DODGE CHRYSLER JEEP TO AMEND THE EXISTING "SUP" SPECIAL USE PERMIT THAT ALLOWS AUTO DEALERS, NEW CAR SALES WITH INCIDENTAL USED CAR SALES, ON LOT 1A, BLOCK 1, CENTRAL BUSINESS AREA 2 REPLAT, MORE COMMONLY KNOWN AS 815 EAST CAMP WISDOM ROAD.

At their regularly scheduled meeting held on Monday, July 22, 2013, the Planning and Zoning Commission held a public hearing to receive comments on the above-referenced request.

A public hearing was held at the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.

The applicant is requesting the existing conditions be amended to waive time limits.

Speaking in favor of the request was Lonnie Bennett, 615 North Cockrell Hill Road, Duncanville. No one spoke in opposition of the request.

Nineteen (19) notices were sent to properties within a 200-foot radius for this public hearing. As of the writing of this memo, no survey responses have been received. Written survey responses will continue to be received until the close of business July 31st, the Wednesday prior to the Council meeting.



Discussion followed. Commissioner Ferrante made a motion, seconded by Commissioner Beard, Jr., to recommend to the City Council that the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows an Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road, be approved subject to the following conditions:

1. The project shall meet all federal, state, and city regulations for building codes, fire codes, and accessibility.
2. Property shall be developed and used in accordance with the approved site plan.
3. Auto repair, auto service, auto parts, auto detailing and car wash functions shall be permitted on the property only for customers of the dealership and preparing cars for sale at the dealership.
4. Subletting of any portion, space or area of the property to any company, business or outside party is strictly prohibited.
5. Body or paint shop functions shall be strictly prohibited from being performed on any and all portions, spaces or areas of the property.
6. Auto action functions shall be strictly prohibited from being performed on any portion, space or area of the property.
7. Sale of light or heavy equipment is strictly prohibited from being on any and all portions, spaces or areas of the property.
8. No time limit.

The vote was unanimous, 6 for. The motion passed.

The public hearing for the City Council to hear this request is scheduled for August 6, 2013.

JMB/cec

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL
203 E. WHEATLAND ROAD
JULY 22, 2013 @ 7:00 P.M.**

A regular meeting of the Planning and Zoning Commission was held on July 22, 2013, at 7:00 p.m., with a quorum present to wit:

Todd Durant	Chairman
Travis Towns	Vice-Chairman
J. C. Beard, Jr.	Commissioner
Joseph Ferrante	Commissioner
Deborah Harris	Commissioner (Late)
Bob Lydia	Commissioner

Commissioner Ferrante made a motion, seconded by Commissioner Lydia, to approve the minutes of the meeting of June 10, 2013. The vote was 5 for, with Commissioner Harris absent.

A public hearing was held at the request of Pamela Foto-DaSabe, representing La Soiree DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive. Speaking in favor of the request was Mo DaSabe and Pamela Foto-DaSabe, 608 Crestside Drive, Duncanville, and Joseph Fuentes, 206 North Merrill Avenue, Duncanville. No one spoke in opposition of the request.

Commissioner Lydia made a motion, seconded by Commissioner Beard, Jr., to close the public hearing. The vote was 5 for, with Commissioner Harris absent.

Discussion followed. Commissioner Harris made a motion, seconded by Commissioner Lydia, to recommend to the City Council that the request of Pamela Foto-DaSabe, representing La Soiree DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive, be approved subject to the following conditions:

1. Property shall be developed and used in accordance with the Site Plan and be incorporated into the Ordinance.
2. The project shall meet all City and state regulations for building, fire codes and accessibility.
3. The number of required on-site parking spaces dedicated to this use shall be 64 and the maximum occupancy shall be 250 persons provided a valid off-site parking agreement is in effect for an additional 20 off-site parking spaces. Overflow parking shall not be permitted on the public street right-of-way. In the absence of a valid off-site parking agreement, the maximum occupancy shall be 192 persons.

4. Landscaping of the site shall be in accordance with the Site Plan.
5. Alcohol must be consumed inside the building and subject to regulations of TABC and City regulations.
6. A minimum dress code of business casual is required for all events. Persons with gang symbols, gang colors or gang affiliations shall be removed from the event at the discretion of event security or Duncanville police.
7. Owner will be responsible for providing staff during events to ensure compliance with all rules and regulations.
8. One professional security officer will be required to be on site for parties of 100 or less. One professional security officer and one off-duty police officer will be required to be on site for parties of 100 or more.
9. Hours of operation shall be from 5:00 p.m. to 2:00 a.m. Special morning or afternoon events accepted by appointment only.
10. Owner's staff and security personnel shall prevent clientele outside the business or within the parking lot from causing disturbance to the peace and security of the adjacent neighborhood for various activities including loud noise, consumption of alcohol, loitering, and large gatherings. The Specific Use Permit may be revoked should three (3) or more complaints of violations of this Specific Use Permit be received by staff during a one (1) year period
11. Catering services for utilizing the existing kitchen shall be allowed as an accessory use in addition to the primary use as an event center.
12. The Specific Use Permit shall be granted for an initial five (5) year period with three subsequent five (5) year renewals.

The vote was 5 for and 1 against. Voting for was Chairman Durant, Commissioner Lydia, Commissioner Beard, Jr., Commissioner Ferrante, and Commissioner Harris. Voting against was Vice-Chairman Towns. The motion passed.

A public hearing was held at the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road. Speaking in favor of the request was Lonnie Bennett, 615 North Cockrell Hill Road, Duncanville. No one spoke in opposition of the request.

Commissioner Ferrante made a motion, seconded by Commissioner Harris, to close the public hearing. The vote was unanimous, 6 for.

Discussion followed. Commissioner Ferrante made a motion, seconded by Commissioner Beard, Jr., to recommend to the City Council that the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road, be approved subject to the following conditions:

1. The project shall meet all federal, state, and city regulations for building codes, fire codes, and accessibility.
2. Property shall be developed and used in accordance with the approved site plan.
3. Auto repair, auto service, auto parts, auto detailing and car wash functions shall be permitted on the property only for customers of the dealership and preparing cars for sale at the dealership.
4. Subletting of any portion, space or area of the property to any company, business or outside party is strictly prohibited.
5. Body or paint shop functions shall be strictly prohibited from being performed on any and all portions, spaces or areas of the property.
6. Auto action functions shall be strictly prohibited from being performed on any portion, space or area of the property.
7. Sale of light or heavy equipment is strictly prohibited from being on any and all portions, spaces or areas of the property.
8. No time limit.

The vote was unanimous, 6 for. The motion passed.

The meeting adjourned at 8:20 p.m.

Mike Brownlee, Secretary

Todd Durant, Chairman

PLANNING AND ZONING

ITEM NO. 4

4. PUBLIC HEARING (2013-15), REQUEST OF FREEDOM DODGE CHRYSLER JEEP, TO AMEND THE EXISTING SPECIAL USE PERMIT "SUP" TO INCLUDE AUTO DEALERS, NEW CAR SALES WITH INCIDENTAL USED CAR SALES, ON LOT 1A, BLOCK 1, CENTRAL BUSINESS AREA 2 REPLAT, MORE COMMONLY KNOWN AS 815 EAST CAMP WISDOM ROAD.

Freedom Dodge Chrysler Jeep was granted a Special Use Permit "SUP" at 815 East Camp Wisdom Drive for Auto Dealers, New Car Sales with Incidental Used Car Sales, on May 17, 2011. The "SUP" was granted for an initial five (5) year period with three (3) five-year renewal options. The initial period will expire on May 17, 2016. The applicant is requesting the existing conditions be amended to waive time limits.

The existing conditions of the existing "SUP" are as follows:

1. The project shall meet all federal, state, and city regulations for building codes, fire codes, and accessibility.
2. Property shall be developed and used in accordance with the approved site plan.
3. Auto repair, auto service, auto parts, auto detailing and car wash functions shall be permitted on the property only for customers of the dealership and preparing cars for sale at the dealership.
4. Subletting of any portion, space or area of the property to any company, business or outside party is strictly prohibited.
5. Body or paint shop functions shall be strictly prohibited from being performed on any and all portions, spaces or areas of the property.
6. Auto action functions shall be strictly prohibited from being performed on any portion, space or area of the property.
7. Sale of light or heavy equipment is strictly prohibited from being on any and all portions, spaces or areas of the property.
8. Special Use Permit granted herein shall expire on the fifth (5th) anniversary of its effective date, with three (3) additional five (5) year renewal periods as outlined in the Code of Ordinances, Appendix A, Article XIII-B, Section 2(6).

Nineteen (19) notices were sent out for this request. As of this writing, no responses have been received.

APPLICATION FOR A CHANGE IN ZONING CLASSIFICATION

To The City Plan Commission
City of Duncanville, Texas



File # 2013-15
(To be supplied by City)

Legal Description of the Property:

Lot 1A, Block 1, Central Business Area 2 Replat

Location or Address of Property:

815 E. Camp Wisdom Rd.

Property Owner's Name and Address:

Stinson FLP FDCJ PPTY LLC (Freedom Dodge Chrysler Jeep)

Mailing: 8008 Marvin D. Love Freeway, Dallas, TX 75237

Current Zoning Classification: General Retail with SUP (Auto Dealer New & Incidental Used)

Desired Zoning Classification: General Retail with SUP (Auto Dealer New & Incidental Used)

Reasons for Desired Zoning Classification:

To request SUP for Auto Dealership, New Car Sales with Incidental Used Car Sales with no time limit.

CURRENT STATUS OF DEVELOPMENT

A. General:

B. Description of Existing Improvements:

SUPPLEMENTAL INFORMATION

A. DEED RESTRICTIONS

1. Existing: _____

2. Proposed: _____

B. Time of Development:

C. Current Status of Planning:

D. Maps and Exhibits (Please Attach):

E. Estimated Value of Land (For Statistical Information Only):

F. Estimated Value of Improvements (For Statistical Information Only):

Freedom Dodge Chrysler Jeep
Name of Applicant (Please Type or Print)

Brandy Harris
Signature of Applicant

8008 Marvin D. Love Freeway
Street

Controller
Applicant's Status with Regard to the
Property

Dallas TX 75237
City State Zip

972-298-4911
Telephone Number

July 3, 2013
Date

Advertise 1 time - By July 10, 2013

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE # 2013-15

A public hearing will be held before the Planning & Zoning Commission on Monday, July 22, 2013 at 7:00 p.m., and before the City Council on Tuesday, August 6, 2013, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Road, Duncanville, Texas, to hear a request of Freedom Dodge Chrysler Jeep to amend the existing Special Use "SUP" permit to allow Auto Dealers, New Car Sales with Incidental Used Car Sales on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.

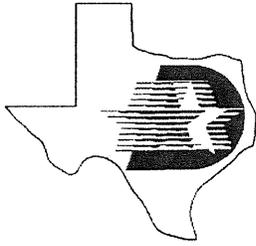
The purpose of this public hearing is to receive comments and consider the proposed zoning amendment.

The City Council of the City of Duncanville will hold a public hearing on Tuesday, August 6, 2013, at 7:00 p.m. in the Council Chambers, City Hall, 203 E. Wheatland Road, to consider the recommendations of the Planning and Zoning Commission in regards to this request.

As an interested citizen, you may appear at the public hearing or you may send a notice to either the City Secretary or to Mike Brownlee, Secretary of the Planning and Zoning Commission, P. O. Box 380280, Duncanville, Texas, 75138-0280 stating your position.

CITY OF DUNCANVILLE
Angie Wade
Interim City Secretary

Mike Brownlee
Secretary, Planning and Zoning Commission



City of Duncanville

www.ci.duncanville.tx.us

July 8, 2013

Zoning File: 2013-15

Dear Property Owner:

A rezoning application has been submitted for Lot 1A, Block 1, Second Section Central Business Area Addition (815 East Camp Wisdom Road) for the purpose of amending the existing "SUP" Special Use Permit zoning to allow **Auto Dealers, New Car Sales with Incidental Used Car Sales**. This location has been used as Auto Dealers, New Cars Sales with Incidental Used Car Sales since May 17, 2011.

Your property is NOT being rezoned. You have been sent this notice because you are within the required 200-foot notification area of property that is being considered for amendment of the existing Special Use Permit that allows **Auto Dealers, New Car Sales with Incidental Used Car Sales**. Please refer to the enclosed map that indicates which property is being rezoned.

The Planning and Zoning Commission will hold a public hearing on Monday, July 22, 2013, at 7:00 p.m., and a second public hearing will be held on Tuesday, August 6, 2013, at 7:00 p.m., both in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings allow interested persons the opportunity to speak either for or against the proposed zoning change. You are encouraged to attend the public hearing and offer comments or simply learn more about the zoning request before the deadline to return written requests.

Please be aware that if you oppose the zoning change, the attached survey must be received by 5:00 p.m. Wednesday, July 31, 2013, to fulfill legal requirements for a written formal protest

You are encouraged to attend the public hearing and offer comments.

Sincerely,

Mike Brownlee, P.E.
Secretary, Planning and Zoning Commission

JMB/cec
Enclosure

The following form may be filled out and mailed to:

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

Case No. 2013-15 Request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows **Auto Dealers, New Car Sales with Incidental Used Car Sales** on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.

