

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

Tuesday, October 18, 2016
6:00 P.M. – Work Session/Briefing
7:00 P.M. – Regular Session

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

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

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

WORK SESSION/BRIEFING

1. DISCUSS AGENDA ITEMS

2. BRIEFINGS / PRESENTATIONS

- A. Receive an update on the proposed Tax Increment Financing (TIF) Reinvestment Zone from the Economic Development staff and Larry Cline Consulting, LLC.

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

CALL TO ORDER

INVOCATION – Rev. Jeff Bergeron, New Life In Christ Lutheran

PLEDGES – PLEDGE OF ALLEGIANCE; TEXAS PLEDGE OF ALLEGIANCE

1. REPORTS

- A. Mayor's Report.
- B. Councilmembers' Reports.
- C. City Manager's Report.

2. PROCLAMATIONS AND PRESENTATIONS

- A. Presentation by Mark Fox from the National Weather Service Office in Fort Worth, to the City of Duncanville as a Storm Ready Community.
- B. Proclamation designating October 29, 2016 as "Community In Unity" Day.

3. CITIZENS' INPUT

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

4. CONSENT AGENDA

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

- A. Consider the Minutes for the September 20, 2016 Regular City Council Meeting.
- B. Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the payment to Xerox Government Systems, LLC, for software support and maintenance for Banner Financial and Human Resources software from October 2015 to September 2016 in the amount of fifty-four thousand eight hundred eleven dollars and forty-five cents (\$54,811.45); authorizing the City Manager to execute the necessary documents and/or payment; and, providing for an effective date.
- C. Consider a Resolution of the City Council of the City of Duncanville, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement and License and Use Agreement between the Duncanville Independent School District and City of Duncanville, Texas, for placement of Digital Interactive Kiosk systems on or in City of Duncanville property; authorizing the City Manager to execute the agreement; providing a severability clause; and, providing for an effective date.
- D. Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the annual procurement of senior meal program services #14-27 with Visiting Nurse Association of Texas, in the unit amount bid through a City of Grand Prairie Cooperative Purchasing Agreement with an estimated annual expenditure amount of approximately fifty seven thousand nine hundred and thirty seven dollars and fifty cents (\$57,937.50); authorizing the City Manager to execute the necessary documents; and, providing for an effective date.
- E. Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the application for the submission of and receipt of a grant from the Federal Emergency Management Agency, Assistance to Firefighters Grant, FY2016, funding the enhancement of four (4) cardiac monitoring/defibrillator systems, and four (4) CPR chest compression devices for the Fire Department, with a total grant value of \$254,000, of which the City of Duncanville contributes 10% in the form of \$25,400 cash match; and authorizing the City Manager as the authorized official to execute all documents in regard to the requested funds, which includes the power to apply for, accept, reject, alter or terminate the grant.
- F. Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement of a Wheeled Coach Ambulance from Siddons-Martin Emergency Group, L.L.C. through a Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement in the expenditure amount of two hundred sixty thousand nine hundred twenty seven dollars (\$260,927.00); authorizing the City Manager to execute the necessary documents; and, providing an effective date.

- G. Consider a Resolution of the City Council of the City of Duncanville, Texas, approving and adopting the City of Duncanville Investment Policy.
- H. Consider a Resolution of the City Council of the City of Duncanville, Texas, adopting the revised Business Beautification Award Guidelines; and, providing for an effective date.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Conduct a public hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by adding a new Chapter 12C titled "Boarding and Group Home Facilities", setting forth regulations for boarding and group homes located within the city; providing definitions; providing requirements, qualifications, and fees for group home facilities; providing for owners and operators of group home facilities; providing for exemptions; providing for adoption of regulations; providing for location separation requirements; providing for reasonable accommodations; providing for parking requirements; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty clause of fine not to exceed the sum of two thousand (\$2,000) dollars for each offense if the provision violated governs fire safety, public health, or sanitation; or, five hundred (\$500) dollars for all other offenses; and, providing for an effective date.
- B. Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67, to include an "SUP" Special Use Permit to allow a Hotel (Less Than 120 Rooms) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.
- C. Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, Tenant Space 442, to include an "SU" Specific Use permit to allow a Party/Event Facility (Indoor Only) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.
- D. Consider an Ordinance of the City of Duncanville, Texas, authorizing the issuance of "City of Duncanville, Texas, General Obligation Refunding Bonds (DCEDC), Series 2016A," specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, and the approval and distribution of an Official Statement pertaining thereto; and, providing an effective date
- E. Ratify City Manager's appointment of Lia Polk to the Civil Service Commission to fill a three (3) year term on the Civil Service Commission, to expire October 31, 2019.