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

The Planning and Zoning Commission will hold a public hearing on Monday, July 22, 2013, at 7:00 p.m., in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to speak directly to the Planning & Zoning Commission either for or against the proposed zoning change. If you oppose the zoning change, however, the attached survey must be completed and returned by July 31, 2013, to fulfill legal requirements for a written formal protest.

Should you not be in favor of this zoning application, protests must be received at City Hall no later than Wednesday, July 31, 2013, by 5:00 p.m. The City Council public hearing for this case will be held on Tuesday, August 6, 2013.

Please check one:

_____ *In favor of granting the zoning request.*

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

My reasons are as follows:

1).

2).

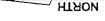
3).

Printed Name: _____

Address: _____

Signature: _____

Date: _____



900

N COCKRELL HILL ROAD

WREN CIR

815

800

814

822

914 919 915 910 906 902
911 907 903

762 758 754 750 746 742 738 734 730 726 722 718 714 710 706 702

731 735 739 743 747

735 734 731 727 722 723 719 715 707 703

700

700

711

MINNET

727 723 719 715 711 707 703

734 731 726 722 723 719 715 711 707 703

718 714 710 706 702 670 668 664 662 658 654 650 646 642 638 634 630 626 622 618 614

613

E. CAMP WISDOM ROAD

HIGHWAY 20

1006 1002 1000

663 662 661 659 658 655 651 647 643 639 635 631 627 623 619 615 611 607

670 668 664 662 658 654 650 646 642 638 634 630 626 622 618 614

611

615

600

622 630 642 646

627 639 643 647 651

600 DR

662 658 663 659

711 707 703

700

662 658

THRUSH AVE

WREN AVE

600

659 657 655 651 647 643 639 635 631 627 623 619 615 611 607

661 659 658 655 651 647 643 639 635 631 627 623 619 615 611 607

664 662 658 654 650 646 642 638 634 630 626 622 618 614

INTERSTATE

663 659

662 658 663 659

600 DR

662 658 663 659

711 707 703

700

662 658

PERALES MARIO
734 WREN AVE
DUNCANVILLE TEXAS 75116-2816

TORRES ROBERTO GOMEZ &
EMMA CAROLINA
746 WREN AVE
DUNCANVILLE TEXAS 75116-2816

KING JESSIE
2416 MILLERMORE ST
DALLAS TEXAS 75216-3418

MORALES FAUSTINO
735 WREN AVE
DUNCANVILLE TEXAS 75116-2815

ZUNIGA ERIKA R
726 WREN AVE
DUNCANVILLE TEXAS 75116-2816

PEREZNEGRON MIGUEL A &
LAURA
758 WREN AVE
DUNCANVILLE TEXAS 75116-2816

BREWER THOMAS D
722 WREN AVE
DUNCANVILLE TEXAS 75116-2816

VILLEGAS JESUS
727 WREN AVE
DUNCANVILLE TEXAS 75116-2815

PROCTOR CARLENE ZORA L EST
REM:CHRISTIAN ANGELLA KAY
731 WREN AVE
DUNCANVILLE TEXAS 75116-2815

CHAN CATHRYN CAROLE
738 WREN AVE
DUNCANVILLE TEXAS 75116-2816

J & L PROPERTIES LLC
STE 207
11300 N CENTRAL EXPY STE 207
DALLAS TEXAS 75243-6717

GUTIERREZ JOSE & ARACELI
730 WREN AVE
DUNCANVILLE TEXAS 75116-2816

~~J & L PROPERTIES LLC
STE 207
11300 N CENTRAL EXPY STE 207
DALLAS TEXAS 75243-6717~~

TAVERA RUBEN &
903 WREN CIR
DUNCANVILLE TEXAS 75116-2817

SMITH VIRGINIA
742 WREN AVE
DUNCANVILLE TEXAS 75116-2816

HERNANDEZ SAN JUANITA
754 WREN AVE
DUNCANVILLE TEXAS 75116-2816

EASTERN EXPOSURE INC
4016 W CAMP WISDOM RD
DALLAS TEXAS 75237-2423

DALLAS CAPITAL LLC
108 E CASTELLANO DR STE 104
EL PASO TEXAS 79912-6161

STINSON FLP FDCJ PPTY LLC *owner*
815 E CAMP WISDOM RD
DUNCANVILLE TEXAS 75116-2827

7 ELEVEN INC
1722 ROUTH ST STE 100
DALLAS TEXAS 75201-0000

NGUYEN TRIEU VAN
2107 EAST PARK DR
RICHARDSON TEXAS 75081-5460

PLANNING AND ZONING

ITEM NO. 5

5. DISCUSS AND CONSIDER RECOMMENDATION REGARDING PUBLIC HEARING (2013-15), FREEDOM DODGE CHRYSLER JEEP, TO AMEND THE EXISTING SPECIAL USE PERMIT "SUP" TO INCLUDE AUTO DEALERS, NEW CAR SALES WITH INCIDENTAL USED CAR SALES ON LOT 1A, BLOCK 1, CENTRAL BUSINESS AREA 2 REPLAT, MORE COMMONLY KNOWN AS 815 EAST CAMP WISDOM ROAD.

Should you vote to recommend approval of the request to amend the existing Special Use Permit "SUP" to the City Council, you may want to consider amendments to the conditions of the existing Specific Use Permit including, but not limited to, striking condition number eight (8) in its entirety:

8. ~~Special Use Permit granted herein shall expire on the fifth (5th) anniversary of its effective date, with three (3) additional five (5) year renewal periods as outlined in the Code of Ordinances, Appendix A, Article XIII-B, Section 2(6).~~

After discussion, a motion to make recommendation to the City Council would be in order.

Agenda Item 5

Consider directing staff on the request of Freedom Dodge Chrysler Jeep to amend the existing "SUP" Special Use Permit that allows Auto Dealers, New Car Sales with Incidental Used Car Sales, on Lot 1A, Block 1, Central Business Area 2 Replat, more commonly known as 815 East Camp Wisdom Road.

BACKGROUND OF ISSUE:

See Agenda Item 4.

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

A motion directing staff to prepare an ordinance amending the existing Special Use permit at 815 East Camp Wisdom Road subject to the conditions recommended by the Planning & Zoning Commission or additional/modified conditions by the City Council would be appropriate if so desired.

Agenda Item 6

Public Hearing to consider the request of Pamela Foto-DaSabe, representing La Soiree DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive.

BACKGROUND OF ISSUE:

A public hearing was held before the Planning & Zoning Commission on July 22, 2013, to consider the request of Pamela Foto-DaSabe (La Soiree DFW) to renew and amend the existing Specific Use Permit "SU" that allows an Indoor Party and Rental Facility. The requested amendments to the existing conditions are as follows:

3. The number of required parking spaces dedicated to this use shall be 64 and the maximum occupancy shall be ~~192 persons~~ **250 persons**. Overflow parking shall not be permitted on the public street right-of-way.
11. Hours of operation shall be Sunday, Monday, Tuesday, Wednesday, and Thursday from 5:00 p.m. to ~~12:00 p.m.~~ **2:00 a.m.** and Friday and Saturday from 5:00 p.m. to ~~1:00 a.m.~~ **2:00 a.m.** Special morning or afternoon events accepted by appointment only.
13. The Specific Use Permit shall be granted for an initial ~~one (1) year period~~ **five (5) year period** with ~~no renewals~~ **three subsequent five (5) year renewals**. ~~Fee to be waived upon application for a subsequent Specific Use Permit for an Indoor Party and Rental Facility following the initial one year period.~~
15. **Allow use of the existing kitchen for catering services as an accessory use in addition to the primary use as an event center.**

Following discussion, the Planning & Zoning Commission voted five for and one against to approve the request, subject to twelve (12) conditions, per the attached minutes.

Nineteen (19) notices were sent to properties within the 200-foot radius. As of this writing, one negative survey response has been received.

FINANCIAL IMPACT:

N/A

DUNCANVILLE

The Perfect Blend of Family, Community and Business.

City of Duncanville
Public Works Department
203 E. Wheatland Road
P. O. Box 380280
Duncanville, TX 75138-0280
(p) 972-780-5016; (f) 972-780-6458
(e) mbrownlee@ci.duncanville.tx.us
(w) www.duncanville.com

TO: GREG CONTRERAS, INTERIM CITY MANAGER

FROM: MIKE BROWNLEE, ASSISTANT DIRECTOR OF PUBLIC WORKS *SCM for MB*

DATE: JULY 30, 2013

SUBJECT: PUBLIC HEARING (2013-14), REQUEST OF PAMELA FOTO-DASABE, REPRESENTING LA SOIREE DFW, OWNER, TO RENEW AND AMEND THE EXISTING "SU" SPECIFIC USE PERMIT THAT ALLOWS AN INDOOR PARTY AND RENTAL FACILITY ON LOT 16A, BLOCK C, CRESTVIEW ADDITION, MORE COMMONLY KNOWN AS 608 CRESTSIDE DRIVE.

At their regularly scheduled meeting held on Monday, July 22, 2013, the Planning and Zoning Commission held a public hearing to receive comments on the above-referenced request.

A public hearing was held at the request of Pamela Foto-DaSabe, representing La Soiree DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive.

The requested amendments to the existing conditions are as follows:

3. The number of required parking spaces dedicated to this use shall be 64 and the maximum occupancy shall be ~~192 persons~~ **250 persons**. Overflow parking shall not be permitted on the public street right-of-way.
11. Hours of operation shall be Sunday, Monday, Tuesday, Wednesday, and Thursday from 5:00 p.m. to ~~12:00 p.m.~~ **2:00 a.m.** and Friday and Saturday from 5:00 p.m. to ~~1:00 a.m.~~ **2:00 a.m.** Special morning or afternoon events accepted by appointment only.



13. The Specific Use Permit shall be granted for an initial ~~one (1) year period~~ **five (5) year period** with ~~no renewals~~ **three subsequent five (5) year renewals**. ~~Fee to be waived upon application for a subsequent Specific Use Permit for an Indoor Party and Rental Facility following the initial one year period.~~
15. **Allow use of the existing kitchen for catering services as an accessory use in addition to the primary use as an event center.**

Speaking in favor of the request was Mo DaSabe and Pamela Foto-DaSabe, 608 Crestside Drive, Duncanville, and Joseph Fuentes, 206 North Merrill Avenue, Duncanville. No one spoke in opposition of the request.

Nineteen (19) notices were sent to properties within a 200-foot radius for this public hearing. As of the writing of this memo, one negative survey response has been received (see attached survey response and tabulation). Written survey responses will continue to be received until the close of business July 31st, the Wednesday prior to the Council meeting.

Discussion followed. Commissioner Harris made a motion, seconded by Commissioner Lydia, to recommend to the City Council that the request of Pamela Foto-DaSabe, representing La Soiree DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive, be approved subject to the following conditions:

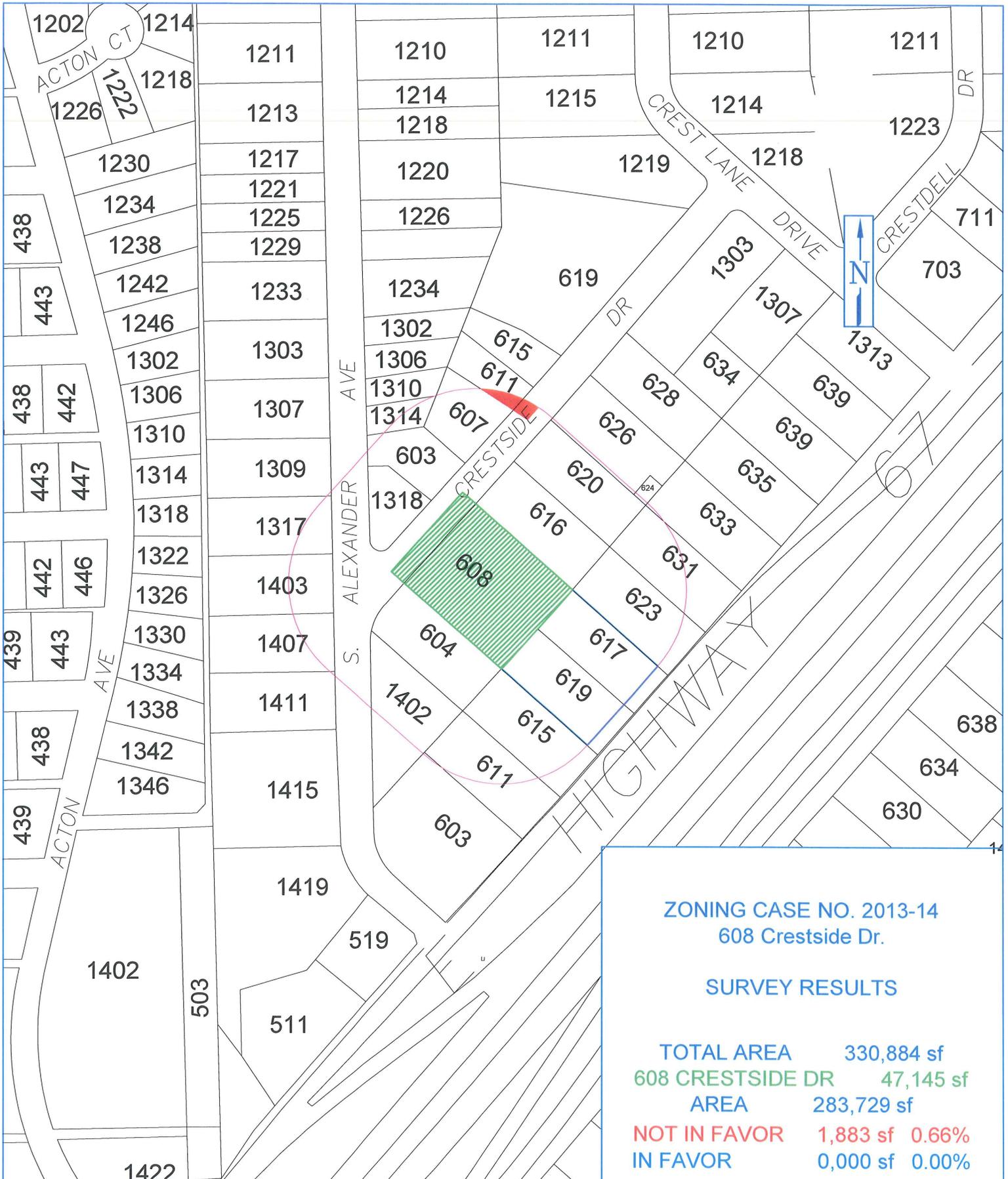
1. Property shall be developed and used in accordance with the Site Plan and be incorporated into the Ordinance.
2. The project shall meet all City and state regulations for building, fire codes and accessibility.
3. The number of required on-site parking spaces dedicated to this use shall be 64 and the maximum occupancy shall be 250 persons provided a valid off-site parking agreement is in effect for an additional 20 off-site parking spaces. Overflow parking shall not be permitted on the public street right-of-way. In the absence of a valid off-site parking agreement, the maximum occupancy shall be 192 persons.
4. Landscaping of the site shall be in accordance with the Site Plan.
5. Alcohol must be consumed inside the building and subject to regulations of TABC and City regulations.
6. A minimum dress code of business casual is required for all events. Persons with gang symbols, gang colors or gang affiliations shall be removed from the event at the discretion of event security or Duncanville police.
7. Owner will be responsible for providing staff during events to ensure compliance with all rules and regulations.