6. STAFF AND BOARD REPORTS

- A. Receive the Police Department Quarterly Report and Workplan Update.
- B. Receive an Action Plan for the Duncanville Fieldhouse supported by the Business Plan performed by PROS Consulting and the observations and recommendations of the General Manager.

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Duncanville City Hall, a place convenient and readily accessible to the general public, as well as to the City’s website www.duncanville.com and said Notice was posted on the following date and time: Friday, October 7, 2016 at 7:30 P.M. and remained posted for at least two hours after said meeting was convened.



 Mary E. Jones, City Secretary

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

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

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

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



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: B-1

TITLE:

Discuss Agenda Items

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **Capstone 1:** Most engaged citizens in America
 - **Goal 1:** Achieve and sustain a healthy relationship between the organization's stakeholders.

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: B-2A

TITLE:

Receive an update on the proposed Tax Increment Financing (TIF) Reinvestment Zone from the Economic Development staff and Larry Cline Consulting, LLC.

FY 2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **CAPSTONE 1:** Create high quality neighborhoods and parks

STAFF REPRESENTATIVE:

Jessica James, Director of Economic Development

BACKGROUND/HISTORY:

In November of 2015, the City contracted with Insight Research Corporation to conduct an economic impact analysis of the I-20 Service Road expansion project. Through the analysis, it was determined that the extension of the service roads could have a significant impact on the redevelopment of the Camp Wisdom Road area. A number of infrastructure, streetscaping, and landscaping projects were identified in order to help enhance Camp Wisdom Road and create a sense of place and community. A Tax Increment Financing (TIF) Reinvestment Zone was recommended to aid in the funding of these improvements. Larry Cline Consulting, LLC was consulted about the feasibility and process for creating a TIF and a presentation was prepared for City Council discussion and direction to staff.

On May 3, 2016, Mr. Cline and the Economic Development Staff were instructed by City Council to move forward with the research phase of creating a TIF in the Camp Wisdom and north Industrial area. Staff assured the City Council they would provide them with briefings throughout the process.

POLICY EXPLANATION:

The City Council will vote at a later date if they decide to create the proposed Tax Increment Financing (TIF) Reinvestment Zone.

ATTACHMENTS:

Tax Increment Financing (TIF) Reinvestment Zone Presentation



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-1A

TITLE:

Mayor's Report.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **Capstone 1:** Most engaged citizens in America
 - **Goal 1:** Achieve and sustain a healthy relationship between the organization's stakeholders.

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-1B

TITLE:

Councilmembers' Reports.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **Capstone 1:** Most engaged citizens in America
 - **Goal 1:** Achieve and sustain a healthy relationship between the organization's stakeholders.

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-1C

TITLE:

City Manager's Report.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **Capstone 1:** Most engaged citizens in America
 - **Goal 1:** Achieve and sustain a healthy relationship between the organization's stakeholders.

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-2A

TITLE:

Presentation by Mark Fox from the National Weather Service Office in Fort Worth, to the City of Duncanville as a Storm Ready Community.