8. One professional security officer will be required to be on site for parties of 100 or less. One professional security officer and one off-duty police officer will be required to be on site for parties of 100 or more.
9. Hours of operation shall be from 5:00 p.m. to 2:00 a.m. Special morning or afternoon events accepted by appointment only.
10. Owner's staff and security personnel shall prevent clientele outside the business or within the parking lot from causing disturbance to the peace and security of the adjacent neighborhood for various activities including loud noise, consumption of alcohol, loitering, and large gatherings. The Specific Use Permit may be revoked should three (3) or more complaints of violations of this Specific Use Permit be received by staff during a one (1) year period
11. Catering services for utilizing the existing kitchen shall be allowed as an accessory use in addition to the primary use as an event center.
12. The Specific Use Permit shall be granted for an initial five (5) year period with three subsequent five (5) year renewals.

The vote was 5 for and 1 against. Voting for was Chairman Durant, Commissioner Lydia, Commissioner Beard, Jr., Commissioner Ferrante, and Commissioner Harris. Voting against was Vice-Chairman Towns. The motion passed.

The public hearing for the City Council to hear this request is scheduled for August 6, 2013.

JMB/cec



ZONING CASE NO. 2013-14
608 Crestside Dr.

SURVEY RESULTS

TOTAL AREA	330,884 sf
608 CRESTSIDE DR	47,145 sf
AREA	283,729 sf
NOT IN FAVOR	1,883 sf 0.66%
IN FAVOR	0,000 sf 0.00%

The following form may be filled out and mailed to:

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

Case No. 2013-14 Request of Pamela Foto-DaSabe, representing La Soiree DFW, to renew and amend the existing "SU" Specific Use permit that allows an **Indoor Party and Rental Facility** on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive.

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

The Planning and Zoning Commission will hold a public hearing on Monday, July 22, 2013, at 7:00 p.m., in the City of Duncanville Council Chambers, 203 E. Wheatland Road. Public hearings are held to allow interested persons the opportunity to speak directly to the Planning & Zoning Commission either for or against the proposed zoning change. If you oppose the zoning change, however, the attached survey must be completed and returned by July 31, 2013, to fulfill legal requirements for a written formal protest.

Should you not be in favor of this zoning application, protests must be received at City Hall no later than Wednesday, July 31, 2013, by 5:00 p.m. The City Council public hearing for this case will be held on Tuesday, August 6, 2013.

Please check one:

In favor of granting the zoning request.

Not in favor of granting the zoning request.

My reasons are as follows:

- 1) Noise!*
- 2) Increased Traffic in Neighborhood*
- 3) Parties not ending on time.*

Printed Name: *Mr. & Mrs. Wilson*

Address: *611 Crestside Dr.*

Signature: *Mr. & Mrs. Wilson*

Date: *7/23/13*

Agenda Item 7

Consider directing staff on the request of Pamela Foto-DaSabe, representing La Soiree DFW, owner, to renew and amend the existing "SU" Specific Use permit that allows an Indoor Party and Rental Facility on Lot 16A, Block C, Crestview Addition, more commonly known as 608 Crestside Drive.

BACKGROUND OF ISSUE:

See Agenda Item 6.

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

A motion directing staff to prepare an ordinance renewing and amending the existing Specific Use permit at 608 Crestside Drive subject to the conditions recommended by the Planning & Zoning Commission or additional/modified conditions by the City Council would be appropriate if so desired.

Agenda Item 8

Public Hearing on the Proposed FY 2013/2014 Hotel/Motel Tax Budget.

BACKGROUND OF ISSUE:

A public hearing is required each year to receive input regarding the expenditures of Hotel Motel Tax receipts.

Attached is

- Hotel Motel Tax Fund Summary
- Hotel Motel Tax Application from the Duncanville Community Theater
- Hotel Motel Tax Application from Duncanville Lion's Club for the Sandra Meadows Classic
- Hotel Motel Tax Application from the Duncanville Senior Center

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

Following citizen input, a motion to close the public hearing would be appropriate.

CITY OF DUNCANVILLE
FISCAL YEAR 2013-14 BUDGET
HOTEL-MOTEL TAX FUND

DRAFT

30-Jul-13

	2010-11 ACTUAL	2011-12 ACTUAL	2012-13 BUDGET	2012-13 REVISED	2013-14 BUDGET	2014-15 BUDGET	2015-16 BUDGET	2016-17 BUDGET	2017-18 BUDGET	2018-19 BUDGET
SOURCES & USES OF FUNDS										
REVENUES										
1		\$ 25,603	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2		55,389	55,808	55,000	55,000	55,000	55,000	55,000	55,000	55,000
3		72,414	81,162	80,000	80,000	80,000	80,000	80,000	80,000	80,000
4		217,489	235,255	232,000	232,000	232,000	232,000	232,000	232,000	232,000
5		73,159	83,809	80,000	80,000	80,000	80,000	80,000	80,000	80,000
6		1,330	2,710	1,500	2,500	2,500	2,500	2,500	2,500	2,500
7		\$ 445,384	\$ 458,744	\$ 449,500	\$ 449,500	\$ 449,500	\$ 449,500	\$ 449,500	\$ 449,500	\$ 449,500
8		\$ 101	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9		\$ 904	\$ 764	\$ 700	\$ 700	\$ 800	\$ 800	\$ 1,000	\$ 1,000	\$ 1,000
10		\$ 446,389	\$ 459,509	\$ 450,200	\$ 450,200	\$ 450,300	\$ 450,300	\$ 450,500	\$ 450,500	\$ 450,500
11										
EXPENDITURES										
12		\$ 137,416	\$ 82,089	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12-1				1,250	1,263	1,275	1,288	1,301	1,314	1,327
12-2				3,150	3,182	3,213	3,245	3,278	3,311	3,344
12-3				2,000	2,020	2,040	2,061	2,081	2,102	2,123
12-4			23,000	41,960	42,380	42,803	43,231	43,664	44,100	44,541
12-5				7,035	7,105	7,176	7,248	7,321	7,394	7,468
12-6				1,885	1,885	1,904	1,942	1,962	1,981	2,001
12-7				25,840	26,098	26,359	26,623	26,889	27,158	27,430
12-8			10,000	10,000	10,100	10,201	10,303	10,406	10,510	10,615
12-9			15,000	15,000	20,000	20,200	20,402	20,606	20,812	21,020
12-10				3,030	3,091	3,153	3,212	3,273	3,333	3,395
12-11				500	500	510	515	520	526	531
12-12				19,385	19,579	19,775	19,972	20,172	20,374	20,578
12-13				1,000	1,010	1,020	1,030	1,041	1,051	1,062
12-14				6,509	6,574	6,640	6,706	6,773	6,841	6,909
12-15					3,990	4,069	4,148	4,227	4,306	4,385
13										
14				33,500	8,400	50,000	50,000	200,000	300,000	300,000
15										
16										
17		4,000	4,000	4,000	12,000					
18				21,621	21,621	21,621				
19				5,000						
20				235,255	230,000	232,000	232,000			
21				19,269	15,630	16,373	16,373	33,788	33,788	33,788
22				\$ 401,848	\$ 415,234	\$ 455,765	\$ 455,765	\$ 488,725	\$ 488,937	\$ 490,488
23										
24				\$ 44,541	\$ 44,275	\$ (17,365)	\$ (5,565)	\$ (18,525)	\$ (38,437)	\$ (38,988)
25										
26				\$ 8,632	\$ 53,173	\$ 74,650	\$ 97,448	\$ 91,883	\$ 116,013	\$ 77,576
27										
28				\$ 53,173	\$ 97,448	\$ 57,285	\$ 91,883	\$ 116,013	\$ 77,576	\$ 37,588

Promotion of the Arts Limit 15%				\$ 67,425	\$ 67,425
Less:					
DCT operating grant			\$ (4,000)	\$ (12,000)	
DCT Loan Repayment			\$ (21,621)	\$ (21,621)	
IMC operating grant			\$ (12,500)	\$ -	
Senior Center Sound Replacement grant				\$ (29,600)	
Available Funds For Promotion of the Arts			\$ 29,304	\$ 4,204	

DUNCANVILLE

The Perfect Blend of Family, Community and Business.

HOTEL OCCUPANCY TAX USE GUIDELINES UNDER TEXAS STATE LAW AND FUNDING APPLICATION FORM

The State of Texas and the City of Duncanville collect a Hotel Occupancy Tax (HOT) from hotels, motels, and bed & breakfasts and inns. Under state law, the revenue from the HOT may be used only to directly promote tourism and the convention and hotel industry. Chapter 352 of the Tax Code states that the use of HOT funds is limited to:

_____ Convention Centers and Visitor Information Centers: the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing operation and maintenance of convention center facilities or visitor information centers, or both;

_____ Registration of Convention Delegates: the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

_____ Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry: advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

\$12,000.00 _____ Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry: that the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms, and

_____ Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry: historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and

_____ Sporting Event Expenses that Substantially Increase Economic Activity at Hotels: Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the county.

_____ Certain Portions of Sporting Facilities: Expenses for a certain percentage of facilities patrons that are directly contributing to increased local hotel activity.

_____ Shuttle Services for Convention Activities: Shuttle services for an event is an eligible expense provided the shuttle services begins or terminates at a local hotel facility.

Check any category above that applies to your request and write in the left hand margin the dollar amount of funds being requested from that category

Organization Information

Date: 7-15-13

Name of Organization: Duncanville Community Theatre

Address: 106 S. Main Street

City, State, Zip: Duncanville, TX 75116

Contact Name: Amy Jackson

Contact Phone Number: cell: 214-683-3756; Work: 972-223-8899; DCT: 972-780-5707

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

Is your organization: Non-Profit yes Private/For Profit _____

Tax ID #: 75-2042927 Entity's Creation Date: official: 8-24-1988

Purpose of your organization: Please see attached DCT Mission Statement

Name of Event or Project: 2013/2014 Season

Date of Event or Project: June 1, 2013 – May 31, 2014

Primary Location of Event or Project: 106 S. Main St., Duncanville

Amount Requested: \$12,000

How will the funds be used: Please see Item VI. in the attached Operations Summary which outlines not only how we propose to use the funds this year if granted, but also provides information on how funds were utilized in the 2012/2013 Season

Primary Purpose of Funded Activity/Facility:

Provide live theatre (arts) in Duncanville making it more attractive for tourists to visit and stay

Percentage of Hotel Tax Support of Related Costs

20% {

- Note Percentage of Total Event Costs Covered by Hotel Occupancy Tax
- Note Percentage of Total Facility Costs Covered by Hotel Occupancy Tax for the Funded Event
- Note Percentage of Staff Costs Covered by Hotel Occupancy Tax for the Funded Event

How many years have you held this Event or Project: 25 years; 2013/14 is DCT's 26th Season

Expected Attendance: 2300 throughout entire season

How many people attending the Event or Project will use Duncanville hotels, motels or bed & breakfasts?

Unable to determine due to the nature of our organization; no way to track

How many nights will they stay: Estimate 10-20 nights total throughout the season

Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels: N/A

Please list other years (over the last three years) that you have hosted your Event or Project with the amount of assistance given from HOT and the number of hotel rooms used:

City	Month/Year Held	Assistance Amount	Number of Hotel Rooms Used
Duncanville	2012/2013	\$4,000.00	N/A
Duncanville	2011/2012	\$4,000.00	N/A
Duncanville	2010/2011	\$4,000.00	N/A

Please list other organization, government entities and grants that have offered financial support to your project:

Pepsico (\$300, 2011-13)

Please check all promotional efforts your organization is coordinating and the amount financially committed to each media outlet: \$2,500 Budget for all 2013/2014 Advertising Efforts

Paid Advertising \$1700 **Web Site** \$300 **Misc** \$500 **TV**

Press Releases to Media **Direct Mailing to out of town recipients** See Below

Other Direct mailings to entire mailing list several times per year; 39% out of town

What areas does your advertising and promotion reach:

Primarily the DFW Metroplex; yet also have many patrons outside DFW who often stay in hotels

What number of individuals will your proposed marketing reach that are located in another city or county? Unable to quantify this as we have many who sign up for our email marketing lists who do not provide a location. Typically over 1/2 of our patrons do reside outside of Duncanville.

This is determined via return phone calls to confirm reservations.

(If a permanent facility (e.g. museum, visitor center)

Average Attendance Monthly/Annually: 2,300 regular patrons; Additional 200+ via educational programming

What will be the economic impact to the community of your event or activity?

Please see Item V. in the attached Operations Summary

Along with the application, please submit the following supplemental information



Proposed Marketing Plan for Funded Event



Schedule of Activities or Events Relating to the Funded Project

Submit to: ~~Dan O'Leary~~ Greg Contreras
P.O. Box 380280
Duncanville, TX 75138-0280
(972) 780-5003

2013  Duncanville
Community Theatre 2014

972-780-5707
www.dctheatre.org

8:00 p.m. Curtain
reservations recommended

Father Knows Best

August 8 - 10 & 15 - 17

Written by Kristen Sergel
Directed by Geneviève Croft

Amid a house chaotic with kids, club ladies, repairmen, and more, Father learns he possibly doesn't always know best!

Laura

September 19 - 21 & 26 - 28

Written by Vera Caspary & George Sklar, based on the novel by Vera Caspary
Directed by Kevin Paris

In this brilliant and haunting mystery, the question remains – who would want to murder young and beautiful Laura?

Run For Your Wife

November 14 - 16 & 21 - 23

Written by Ray Cooney
Directed by Elisa Guse

Combine one taxi driver and two wives with never-ending complications and the result is this hysterical British farce.

Over the River and Through the Woods

February 6 - 8 & 13 - 15

Written by Joe DiPietro
Directed by Amy Jackson

Each Sunday Nick visits his grandparents; yet, a new job means a move, triggering equal parts guilt, laughter, and tears.

PROOF

March 20 - 22 & 27 - 29

Written by David Auburn
Directed by Danielle Clemens

After years of caring for her mathematician father, Catherine faces a new problem – what madness or genius will she inherit?

NUNSENSE, a musical comedy

May 8 - 10 & 15 - 17

Book, Music, & Lyrics by Dan Goggin
Directed by Kevin Paris

Sisters stage a musical show to fund the burial of those accidentally poisoned by the convent cook – a hilarious good time!

Celebrating 25 Years of Theatre!

(All information is tentative and subject to change)



MISSION STATEMENT

Duncanville Community Theatre is committed to providing quality live theatrical performances, as well as theatre education and outreach opportunities for all ages. Performances will include a wide variety of both approved and untried dramatic works with extensive audience appeal featuring amateur performers and technicians directed by theatre professionals.



SUMMARY OF REGULAR OPERATIONS & MARKETING PLAN

2012/2013 Season Actual & 2013/2014 Season Projections

I. MAINSTAGE PRODUCTIONS

- A. 2012/2013 regular mainstage productions included 36 performances
 1. **Arsenic and Old Lace** (421 patrons)
 2. **Exit the Body** (355 patrons)
 3. **You Can't Take It With You** (386 patrons)
 4. **Don't Drink the Water** (443 patrons)
 5. **The Miracle Worker** (400 patrons)
 6. **Blithe Spirit** (350 patrons)
 7. Ticket Prices: \$11.00, Thursday; \$14.00 Friday & Saturday
\$1.00 discount for Children, Students, & Sr. Citizens
 8. Total box office ticket & concessions income: \$25,338.44
 9. Total cast & crew volunteers: 185 Total Patrons: 2,355
- B. 2013/2014 regular mainstage productions will include 36 performances (6 shows per production); project 2300 audience members, offer 51 diversified roles, and provide at least 62 volunteer crew opportunities. Season Schedule is attached.
 1. No ticket price increase for regular shows; \$1 ticket price increase for musical
 2. 26th Anniversary Season, All new shows never previously produced at DCT

II. SUMMER WORKSHOP PROGRAM

- A. 2012/2013 Summer Workshops at the "Rita K. Annex"
 1. Kindergarten - 6th Grade & 7th - 12th grades
 2. \$50 per child
 3. 23 students total
- B. 2013/2014 Summer Workshops at the "Rita K. Annex"
 1. Kindergarten - 6th Grade & 7th - 12th grades
 2. \$50 per child
 3. 13 students total

III. COMMUNITY SERVICE

- A. Provide quality live theatrical entertainment to the Best Southwest Area using volunteer actors & technicians
- B. Offer \$1.00 ticket price discount to children, students, & Sr. citizens
- C. Provide limited DCT gift certificates for local charitable fundraising events
- D. Provide "community service hours" opportunities for DHS students

IV. ADVERTISING & PROMOTION MARKETING PLAN

- A. Mailing list of approximately 400; one main mailing in June with entire season information; minimum of two mailings per production; 44% outside Duncanville
- B. *Constant Contact* email program; one main email in June with entire season information; minimum of two emails per production & special events
- C. Chamber of Commerce involvement:
 - 1. Exhibit at *Community Spotlight & Taste of Duncanville*
 - 2. Have representatives at many *Business After Hours* events
 - 3. Host "*Business After Hours*" in October
 - 4. Loan props & scenery for events
- D. Advertising / Media Coverage
 - 1. Purchase advertising in local newspapers and magazines
 - 2. Provide press releases and special interest stories to on-line media sites
 - 3. Provide performance information/press releases to local radio & television stations
- E. Internet
 - 1. DCT website: www.dctheatre.org
 - 2. Reservations may be e-mailed via the website
 - 3. DCT Facebook page
 - 4. Listing on Texas Nonprofit Theatres Marquee (texastheatres.org)
- F. Miscellaneous
 - 1. Offer 2 for 1/50% off ticket price to KERA members in exchange for TV & Radio ads
 - 2. Offer \$1.00 discount to S.T.A.G.E. members

V. IMPACT ON DUCANVILLE TOURISM

- A. By offering quality entertainment close to local hotels and restaurants, DCT helps to make Duncanville a more attractive location for tourists to visit. (Provide Hilton Garden Inn guests with "buy one/get one free cards")
- B. Many out-of-town family members and friends of DCT's performers stay in Duncanville hotels when attending performances.
- C. Out-of-town patrons dine at Duncanville restaurants and purchase gas and other items while in Duncanville. Their positive experience has prompted a few to come back and stay in Duncanville hotels while on non-theatre visits to the DFW metroplex.

VI. HOTEL/MOTEL TAX RECEIPTS, REQUESTS & USE

- A. 2012/2013 actual hotel/motel tax receipts: \$4,000 after the building renovation advance payment deductions, representing 8% of DCT's regular operations revenue for the season
- B. For the 2013/2014 Season, DCT is requesting \$12,000 after the building renovation advance payment deductions from hotel/motel tax arts funding. This represents 20% of proposed regular operations projected revenue for the season
- C. Use of Funds
 - 1. All DCT standard unrestricted revenues are applied to advertising, the overall cost of producing the season of shows and general theatre operations.
 - 2. Restricted charitable contributions are used specifically for their designated purpose.

DUNCANVILLE COMMUNITY THEATRE

2012/2013 Financial Report and 2013/2014 Proposed Operating Budget

	12-13 Budget	12-13 Actual	13-14 Budget
REVENUES			
Concessions	725.00	649.44	650.00
Patron Membership Donations	17,000.00	13,230.00	15,000.00
Workshop Revenues	3,000.00	901.00	500.00
Ticket Sales	24,000.00	24,689.00	26,000.00
Renovation/Preservation Fundraising	6,000.00	8,650.00	5,000.00
Memorial Funds	2,500.00	650.00	500.00
Hotel/Motel Tax	4,000.00	4,000.00	12,000.00
Interest Income	160.00	107.35	100.00
Total Revenues	57,385.00	52,876.79	59,750.00
EXPENDITURES			
Production Expense	2,000.00	2,259.08	2,000.00
Scripts	1,000.00	980.30	1,000.00
Royalties	3,200.00	3,150.00	3,700.00
Advertising & Promotion	2,500.00	3,154.85	2,500.00
Printing	1,500.00	1,176.50	1,200.00
Postage	1,100.00	973.00	1,000.00
Honorariums	5,000.00	5,550.00	4,500.00
Utilities & Telephone - Main	11,000.00	9,699.77	10,000.00
Utilities & Telephone - Annex	3,000.00	1,908.21	2,000.00
Insurance - Main & Annex	3,500.00	4,116.18	4,200.00
Supplies	1,000.00	647.94	600.00
Repairs, Maint. & Custodial - Main	1,500.00	1,775.69	1,400.00
Repairs, Maint. & Custodial - Annex	500.00	989.47	1,000.00
Salaries & Wages	12,000.00	12,360.00	12,960.00
Payroll Taxes	1,000.00	914.94	1,983.00
Dues & Subscriptions	600.00	520.00	550.00
Legal & Accounting	1,000.00	0.00	300.00
Licenses & Fees	300.00	189.00	300.00
New Furniture & Equipment	500.00	440.10	100.00
Bank Charges/New Checks	100.00	56.82	50.00
Rent	2,650.00	2,607.60	2,650.00
Fundraising	3,000.00	5,551.51	2,000.00
Main Building Improvements	200.00	0.00	200.00
Annex Improvements (Replace AC 6/13)	500.00	236.80	3,000.00
Total Expenditures	58,650.00	59,257.76	59,193.00
Reserves/Moved from Money Markets	2,000.00	6,400.00	
Operations Balance	735.00	19.03	557.00

DUNCANVILLE

The Perfect Blend of Family, Community and Business.

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_____ Registration of Convention Delegates: the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

_____ Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry: advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

_____ Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry: that the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms, and

_____ Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry: historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.

\$20,000 _____ Sporting Event Expenses that Substantially Increase Economic Activity at Hotels: Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the county.

_____ Certain Portions of Sporting Facilities: Expenses for a certain percentage of facilities patrons that are directly contributing to increased local hotel activity.

_____ Shuttle Services for Convention Activities: Shuttle services for an event is an eligible expense provided the shuttle services begins or terminates at a local hotel facility.

Check any category above that applies to your request and write in the left hand margin the dollar amount of funds being requested from that category

Organization Information

Date: 7-8-13

Name of Organization: Duncanville Lions Club/Sandra Meadows Classic

Address: PO Box 383025

City, State, Zip: Duncanville Tx 75138

Contact Name: Steve Martin

Contact Phone Number: 972-977-0060

Web Site Address for Event or Sponsoring Entity www.sandrameadowsclassic.com

Is your organization: Non-Profit Private/For Profit

Tax ID #: 237227463 Entity's Creation Date: 1950

Purpose of your organization: Our motto is "We Serve" and we do this by supporting various organizations in town. We also host and volunteer for the Sandra Meadows Classic. (63rd Annual this year!)

Name of Event or Project Sandra Meadows Classic

Date of Event or Project: December 26-28, 2013

Primary Location of Event or Project: DHS Sandra Meadows Arena

Amount Requested: \$ 20,000

How will the funds be used: These funds are used solely for hotel rooms. We spent \$18,791.21 this past year and will exceed \$22,000 plus this year. Last year we had thirteen out of town traveling teams and this year we have (18) Eighteen Teams from five states.

Primary Purpose of Funded Activity/Facility:

To Bring teams to Duncanville which in turn will bring more people & Revenue to our city, restaurants & Businesses

Percentage of Hotel Tax Support of Related Costs

30% Note Percentage of Total Event Costs Covered by Hotel Occupancy Tax

- Note Percentage of Total Facility Costs Covered by Hotel Occupancy Tax for the Funded Event

- Note Percentage of Staff Costs Covered by Hotel Occupancy Tax for the Funded Event

All HOT money is paid directly back into the Hotels

How many years have you held this Event or Project: 62 years 10 years for Lions

Expected Attendance: 3,500 plus

How many people attending the Event or Project will use Duncanville hotels, motels or bed & breakfasts?

550-650

How many nights will they stay: 2-3

Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels: Yes All double rooms at Hilton Garden Inn 50 plus at Best Western and Holiday Inn Express

Please list other years (over the last three years) that you have hosted your Event or Project with the amount of assistance given from HOT and the number of hotel rooms used:

City	Month/Year Held	Assistance Amount	Number of Hotel Rooms Used
Duncanville	All years	\$ 15,000	120-150

Please list other organization, government entities and grants that have offered financial support to your project:

DISD: Furnished Facilities & maintenance. Businesses sponsor Teams at \$300

Please check all promotional efforts your organization is coordinating and the amount financially committed to each media outlet:

Paid Advertising _____ Newspaper Radio TV _____

Press Releases to Media Direct Mailing to out of town recipients _____

Other email, Facebook, & Twitter No money is spent on advertising

What areas does your advertising and promotion reach:

Texas & 5 States - Social Media Had international Hits

What number of individuals will your proposed marketing reach that are located in another city or county?