FY 2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

N/A

STAFF REPRESENTATIVE:

Sam Rohde, Fire Chief

Tonya Hunter, Regional Emergency Management Operations Coordinator

BACKGROUND/HISTORY:

Americans live in the most severe weather-prone country on Earth. Storm Ready communities are better prepared to save lives from the onslaught of severe weather through advanced planning, education and awareness. No community is storm proof, but Storm Ready can help communities save lives. To be officially Storm Ready, a community must:

- Establish a 24-hour warning point and emergency operations center;
- Have more than one way to receive severe weather warnings and forecasts and to alert the public;
- Create a system that monitors weather conditions locally;
- Promote the importance of public readiness through community seminars; and
- Develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises.

The City of Duncanville had a site inspection on Monday, June 27, 2016 and was notified on July 14, 2016 that Duncanville was officially "Storm Ready."

POLICY EXPLANATION:

N/A

FUNDING SOURCE:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

N/A



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-2B

TITLE:

Proclamation designating October 29, 2016 as “Community In Unity” Day.

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager

BACKGROUND/HISTORY:

Ten diverse churches are hosting “Community in Unity” on Saturday, October 29, 2016 at Armstrong Park, 2:00-6:30 PM with performances by The Dallas Police Choir, Duncanville High School choir, and Duncanville Community Chorus, storytelling, shooting hoops with the Duncanville Police, a giant hand-holding circle, booths, and art displays which visibly demonstrate unity among neighbors. Citizens are asked to bring non-perishable food items to help stock the shelves of Duncanville Outreach Ministry, as well as make monetary donations to assist Duncanville Outreach Ministry to continue serving the citizens of Duncanville.

The purpose of the event is to actively demonstrate among ethnically and denominationally diverse churches, harmony and unity, and to create a good, clean, fun event, inviting others like the police, city officials, schools, and neighbors of all ages to join with them.

Following is a list of the churches and pastors involved in planning of the event:

- Centro Familiar Cristiano: Pastor Jaime Andrade and Pastor Manuel Lara
- Church in the Woods: Pastor Roy Watson
- Duncanville’s First Baptist Church: Rev. Keith Brister
- Grace Place Church of Christ: Pastor Ron Carlson and Pastor Jerry Gonzalez
- First Presbyterian Church Duncanville: Dr. Ginger Hertenstein
- Southwest Harvest Church: Pastor Chris Gutierrez
- Temple Missionary Baptist Church: Pastor Clay Iglehart
- Trinity Church of the Nazarene: Dr. Jim Fitzgerald
- Trinity United Methodist Church: Rev. Debbie Riggsby
- Turning Point Church: Pastor Russell Dotson

POLICY EXPLANATION:

The City of Duncanville recognizes various organizations and individuals for their outstanding contributions to the community by Proclamation.

FUNDING SOURCE:

There is no cost associated with this Proclamation.

RECOMMENDATION:

N/A

ATTACHMENTS:

- Proclamation

WHEREAS; Our country is experiencing unsettling division and dissension on a national level which affects the very quality of relationships among various people in local communities, including between citizens and their police force.

WHEREAS; Ten pastors, who have prayed together with city, business, and civic leaders for many years, considered what if they, as leaders of a diverse group of churches, stood up and displayed unity? Harmony and unity are not a natural “default” but must be the resolution of a people who assume the responsibility for fostering an environment that allows it to grow.

WHEREAS; Thus, ten diverse churches including Centro Familiar Cristiano, Church in the Woods, Duncanville’s First Baptist Church, Grace Place Church of Christ, First Presbyterian Church Duncanville, Southwest Harvest Church, Temple Missionary Baptist Church, Trinity Church of the Nazarene, Trinity United Methodist Church, and Turning Point Church, are hosting “Community in Unity” on Saturday, October 29, 2016 at Armstrong Park, 2:00-6:30 PM with performances by The Dallas Police Choir, Duncanville High School choir, and Duncanville Community Chorus, storytelling, shooting hoops with the Duncanville Police, a giant hand-holding circle, booths, and art displays which visibly demonstrate unity among neighbors.

WHEREAS; Citizens are asked to bring non-perishable food items to help stock the shelves of Duncanville Outreach Ministry, as well as make monetary donations to assist Duncanville Outreach Ministry to continue serving the citizens of Duncanville.