Thousands

(If a permanent facility (e.g. museum, visitor center)

Average Attendance Monthly/Annually: 3,500 Plus

What will be the economic impact to the community of your event or activity?

Surveys I have done show \$65,000 - 75,000 For Teams & players only

Along with the application, please submit the following supplemental information

Proposed Marketing Plan for Funded Event

Schedule of Activities or Events Relating to the Funded Project

Submit to: Dan O'Leary
P.O. Box 380280
Duncanville, TX 75138-0280
(972) 780-5003

BANDRA MEADOWS CLASSIC
P.O. BOX 381058
DUNCANVILLE, TX 75138

1521
28-1047110

Date 12-31-12

Pay to the Order of Best Western \$ 7,218.49
Seven-Thousand-Twohundred-eighteen 49/100 — Dollars @

For: _____ *[Signature]*
⑆111001040⑆ 31 6767 4⑆ 1521 *[Signature]*

Check 1521 Amount \$7,218.49 Date 1/24/2013

BANDRA MEADOWS CLASSIC
P.O. BOX 381058
DUNCANVILLE, TX 75138

1523
28-1047110

Date 1-2-13

Pay to the Order of Hilton Garden Inn \$ 9,491.97
Nine-Thousand-Fourhundred-ninety-one — Dollars @

For: Team Hotel Rooms *[Signature]*
⑆111001040⑆ 31 6767 4⑆ 1523 *[Signature]*

Check 1523 Amount \$9,491.97 Date 1/7/2013

BANDRA MEADOWS CLASSIC
P.O. BOX 381058
DUNCANVILLE, TX 75138

1522
28-1047110

Date 1-2-13

Pay to the Order of Holiday Inn Express \$ 285.75
Two hundred eighty-five 75/100 — Dollars @

For: Balance *[Signature]*
⑆111001040⑆ 31 6767 4⑆ 1522 *[Signature]*

Check 1522 Amount \$285.75 Date 1/16/2013

BANDRA MEADOWS CLASSIC
P.O. BOX 381058
DUNCANVILLE, TX 75138

1514
28-1047110

Date 12-27-12

Pay to the Order of Holiday Inn Express \$ 1,795.00
One Thousand Seven hundred & ninety five — Dollars @

For: _____ *[Signature]*
⑆111001040⑆ 31 6767 4⑆ 1514 *[Signature]*

Check 1514 Amount \$1,795.00 Date 1/8/2013

Total \$ 18,791.21

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HOTEL OCCUPANCY TAX USE GUIDELINES UNDER TEXAS STATE LAW AND FUNDING APPLICATION FORM

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- Registration of Convention Delegates: the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry: advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry: that the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms, and
- Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry: historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
- Sporting Event Expenses that Substantially Increase Economic Activity at Hotels: Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the county.
- Certain Portions of Sporting Facilities: Expenses for a certain percentage of facilities patrons that are directly contributing to increased local hotel activity.
- Shuttle Services for Convention Activities: Shuttle services for an event is an eligible expense provided the shuttle services begins or terminates at a local hotel facility.

Check any category above that applies to your request and write in the left hand margin the dollar amount of funds being requested from that category

Organization Information

Date: July, 2013

Name of Organization: D. L. Hopkins, Jr. Senior Center

Address: 206 James Collins

City, State, Zip: Duncanville, Texas 75116

Contact Name: Elaine Ham, Supervisor

Contact Phone Number: 972 780-5073

Web Site Address for Event or Sponsoring Entity : www.duncanville.com

Is your organization: Non-Profit Private/For Profit

Tax ID #: 75-60045910-0 **Entity's Creation Date:** _____

Purpose of your organization: Providing classes, programs, activities, field trips, and entertainment for older adults. We also contract with Dallas Area Agency on Aging to provide a lunch every Monday –

Friday for older adults. One of our programs is CenterStage Productions which plans and produces theatrical productions twice each year featuring older adult performers.

Name of Event or Project: CenterStage Productions

Date of Event or Project:: Our next show, "Murder at Crooked House" will be presented November 14th and 16th, 2013.

Primary Location of Event or Project: D. L. Hopkins, Jr. Senior Center

Amount Requested: \$30,000

How will the funds be used:

~~Our existing sound system is over 8 years old and is not adequate for our productions. The funds will be used to upgrade the sound system in the Parkview room of the senior center~~

Primary Purpose of Funded Activity/Facility: Providing activities for older adults.

Percentage of Hotel Tax Support of Related Costs

___ **Note Percentage of Total Event Costs Covered by Hotel Occupancy Tax**

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

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

How many years have you held this Event or Project: 15 years

Expected Attendance: 400

How many people attending the Event or Project will use Duncanville hotels, motels or bed & breakfasts?

Unknown

How many nights will they stay: _____

Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels: No

Please list other years (over the last three years) that you have hosted your Event or Project with the amount of assistance given from HOT and the number of hotel rooms used:

City	Month/Year Held	Assistance Amount	Number of Hotel Rooms Used

Please list other organization, government entities and grants that have offered financial support to your project:

Share and Care Site Council - \$3400

Please check all promotional efforts your organization is coordinating and the amount financially committed to each media outlet:

Paid Advertising _____ Newspaper _____ Radio _____ TV _____

Press Releases to Media _____ Direct Mailing to out of town recipients _____

Other _____

What areas does your advertising and promotion reach:

What number of individuals will your proposed marketing reach that are located in another city or county?

_____ **Unknown. The Senior Center has many members outside of Duncanville**

(If a permanent facility (e.g. museum, visitor center)

Average Attendance Monthly/Annually: ___ Daily average of 110 older adults

What will be the economic impact to the community of your event or activity?

Along with the application, please submit the following supplemental information

_____ **Proposed Marketing Plan for Funded Event**

_____ **Schedule of Activities or Events Relating to the Funded Project**

**Submit to: Greg Contreras
P.O. Box 380280
Duncanville, TX 75138-0280
(972) 780-5003**

MISCELLANEOUS

1	General Supplies	1LANtek	\$ 196.25	\$ 196.25
1	Storage, Freight, Handling and Delivery	1LANtek	\$ 373.75	\$ 373.75
1	1 Yr Service Warranty	1LANtek	\$ 368.75	\$ 368.75
MISCELLANEOUS SUBTOTAL				\$ 938.75

LABOR

1	Lt	Technician	1LANtek	\$ 5,527.50	\$ 5,527.50
1	Lt	Customer Training	1LANtek	\$ 520.00	\$ 520.00
1	Lt	Project Management	1LANtek	\$ 520.00	\$ 520.00
1	Lt	Documentation & Design Services	1LANtek	\$ 1,280.00	\$ 1,280.00
1	Lt	Programming	1LANtek	\$ 2,400.00	\$ 2,400.00
LABOR SUBTOTAL				\$ 10,247.50	

SUB TOTAL \$ 32,961.62

TAX

This quote is valid for 60 days

GRAND TOTAL \$ 32,961.62

Agenda Item 9

Discuss and consider directing staff on Hotel/Motel Tax funding requests.

BACKGROUND OF ISSUE:

Typically, a Hotel Occupancy Tax Grant agreement is executed with each organization receiving grant funds. A sample agreement is provided.

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

A motion directing staff to prepare an ordinance and agreement(s) for the distribution of hotel/motel funds for FY 2012-2013 is recommended.

4. Applicant shall submit a budget for the Grant to the City Manager at least fifteen (15) days prior to the request for funding. As a condition of providing the Grant or any part thereof, the Applicant shall furnish the City with documents, records and any other information reasonably requested by City to substantiate the eligibility of expenses to be paid with the Grant proceeds. Following payment of all or any part of the Grant proceeds to Applicant, Applicant shall, within fifteen (15) days of receipt of a written request, provide the City with receipts and other information and documentation reasonably satisfactory to the City to evidence that Applicant has expended the Grant proceeds in accordance with the terms of this Agreement.

5. In the event the Applicant breaches any of the terms of this Agreement, including but not limited to furnishing receipts, documentation or other information reasonably requested by City to ascertain the proper use of Grant proceeds, or failing to use the Grant for the purposes set forth herein, then the Applicant, after expiration of the notice and cure period described herein, shall be in default of this Agreement. Upon breach by Applicant of any term or provision of this Agreement, the City shall notify the Applicant in writing, who shall have thirty (30) days from receipt of the notice in which to cure such default. If Applicant fails to cure the default within the time provided herein, or, as such time period may be extended by the City at its sole option, then the City may determine Applicant to be in breach and 1) terminate this Agreement without further notice and refuse to provide to Applicant any Grant proceeds that have not at that time yet been paid, 2) recover any and all Grant proceeds previously paid to Applicant, or 3) recover liquidated damages. As liquidated damages in the event of default or breach, the Applicant shall, within thirty (30) days after demand, pay to the City the sum of \$15,000.00, an amount equal to the Grant, or in the event of partial Grant funding, an amount equal to the sum of all Grant proceeds previously paid to Applicant, together with interest at the rate of eight percent (8%) per annum from date of receipt of Grant proceeds until paid in full. The parties acknowledge that actual damages in the event of default would be speculative and difficult to determine.

6. The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement may not be assigned without the express written consent of City.

7. It is understood and agreed between the parties that Applicant, in the use of the Grant proceeds and in satisfying the conditions of this Agreement, is acting independently and that the City assumes no responsibilities or liabilities to any third parties in connection with these actions or the use of Grant proceeds. Applicant agrees to indemnify and hold harmless the City from all claims, demands, suits, causes of action, liabilities and expenses, including reasonable attorney's fees, of any nature whatsoever arising in any way from the Applicant's use of Grant proceeds or performance of the conditions under this Agreement. Nothing contained in this Agreement shall be construed to create a joint venture, partnership, or other relationship between the City and Applicant. By entering into this Agreement, the City does not and shall not be deemed to waive its official, legislative, governmental, sovereign or other immunities from suit, liability or otherwise, all of such immunities being hereby retained. This Agreement shall not in any way be deemed to confer or create any rights in any persons or third parties not a party hereto.

8. Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage pre-paid, certified mail, return receipt requested, addressed to the party at the address set forth opposite the signature of the party.

9. This Agreement shall be governed by the laws of the State of Texas, and exclusive venue for any action concerning this Agreement shall be in the state courts of appropriate jurisdiction of Dallas County, Texas.

10. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not effect the other provisions, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

EXECUTED this ____ day of _____, 20__.

CITY OF DUNCANVILLE, TEXAS

By: _____

By: _____

City Manager

Title: _____

Address: _____

Address: 203 E. Wheatland Road
Duncanville, Texas 75116

ATTEST:

City Secretary

Agenda Item 10

Receive presentation from CTC, Inc., on quiet zones and railroad preemption updates relating to the BNSF Railroad.

BACKGROUND OF ISSUE:

We have asked representatives from CTC, Inc., a consulting firm that works very closely with the BNSF Railroad, to give an update on quiet zone and railroad preemption requirements.

The BNSF basically runs two trains per day in Duncanville, one northbound in the morning and one southbound in the afternoon. Previously, the runs would occur between 8:00 a.m. and 5:00 p.m. and the sounding of the warning horns created little disturbance. BNSF recently changed the morning run such that the northbound train enters Duncanville between 4:00 and 6:00 a.m. and stops south of Camp Wisdom Road. A second crew then finishes the northbound route after 8:00 a.m., and the return trip in the afternoon is basically unchanged. The City has received complaints about the horn sounding so early in the morning. CTC, Inc., will review for us the requirements for a quiet zone designation to see if that is a practical option.

CTC, Inc., will also give a brief presentation on recent efforts to review railroad preemption timings/circuitry as it pertains to our traffic signals. As a result of the train/traffic float accident involving veterans in Midland, Texas, a review of all crossings is underway. We have requested \$50,000 in the Street C.I.P. fund to accommodate Year 1 expenditures to coordinate improvements with BNSF (seven timing adjustments, two extensions of approach warning devices, one new gate-down circuit at Camp Wisdom Road).

Additional pricing to provide new gate-down circuits at the remaining six locations is being reviewed by BNSF.

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

No action required.

Agenda Item 11

Discuss and consider taking action on the Mosquito Borne Virus Response Policy.

BACKGROUND OF ISSUE:

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

City of Duncanville
Mosquito Borne Virus Response Policy

Purpose:

1. To provide city staff with direction on how to approach mosquito and abatement, and
2. To minimize the spread of mosquito borne virus in the human population.

Staff has the authority to act on the recommendation of Dallas County for spraying.

Policy:

City staff shall use the various risk levels to assess how best to proceed with mosquito control and disease prevention.

Procedures:

Risk Level 1 – Normal Response

- Condition: Probability of human outbreak none or remote.
- Trigger: Normal mosquito activity with no evidence of mosquito borne virus/disease.
- Recommended Response: Surveillance and public education.
- Public Information/Education: Publicize methods for source reduction and personal protection prior to the main season for mosquito active. Provide information brochures at community center, and in various departments throughout the city.
- Control Measures: Use public information to promote source reduction and personal protection. Continue surveillance measures.

Risk Level 2 – Enhanced Response

- Condition: Probability of human outbreak low.
- Trigger: Normal mosquito activity with little or no evidence of virus/disease. Enhanced response levels are due to historical presence of mosquito borne virus in the identified area.
- Recommended Response: Surveillance and public education.

- Surveillance: Conduct routine surveillance of adult mosquito populations via Dallas County Health and Human Services. Continue trapping and testing mosquitoes for virus.
- Public Information/Education: Continue measure as outlined under risk level 1. Develop information for city web page to include frequently asked questions and links to additional web sites such as Centers for Disease Control.
- Control Measures: Use public information to promote source reduction and personal protection. Conduct standard larviciding in affected areas via Dallas County Health and Human Services. Implement routine code enforcement in areas where positive mosquito pools have been identified. Continue surveillance.

Risk Level 3 – Public Health Concern

- Condition: Probability of human outbreak is low to moderate
- Trigger: Mosquito borne virus/disease isolated from mosquito pools.
- Recommended Response: Continue to conduct routine surveillance of mosquito populations and increase public education.
- Surveillance: Increase surveillance in areas where positive mosquito samples are collected. Use Geographic Information Systems (GIS) mapping to track the number and location of positive mosquito samples.
- Public Information/Education: Continue all measures as outlined under risk level 2. Increase public education, emphasizing source reduction, personal protection, and disease symptoms. Continue education campaign using Neighborhood Associations, Citizens on Patrol and other City departments.
- Control Measures: Continue control measures as outlined under risk level 2. Increased measures will be taken based on Integrated Pest Management (IPM) criteria: time of year, current mosquito activity, weather conditions, and surveillance results. Consider implementing aggressive code enforcement to abate mosquito breeding sites on private property.

Risk Level 4 – Public Health Warning:

- Condition: Probability of human outbreak is moderate to high.
- Trigger: Multiple mosquito pools collected at different times tested positive for virus/disease in the same geographic location or within the half mile buffer.
- Recommended Response: Continue to conduct routine surveillance of mosquito populations and increase public education efforts.

- Surveillance:** Increase surveillance in area where positive mosquito pools have been identified. Use GIS mapping to track the number and location of positive mosquito samples.
- Public Information/Education:** Continue all measures under risk level 3. Conduct targeted public education related to mosquito control and personal protection. Initiate citizen notification system via direct mail in areas where multiple positive mosquito pools have been identified.
- Control Measures:** Continue all control measures as outlined under risk level 3. Intensified control measures will be implemented based on IPM criteria: time of year, current mosquito activity, weather conditions, and surveillance results. Implement aggressive code enforcement to abate mosquito breeding sites on private property. Brief the city council on current mosquito activity and control measures.

Risk Level 5 – Public Health Alert

- Condition:** Dallas County Health and Human Services probably human case supported by lab testing or human outbreak is confirmed.
- Trigger:** Multiple human cases confirmed by lab testing.
- Recommended Response:** Continue to conduct routine surveillance of mosquito population and increase public education.
- Surveillance:** Continue increased surveillance in area where positive mosquito pools have been identified. Use GIS mapping to track the number and location of positive mosquito samples.
- Public Information/Education:** Continue all measures under risk level 4. Increase targeted public education related to mosquito control and personal protection. Initiate citizen notification system via direct mail in areas where sustained multiple positive mosquito pools have been identified.
- Control Measures:** Continue all control measures as outlined under risk level 4. Intensified control measure will be implemented based on IOM criteria: time of year, current mosquito activity, weather conditions, surveillance results and city council directives.
- If the threat to human health is considered imminent, staff shall inform the city council and spray in areas where positive mosquito pools have been identified. All spraying shall be conducted by Dallas County Health and Human Services

Agenda Item 12

Discuss and take action on re-appointing Audit Committee members and removing former Councilmembers.

BACKGROUND OF ISSUE:

This Item has been placed on the Agenda by Mayor Pro Tem Mark Cooks

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

City of Duncanville City Council Audit Committee Charter

Purpose

The Audit Committee of the Duncanville City Council is chartered to assist the City Council in fulfilling its financial and compliance oversight responsibilities. It is to be the City Council's principal agent in ensuring the independence of the City's annual financial audit, the integrity of City management, and the adequacy of financial disclosures to the public. The Audit Committee is to serve as the focal point for communication between the City Council, the independent auditor, and City management. The Audit Committee's primary duties and responsibilities are to:

- Advise the City Council and management on the selection of the independent auditor.
- Serve as an independent and objective party to monitor the City's financial and compliance reporting process and internal controls system.
- Review and appraise the audit efforts of the City's independent auditor.
- Provide an open avenue of communication among the independent auditor, financial and senior management, and the Duncanville City Council.

Membership

The Audit Committee shall be appointed annually at the first City Council meeting each June. The Audit Committee shall be comprised of three or more members as determined by the City Council, each of whom shall be independent and free from any relationship that, in the opinion of the City Council, would interfere with the exercise of his or her independent judgment as a member of the Audit Committee. Three of the members shall be appointed by the City Council from among its own members. Additionally, two members may be appointed who are not members of the City Council or the City staff in order to insure that the committee has the needed understanding of governmental finance, accounting, and auditing. Each member shall be appointed for a term of one year and the chairman of the Audit Committee shall be designated by the City Council. The City Council may, at its pleasure, replace any member of the committee at any time.

All members of the Audit Committee shall have a working familiarity with basic finance and accounting practices, as well as the compliance environment in which the City operates. Audit Committee members are encouraged to enhance their familiarity with governmental finance, accounting, auditing, laws and regulations by participating in educational programs.

Meetings

The Audit Committee shall meet initially as soon as possible after its appointment each year, at least two additional times annually, and more frequently as circumstances require. As part of its job to foster open communication, the Audit Committee should meet at least annually with management and with the independent auditor in separate executive sessions to discuss any matters that the Audit Committee or each of these groups believe should be discussed privately.

Responsibilities and Duties

The Audit Committee is charged to review the City's financial reports and other financial information; the City's systems of internal controls and ethics policies that management and the City Council have established; and the City's auditing, accounting, financial and compliance reporting process. Consistent with this function, the Audit Committee should foster adherence to, and should encourage continuous improvement of the City's policies, procedures and practices.

The Audit Committee shall, subject to review and approval of the entire City Council, determine its own rules of order and shall develop, adopt, review annually, and maintain as a primary resource, a manual of policies, procedures, and activities that it will follow in accomplishing its charter responsibilities and the discharge of its duties.

AUDIT COMMITTEE POLICIES, PROCEDURES AND ACTIVITIES

The audit committee of the City of Duncanville was established by Resolution 2003-102109 approved by the City Council on October 21, 2003. The committee's operational guidelines are set down herein and may be amended by a majority vote of the members of the audit committee. The authority and responsibility of the audit committee and the appointment and terms of members are designated in resolution 2003-102109 and are incorporated herein by reference.

Meetings

The audit committee is to meet at least three (3) times per year and as many times as the committee deems necessary.

Attendance

Members of the audit committee are to be present at all meetings. As necessary or desirable, the chairman may request that members of management and representatives of the independent auditor be present at a meeting of the committee. A quorum of members must be present in order to conduct a meeting. If the committee consists of three (3) members, a quorum would constitute two (2) members. If the committee consists of five (5) members, three (3) out of five (5) members should be present to have a quorum.

Specific Duties

Financial Reporting

The audit committee is to:

1. Review with management and the independent auditor the City's policies and procedures to reasonably ensure the adequacy of internal controls over accounting, administration, compliance with laws and regulations, and financial reporting.
2. Have familiarity, through the individual efforts of its members, with the accounting and reporting principles and practices applied by the city in preparing its financial statements. Further, the committee is to make, or cause to be made, all necessary inquiries of management and the independent auditor concerning established standards of conduct and performance, and deviations there from.
3. Review, prior to the start of the annual audit, the scope and general extent of the independent auditor's planned examination, including its engagement letter. The auditor's fees are to be arranged with management and summarized annually for committee review. The committee's review should entail an understanding from the independent auditor of the factors considered by the auditor in determining the audit scope, including:
 - Risk characteristics of the City;
 - External reporting requirements;

- Materiality of the various segments of the City's combined activities;
 - Quality of internal accounting, administrative, and compliance controls;
 - Extent of the internal auditor's involvement in audit examination; and
 - Other areas to be covered during the audit engagement.
4. Review with management the extent of non-audit services planned to be provided by the independent auditor in relation to the objectivity and independence needed in the audit.
 5. Review with management and the independent auditor instances where management has obtained "second opinions" on accounting and financial reporting policies from other accountants.
 6. Review with management and the independent auditor, upon completion of its audit, financial results for the year prior to their release to the public. The audit committee's review is to encompass the City's annual financial report, including the financial statements and footnote disclosures and supplemental disclosures required by generally accepted accounting principles, including:
 - a) Significant transactions not a normal part of the City's operations;
 - b) Selection of and changes, if any, during the year in the City's accounting principles of their application;
 - c) Significant adjustments proposed by the independent auditor;
 - d) The process used by management in formulating accounting estimates and the independent auditor's conclusions regarding the reasonableness of those estimates;
 - e) Any disagreements between the independent auditor and management about matters that could be significant to the City's financial statements or the auditor report;
 - f) Difficulties encountered in performance of the audit;
 - g) Management consultation with other accountants with respect to accounting policies or their applications; and
 - h) Major issues discussed between auditor and management prior to retention of auditor.

The audit committee shall also:

1. Evaluate the cooperation received by the independent auditor during its audit, including its access to all requested records, data and information. Also, elicit the comments of management regarding the responsiveness of the independent auditor to the City's needs. Inquire of the independent auditor whether there have been any disagreements with management that, if not satisfactorily resolved, would have caused the independent auditor to issue a nonstandard report on the City's financial statements.
2. Discuss with the independent auditor the quality of the City's financial and accounting process and any recommendations that the independent auditor may have. Topics to be considered during this discussion include improving internal financial controls, controls over compliance with laws and regulations, the selection of accounting principles, and management reporting systems.

3. Review written responses of management to "letter of comments and recommendations" from the independent auditor and discuss with management the status of implementation of prior-period recommendations and corrective action plans.
4. Discuss with management the scope and quality of internal accounting, administrative, compliance and financial reporting controls in effect.
5. Apprise the City Council, through minutes and special presentations as necessary, of significant developments in the course of performing the above duties.
6. Recommend to the City Council any appropriate extensions or changes in the duties of the committee.
7. Recommend to the City Council the retention of the independent auditor.
8. Report annually to the City Council on the discharge of these responsibilities.

System of Internal Controls

The audit committee is to:

1. Review the City's process for assessing significant risks or exposures and the steps management has taken to minimize such risks.
2. Consider and review with management and the independent auditors:
 - The effectiveness of, or weaknesses in, the City's internal controls, including the status and adequacy of management information systems and other information and security, the overall control environment, and accounting and financial controls.
 - Any related significant findings and recommendations of the independent accountants, together with management's response thereto, including the timetable for implementation of recommendations to correct weaknesses in internal controls.
3. Review internal processes for determining and managing key financial statement risk areas.
4. Review the City's process for determining risks and exposures from asserted and unasserted litigation and claims and from non-compliance with laws and regulations.

Ethics

The audit committee will:

1. Establish, review and update periodically a code of ethical conduct and ensure that management has established a system to enforce this code.
2. Review management's monitoring of compliance information disseminated to governmental organizations and to the public, satisfy legal and/or regulatory requirements.
3. Review with the City's legal counsel any legal matter that could have a significant impact on the City's financial reporting and/or financial policies and other regulatory requirements related to financial disclosures.

4. Establish and maintain procedures for the receipt, retention and treatment of complaints regarding accounting, auditing and reporting practices.
5. Establish and maintain procedures for the confidential, anonymous submission by employees regarding questionable accounting, auditing or reporting matters.

Agenda Item 13

Discuss and take action on appointing one Councilmember and one Community member to the Audit Committee.

BACKGROUND OF ISSUE:

This Item has been placed on the Agenda by Mayor Pro Tem Mark Cooks

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

Agenda Item 14

Receive 3rd Quarter Investment Report from Finance Director Richard Summerlin.

BACKGROUND OF ISSUE:

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

Agenda Item 15

Discuss and take action to repeal the current Rules of Procedure for the City Council, City of Duncanville, Texas, dated March 5, 1996.

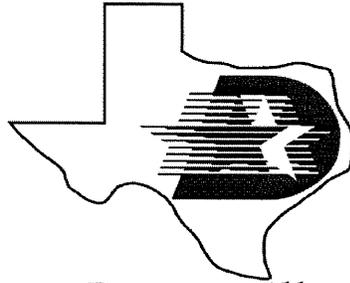
BACKGROUND OF ISSUE:

This item has been placed on the Agenda by Councilman Boyd.

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:



Duncanville
City of Champions

RULES
OF
PROCEDURE

Adopted:
March 5, 1996

CITY COUNCIL
CITY OF DUNCANVILLE, TEXAS

A. MAYOR AND COUNCIL RESPONSIBILITIES

Home Rule Charter Reference - Article II, Sec. 2.05, Presiding Officer: The Mayor

The Mayor shall preside at meetings of the City Council, and shall be recognized as head of City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. He may participate in the discussion of all matters coming before the Council. He shall be entitled to vote as a member thereof on legislative or other matters, commencing of and from the date that the Council member elected at large assumes the duties of office following the City's general election in May, 2003. The Council shall elect from among the councilmen a Mayor pro tempore who shall act as Mayor during the absence or disability of the Mayor. If a vacancy in the office of Mayor occurs, the Council shall select a Mayor from its own members who shall serve until the next regular election. His former place as councilman shall be deemed vacant and filled as provided for in Section 2.04.

1. The Mayor shall be the presiding officer at all meetings. The Mayor Pro Tem shall preside in his/her absence.
2. The Mayor shall preserve order and decorum and shall require Council members engaged in debate to limit discussion to the question under consideration and shall operate according to these Rules of Procedure.
3. The Mayor will encourage all Council members to participate in Council discussion and give each member an opportunity to speak for five minutes before any member can speak again on the same subject. No vote to close discussion, limit debate or call the question shall be entertained by the Mayor if a Council member, desiring to speak, has not had his opportunity to speak at least twice on any given agenda item. Any vote to close or limit debate requires a 2/3 vote.
4. When addressing an agenda item, the Council member shall first be recognized by the Mayor, confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Council member or staff member in his/her argument or vote.
5. Any Council member may appeal to the Council as a whole from a ruling by the Mayor. If the appeal is seconded, the Council member making the appeal may make a brief statement, first. Secondly, the Mayor may explain his/her position. Then each Council member may explain his/her position. The Mayor will then put the ruling to a vote of the Council. A majority vote is required to appeal the decision of the Mayor.

6. Any Council member may require the Council to conform to its agenda or order of business or these Rules of Procedures, unless 2/3's of the quorum present desire otherwise.
7. In accordance with State Law, the Mayor and Councilmembers shall be required to attend all scheduled meetings of the City Council, unless they have a valid excuse not to do so. Each member is expected to be present for discussion and resolution of all items on the scheduled agendas. As a courtesy, the Mayor, Council or staff shall be notified in case of absence.
8. Reserved.
9. The Mayor Pro Tem shall be elected by a majority vote of the Councilmembers present at the first regular meeting of the City Council following the swearing in of newly elected councilmembers from the May general election.
10. The Mayor Pro Tem shall be elected for a one-year term and shall serve until replaced by Mayor Pro Tem election. The Council member currently serving as Mayor Pro Tem shall not be eligible to serve consecutive terms.
11. Criteria to be considered in the election of Mayor Pro Tem:
 - Willingness to commit the time necessary to serve in case of the absence of the Mayor. Duties will include presiding over City Council meetings, scheduled and called meetings, representing the City at ribbon cuttings, memorial events, speaking engagements during the day and evening hours, and assisting staff when requested for special projects. From time to time, the Mayor may call on the Mayor Pro Tem to assist in representing the City when scheduling conflicts occur.
 - The Mayor Pro Tem should have demonstrable leadership abilities and a good working relationship with his/her fellow Councilmembers and City staff.
 - Councilmember must have served a minimum of one (1) year on subject City Council before being eligible to serve as Mayor Pro Tem.
 - Councilmember should resist outside lobbying efforts by citizens on behalf of a particular Councilmember or for a particular council district.
 - In the final analysis, more than one Councilmember may meet the criteria to serve as Mayor Pro Tem. A councilmember's vote should be cast for the one member he/she feels can best serve the City as Mayor Pro Tem for the coming year. Since only one person will be elected Mayor Pro Tem, the remaining Councilmembers should not consider the vote for another

member as a lack of confidence in their ability or disrespect to the citizens of the district they represent.

12. No Councilmember shall offer, seek, or accept any favors, gifts, or special considerations in exchange for a vote to be Mayor Pro Tem.
13. The Mayor Pro Tem may be removed by 2/3's vote of the City Council. Should Mayor Pro Tem office be vacated, an election to fill the unexpired term shall be held at the second regular meeting of the City Council following the vacancy.
14. The City Council shall develop an annual work plan and conduct a midyear review of the annual work plan.

B. CODE OF CONDUCT FOR MAYOR AND COUNCIL MEMBERS

During the Council meetings, Council members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the Mayor or the rules of the Council. Council members shall demonstrate respect and courtesy to each other and not interrupt one another, to City staff members, and to members of the public appearing before the Council. Council members shall refrain from rude and derogatory remarks and shall not belittle staff members, other Council members, or members of the public. They should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the Council.

Members of the Council will not condone any unethical or illegal activity. All members of the Council agree to uphold the intent of this policy and to govern their actions accordingly.

C. COUNCIL AND STAFF RELATIONS

1. The City Manager is directly responsible for providing information to all the Council concerning any written information requests by a specific Council member. If the City Manager or his/her staff's time is being dominated or misdirected by a Council member, it is his/her responsibility to inform the Mayor and the Council.
2. The City Manager is expected to respond in a timely manner to Council and Council member requests. When information is requested, the City Manager will estimate a reasonable time frame for collecting the information.

- a. If the City Manager disagrees with the request, he/she should say so and explain his position in writing to all members of the City Council.
 - b. If the City Manager disagrees with individual directives, he/she should initiate clarification of Council's will with regard to the individual Council member's request.
 - c. The City Manager should delegate responsibility for the response as necessary and appropriate, but the City Manager will remain responsible for its receipt by Council in a timely manner.
 - d. The City Manager should maintain a checklist and timetable for those requests and other directives of the Council.
3. All City Council members will receive the same pertinent verbal and written information. There will be no preferential dissemination of information.
 4. During regular meetings or workshops of the City Council, a majority of the Council members present will be required to direct the City Manager.
 5. The City Manager is responsible for keeping the Council informed. The Council should be provided a weekly report outlining progress on old issues as well as information on new issues and opportunities. Additionally, the City Council should be informed of City news prior to the release of information to the School Board, Community, and public.
 6. It is the responsibility of the City Manager to establish procedures for handling customer concerns in all departments with prompt feedback to the citizen and to the appropriate City Council member(s) in writing.
 - a. City Council members will direct citizens to the appropriate staff member or department for routine service requests. If results are not achieved after sufficient time has passed, a City Council member may contact the City Secretary for follow-up.
 - b. The City Secretary will monitor routine service requests initiated by members of the Council.
 7. The City Manager will strive to maintain positive relations with the City Council by following these guidelines:
 - a. Whether newly elected or experienced, remember every Council member represents the special interests of a specific district and its voters, as well as the best interests of the City as a whole.

- b. Work to establish mutual trust with the Council.
 - c. Open the lines of communication with the Council. Keep the Council informed.
 - d. Be inclusive of opportunities for educational trips. An educated Council is in the City's best interests.
 - e. Include the Council in City-sponsored employee social events.
 - f. Conduct orientation sessions for new Council members. Provide a tour of the City buildings and introduce to staff.
- 8. The City Manager is required to prepare and submit to the Council an annual budget. Additionally, the City Manager shall include the department presentations detailing what has been requested and the reason for the request.
 - 9. The City Attorney is employed by the City Council. All requests for legal opinions from Council members can be discussed with the City Attorney, who will then send a written opinion to be filed by the City Secretary and distributed to all the Council.
 - 10. The City Attorney should not be expected to give a complete answer for complex legal opinions during Council meetings, briefings or workshops. Requests for opinions should be requested at least one week in advance of any Council meeting to ensure quality, well-researched opinions.
 - 11. Copies of all Boards and Commissions Resignation letters shall be promptly submitted to the City Council.

D. AGENDA RULES

- 1. Any Council member may direct that the City Manager place an item on the agenda. The Council member so directing the City Manager shall notify the Council member of the affected district of his/her request.
- 2. After 12:00 p.m. on Friday, an item may not be placed on the agenda in compliance with the Open Meetings Act. Agenda packets will be delivered on Wednesdays.
- 3. Agenda items requested by members of the City Council will be placed on the agenda in the order received by the City Manager.

4. The Council may rearrange the order of agenda items during a Briefing Session or during a meeting by majority vote.
5. An item may be placed on the agenda for reconsideration if requested by a member of the prevailing side. Any Council member may ask for an item to be reconsidered after ninety days from the initial consideration.
6. During a briefing session or meeting, any Council member may direct that an item on the consent agenda be removed from the consent agenda and placed on the regular agenda.

E. MEETINGS

1. SCHEDULED MEETINGS

- a. As much as is practical, the Council will conduct the business of the City on its regularly scheduled meeting dates of the first and third Tuesdays of each month as prescribed by Ordinance No. 1449. The Council may choose not to meet where there is no pressing business to conduct or the meeting date conflicts with a holiday or holiday season. The Council must hold a regular meeting once a month on either the first or third Tuesday of the month.
- b. The Council as a group will decide at a regularly scheduled meeting or at a briefing session when and where to hold workshops and other meetings. The meetings may include but are not limited to budget workshops, work-plan development and review meetings, and consideration of special topics that require an extended period of time.
- c. Special meetings may be called on matters by any Council member provided that the meeting conforms to the Open Meetings Act requirements. City staff shall obtain a consensus on the time, date, and place of the meeting. No additional items can be added to the called meeting.
- d. The Mayor may call an emergency meeting of the Council in the event an “emergency” as defined by State Law occurs.

2. COMMENTS FROM THE PUBLIC

During regular meetings of the City Council, citizens may address the Council during the Citizens Public Comment Period, during discussion of an agenda item or during a Public Hearing. Strict order will be maintained

at all times. Tirades of individual personalities and personal aspersions will not be tolerated. Speakers who are out of order will be asked to leave the Council Chambers. Threats of violence will be cause for removal.

a. CITIZENS PUBLIC COMMENTS

1. Any citizen wishing to make a public comment will file a request card with the City Secretary, including printed name, address, telephone number, subject and signature. A public comment period will be set aside for any citizen to present matters of interest. Each speaker will have two minutes.
2. Comments on public hearing agenda items will not be taken during the public comment period since time is allowed for proponents and opponents during public hearings.
3. Speakers will address the entire Council, not another speaker, audience member(s), nor individual Council members.
4. Priority will be given to speakers who have not previously spoken during the public comment period in the immediate past Council meeting.
5. If no request cards are received by the time the regular Council meeting begins, the Mayor will skip the Citizens Public Comment Period. If request cards are received after the regular Council meeting begins, the Mayor may, at his/her discretion, allow public comment at the end of the meeting or with an agenda item.
6. Council members will not respond to the subjects raised by speakers during the Citizens Public Comment Period.
7. The Citizens Public Comment Period will be placed immediately after the recognition of visitors on City Council agendas.

b. PUBLIC HEARINGS

1. Both proponents and opponents shall have a maximum of ten (10) minutes per side for their presentation.

2. A maximum of five (5) minutes per side will be provided for rebuttal and surrebuttal.
 3. After the public hearing is closed, the Council may ask questions of the speakers.
 4. Speakers must limit their responses to the questions asked by the Council.
3. MAYOR'S REPORT
 - a. The Mayor's Report will be placed on the agenda for regular meetings following the Invocation and Pledge of Allegiance.
 - b. The Mayor's Report will be limited to three (3) minutes.
 - c. The three-minute limitation may be waived by majority vote of the City Council.
4. COUNCILMEMBER REPORTS
 - a. Councilmember Reports will be placed on the agenda for regular meetings.
 - b. Each Councilmember Report will be limited to three (3) minutes.
 - c. The three-minute limitation may be waived by majority vote of the City Council.
5. STAFF REPORTS
 - a. Staff Report(s) will be placed on the agenda for regular meetings upon the request of any member of the City Council.
 - b. The deadline for requesting a Staff Report will 12 p.m. on Wednesday.

6. MINUTES

Home Rule Charter Reference - Article II, Section 2.15, Rules of Procedure: Minutes

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings, and the minutes shall be open to public inspection. Minutes of all meetings of the Council shall be promptly entered within forty-eight (48) hours in the minute book of the Council, and City Secretary shall at the same time provide a permanent and adequate index showing the action of the Council in regard to all matters submitted to it at both regular and special meetings.

- a. Written minutes shall be maintained for all posted meetings of the City Council. Approval of the minutes shall be made by vote of the City Council at the next regularly scheduled meeting. Proposed corrections to minutes that have not been approved shall be submitted to the City Secretary by 5 p.m. of the day before the regularly scheduled meeting where minutes are scheduled for approval.
- b. The minutes for meetings of the City Council shall follow basic parliamentary procedure for action minutes, thereby recording what was done rather than what was said. Information to be contained in the minutes shall include the following:
 - 1. Name of group or assembly.
 - 2. Type of meeting (regular, special, workshop).
 - 3. Date of meeting.
 - 4. Time meeting is called to order.
 - 5. Location of meeting, if not always the same.
 - 6. Officials present and absent.
 - 7. Topic or subject matter of each agenda item and action taken, including motions, amendments, record vote, and any parliamentary action.
 - 8. Time of adjournment.
 - 9. Signature blocks for Mayor and City Secretary
- c. The minutes for non-action agenda items such as the Mayor's report, the Citizen Public Comment Period, Public Hearings, staff reports, committee reports and Councilmember reports shall include the speaker's name and the subject matter.
- d. The minutes for discussion-based agenda items, such as those commonly found in briefing sessions and workshops, should reflect the topics of discussion rather than verbatim statements or summarized statements by individual speakers.

7. PARLIAMENTARY AUTHORITY

Roberts Rules of Order Newly Revised, latest edition, shall be consulted regarding parliamentary procedure.

Revised: August 5, 1997; March 20, 2001; November 6, 2001; August 20, 2002;
September 17, 2002; October 1, 2002; March 4, 2003; May 20, 2003; June 15, 2004;
July 20, 2004; October 18, 2005; April 3, 2007; November 6, 2007; July 19, 2011; August 2, 2011.

Renamed: October 21, 2003

Agenda Item 16

Discuss and consider taking action to adopt, per the Duncanville Home Rule Charter, the Rules of Procedure for the 2013-2014 Duncanville City Council, City of Duncanville, Texas.

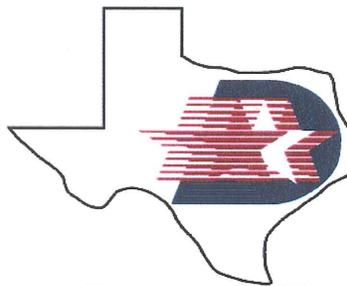
BACKGROUND OF ISSUE:

This item was added to the Agenda by Councilman Boyd.

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:



Duncanville
City of Champions

RULES OF PROCEDURE

Duncanville City Council
2013-2014

Adopted:
August 6, 2013

CITY COUNCIL
CITY OF DUNCANVILLE, TEXAS

A. HOME RULE CHARTER REFERENCE- ARTICLE II, SEC. 2.15

Rules of Procedures

The Council shall determine its own rules and order of business. The 2013-2014 Council will follow these Rules and Procedures unless they are in conflict with the Duncanville Home Rule Charter, Duncanville Ordinances, or any State of Texas Law. These Rules and Procedure will remain in effect until replaced by future Councils.

B. MAYOR AND COUNCIL RESPONSIBILITIES

*Home Rule Charter Reference - Article II, Sec. 2.05, Presiding Officer: The Mayor
The Mayor shall preside at meetings of the City Council, and shall be recognized as head of City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. He may participate in the discussion of all matters coming before the Council. He shall be entitled to vote as a member thereof on legislative or other matters, commencing of and from the date that the Council member elected at large assumes the duties of office following the City's general election in May, 2003. The Council shall elect from among the councilmen a Mayor pro tempore who shall act as Mayor during the absence or disability of the Mayor. If a vacancy in the office of Mayor occurs, the Council shall select a Mayor from its own members who shall serve until the next regular election. His former place as councilman shall be deemed vacant and filled as provided for in Section 2.04.*

1. The Mayor shall be the presiding officer at all meetings. The Mayor Pro Tem shall preside in his/her absence.
2. The Mayor shall preserve order and decorum and shall require Council members engaged in debate to limit discussion to the question under consideration and shall operate according to these Rules of Procedure.
3. The Mayor will encourage all Council members to participate in Council discussion and give each member an opportunity to speak for five minutes before any member can speak again on the same subject. No vote to close discussion, limit debate or call the question shall be entertained by the Mayor if a Council member, desiring to speak, has not had his opportunity to speak at least twice on any given agenda item. Any vote to close or limit debate requires a simple majority vote.
4. When addressing an agenda item, the Council member shall first be recognized by the Mayor, confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Council member or staff member in his/her argument or vote.
5. Any Council member may appeal to the Council as a whole from a ruling by the Mayor. If the appeal is seconded, the Council member making the

appeal may make a brief statement, first. Secondly, the Mayor may explain his/her position. Then each Council member may explain his/her position. The Mayor will then put the ruling to a vote of the Council. A simple majority vote is required to appeal the decision of the Mayor.

6. Any Council member may require the Council to conform to its agenda or order of business or these Rules of Procedures, unless a simple majority of the quorum present desire otherwise.
7. In accordance with State Law, the Mayor and Council members shall be required to attend all scheduled meetings of the City Council, unless they have a valid excuse not to do so. Each member is expected to be present for discussion and resolution of all items on the scheduled agendas. As a courtesy, the Mayor, Council or staff shall be notified in case of absence.
8. If the Mayor fails to execute within 72 hours any document that documents an affirmative action of the Council, the Mayor Pro Tem has the authority to sign such documents.
9. The Mayor Pro Tem shall be elected by a simple majority vote of the Council members present at the first regular meeting of the City Council following the swearing in of newly elected council members from the May general election.
10. The Mayor Pro Tem shall be elected for a one-year term and shall serve until replaced by Mayor Pro Tem election. The Council member currently serving as Mayor Pro Tem shall not be eligible to serve consecutive terms. To serve as Mayor Pro Tem, a Councilman must have completed at least the first year of his/her term.
11. The Mayor Pro Tem may be removed by simple majority vote of the City Council. Should Mayor Pro Tem office be vacated, an election to fill the unexpired term shall be held at the second regular meeting of the City Council following the vacancy.
12. The Mayor will provide a State of The City presentation at the 1st scheduled Council meeting in September each year. All Councilmen should contribute to the content of the presentation. Only business necessary items will be placed on the agenda of this meeting.

C. CODE OF CONDUCT FOR MAYOR AND COUNCIL MEMBERS

During the Council meetings, Council members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to respect the orders of the Mayor or the rules of the Council. Council members shall demonstrate

respect and courtesy to each other and not interrupt one another, to City staff members, and to members of the public appearing before the Council. Council members shall refrain from rude and derogatory remarks and shall not belittle staff members, other Council members, or members of the public. They should not use their position to secure special privileges and should avoid situations that could cause any person to believe that they may have brought bias or partiality to a question before the Council.

Members of the Council will not condone any unethical or illegal activity. All members of the Council agree to uphold the intent of this policy and to govern their actions accordingly.

D. COUNCIL AND STAFF RELATIONS

1. No Council member is to give direction to any staff members except the City Manager, City attorney, or the City Auditor.
2. The City Attorney is employed by the City Council. All requests for legal opinions from Council members will be discussed with the City Attorney, who will then send a written opinion to be filed by the City Secretary and distributed to all the Council.
3. The City Attorney should not be expected to give a complete answer for complex legal opinions during Council meetings, briefings or workshops. Requests for opinions should be requested at least one week in advance of any Council meeting to ensure quality, well-researched opinions.
4. Copies of all Boards and Commissions Resignation letters tendered shall be promptly submitted to the City Council.

E. AGENDA RULES

1. Any Council member may direct that the City Manager place an item on the agenda until 12:00 p.m. on Friday. The Council member so directing the City Manager shall notify the Council member of the affected district of his/her request. After 12:00 p.m. on Friday, an item may only be placed on the Agenda by the City Manager. If a Council member requires assistance from City staff regarding the wording of an agenda item, the request must be submitted in writing to the City Manager and the City Secretary by Tuesday at 5:00 p.m.
2. Agenda packets will be delivered on Wednesdays afternoon. Any amendments to the packet will be delivered on Friday.

3. Agenda items requested by members of the City Council will be placed on the agenda in the order received by the City Manager. No item can be removed unless it violates our Charter, an Ordinance, or Texas State law.
4. The Council may rearrange the order of agenda items during a Briefing Session or during a meeting by a simple majority vote.
5. An item previously defeated may be placed on the agenda one additional time for Council consideration.
6. During a briefing session or meeting, any Council member may direct that an item on the consent agenda be removed from the consent agenda and placed on the regular agenda.
7. All requests for visitor recognition or proclamations shall be submitted through the City Manager's Office.

F. MEETINGS

1. SCHEDULED MEETINGS

- a. As much as is practical, the Council will conduct the business of the City on its regularly scheduled meeting dates of the first and third Tuesdays of each month as prescribed by Ordinance No. 1449. The Council may choose not to meet where there is no pressing business to conduct or the meeting date conflicts with a holiday or holiday season. The Council must hold a regular meeting once a month on either the first or third Tuesday of the month.
- b. The Council as a group will decide at a regularly scheduled meeting or at a briefing session when and where to hold workshops and other meetings. The meetings may include but are not limited to budget workshops, work-plan development and review meetings, and consideration of special topics that require an extended period of time.
- c. Special meetings may be called on matters by any Council member provided that the meeting conforms to the Open Meetings Act Requirements. City staff shall obtain a consensus on the time, date, and place of the meeting that will be and will be attended by a minimum of 4 members of the Council. No additional items can be added to the called meeting.
- d. The Mayor may call an emergency meeting of the Council in the event an "emergency" as defined by State Law occurs.

2. COMMENTS FROM THE PUBLIC

During regular meetings of the City Council, citizens may address the Council during the Citizens Public Comment Period, during discussion of an agenda item or during a Public Hearing. Strict order will be maintained at all times. Speakers who are out of order will be asked to leave the Council Chambers. Threats of violence will be cause for removal.

a. CITIZENS PUBLIC COMMENTS

1. Any citizen wishing to make a public comment will file a request card with the City Secretary, including printed name, address, telephone number, subject and signature. A public comment period will be set aside for any citizen to present matters of general interest. Each speaker will have two minutes. If the card is marked for a specific agenda item, the citizen can speak when the item is discussed by the Council. Comments limited to 2 minutes. Citizen comments will be taken prior to the Council's discussion.
2. Comments on public hearing agenda items will not be taken during the public comment period since time is allowed for proponents and opponents during public hearings.
3. Speakers will address their comments to the entire Council, not another speaker, audience member(s), nor individual Council members.
4. If no request cards for general discussion are received by the time the regular Council meeting begins, the Mayor will skip the Citizens Public Comment Period. If request cards for general comments are received after the regular Council meeting begins, the Mayor will allow public comment at the end of the meeting.
5. Council members will not respond to the subjects raised by speakers during the Citizens Public Comment Period.
6. The Citizens Public Comment Period will be placed immediately after the recognition of visitors on City Council agendas.

b. PUBLIC HEARINGS

1. Both proponents and opponents shall have a maximum of two (2) minutes per speaker, with the exception being given to the applicant who will have a maximum of five (5) minutes.
2. A maximum of five (5) minutes per side will be provided for rebuttal and surrebuttal.
3. After the public hearing is closed, only the Council may ask questions of the speakers.

3. MAYOR'S REPORT

- a. The Mayor's Report will be placed on the agenda for regular meetings following the Invocation and Pledge of Allegiance.
- b. The Mayor's Report will be limited to three (3) minutes.
- c. The three-minute limitation may be waived by a simple majority vote of the City Council.

4. COUNCILMEMBER REPORTS

- a. Councilmember Reports will be placed on the agenda for regular meetings.
- b. Each Councilmember Report will be limited to three (3) minutes.
- c. The three-minute limitation may be waived by a simple majority vote of the City Council.

5. STAFF REPORTS

- a. Staff Report(s) will be placed on the agenda for regular meetings upon the request of any member of the City Council.
- b. The deadline for requesting a Staff Report will be 12 p.m. on Wednesday.

6. MINUTES

Home Rule Charter Reference - Article II, Section 2.15, Rules of Procedure: Minutes

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 6. Officials present and absent.
 7. Topic or subject matter of each agenda item and action taken, including motions, amendments, record vote, and any parliamentary action.
 8. Time of adjournment.
 9. Signature blocks for Mayor and City Secretary
- c. The minutes for non-action agenda items such as the Mayor's report, the Citizen Public Comment Period, Public Hearings, staff reports, committee reports and Councilmember reports shall include the speaker's name and the subject matter.
- d. The minutes for discussion-based agenda items, such as those commonly found in briefing sessions and workshops, should reflect the topics of discussion rather than verbatim statements or summarized statements by individual speakers.

7. PARLIAMENTARY AUTHORITY

Roberts Rules of Order Newly Revised, latest edition, may be consulted regarding parliamentary procedure. The final parliamentary authority will rest with a simple majority vote of the Council.

Agenda Item 17

Discuss and consider taking action to authorize staff to issue a request for statement of qualifications for legal services for the City of Duncanville.

BACKGROUND OF ISSUE:

This item has been placed on the Agenda by City Councilman At-Large Patrick Harvey. City Charter Section 2.06 provides that “Without limitation of the foregoing powers of the Council, the Council shall also have power to:

12. Appoint a City Attorney who shall be a competent attorney licensed to practice law in the State of Texas and who shall hold office at the pleasure of the City Council.

FINANCIAL IMPACT:

N/A

OPERATIONAL IMPACT:

N/A

RECOMMENDATION:

Agenda Item 18

Discuss and take action on the Duncanville Community and Economic Development Corporation by removing members of the Board and appointing new members.

BACKGROUND OF ISSUE:

FINANCIAL IMPACT:

OPERATIONAL IMPACT:

RECOMMENDATION:

Agenda Item 19

Receive Councilmember reports – items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

Agenda Item 20

Recess into Executive Session in compliance with Texas Government Code Section:

Recess into Executive Session in compliance with Texas Government Code Section:

1. 551.071, Consultation with attorney to receive legal advice and/or discussion pending litigation regarding:
 - a. DCEDC v. MARA, Inc.
 - b. Wintergreen Road Referendum Petition
 - c. Redflex Scofflaw Program

2. 551.076, To deliberate the deployment, or specific occasions for implementation, of security personnel or devices at the Fieldhouse.

Agenda Item 21

Discuss any item and/or take any action necessary as a result of the Executive Session.