NOW, THEREFORE, I, David L. Green, Mayor of the City of Duncanville, Texas do hereby proclaim Saturday, October 29, 2016 as

COMMUNITY IN UNITY DAY

and encourage the citizens in the City of Duncanville to join with these ten churches to actively demonstrate among ethnically and denominationally diverse churches, harmony and unity, and to create a good, clean, fun event, inviting police, city officials, schools, and neighbors of all ages and to benefit the Duncanville Outreach Ministries.

IN WITNESS TO THIS, I have here-
unto set my hand and caused the Seal of
the City of Duncanville, Texas to be
affixed this 18th day of October, 2016.



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-3

TITLE:

CITIZENS' INPUT

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STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4A

TITLE:

Consider the Minutes for the September 20, 2016 Regular City Council Meeting.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- Goal: N/A

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager
Mary E. Jones, City Secretary

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 551.021 of the Government Code provides as follows:

- (a) A Governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
 1. State the subject of each deliberation; and
 2. Indicate the vote, order, decision or other action taken.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Approve, amend, or correct the minutes of the September 20, 2016 Regular City Council Meeting.

ATTACHMENTS:

- September 20, 2016 DRAFT Regular City Council Meeting Minutes

DUNCANVILLE CITY COUNCIL MEETING MINUTES
REGULAR MEETING
TUESDAY, SEPTEMBER 20, 2016
DRAFT

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 20, 2016, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

David L. Green	Mayor	
Dennis L. Schwartz	Councilmember, District 1	
Steven Rutherford	Mayor Pro Tem, District 2	
Leslie Thomas	Councilmember, District 3	
Ron Dotson	Councilmember, District 4	Arrived at 6:20 p.m.
Johnette Jameson	Councilmember, District 5	Arrived at 6:06 p.m.
Patrick Harvey	Councilmember, At-Large	

WORK SESSION/BRIEFING ITEMS

Item No. B-1 Discuss Agenda Items

Mayor Green read the item into record and City Manager Hugman reviewed each item. Discussion included: Item No. 4C – provide savings by splitting cost with four cities instead of three, small additional cost for supplies, can revisit agreement in future and opt out with notice, for regional emergency management and disaster response; Item No. 5D – Affidavit of Conflict filed not necessary, Councilmember Schwartz preferred to recuse himself; Item No. 5G – six capstones adopted at the 2015 retreat, 2016 retreat will establish capstones for FY17-18; Item No. 5H - Fieldhouse, currently have one dehumidifier on each court, installed 2009-2010, currently no moisture/vapor barrier, Councilmember Schwartz requested Payment Performance Bond, Councilmember Jameson requested extended warranty and City Manager sign contract, Mayor Green requested City Attorney Hager provide appropriate motion wording; Item No. 5J – do not have to exercise right to vote but if no vote, lose ability to influence Board of Directors, Councilmember Harvey requested vote be for all incumbents, Mayor Green requested City Attorney Hager provide appropriate motion wording.

Item No. B-2A Discuss proposed Business Beautification Award guideline revisions from Keep Duncanville Beautiful

Mayor Green read the item into record. Parks Superintendent Hamilton presented proposed change to Curb Appeal and Business Beautification Awards, specifically eliminate the guideline dictating church properties and other non-profits not being eligible; 4B funds not legally able to be spent on a non-profit; plaques would come from the Parks & Recreation General Fund budget; policy issue between church and state; support of non-profit being seen as support of their mission rather than City Council mission; support of one non-profit over another; non-profits competing with all other businesses. Following discussion, Staff noted that a Resolution will be presented at the October 18th meeting for consideration.

The briefing session adjourned at 6:52 p.m.

REGULAR SESSION – CONVENE INTO THE COUNCIL CHAMBERS

The City Council convened into Regular Session in the Council Chambers at 7:04 p.m. with Mayor Green presiding.

The Invocation was led by Reverend Ginger Hertenstein, First Presbyterian Church Duncanville.

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

REPORTS

Item No. R-1A Mayor's Report

Mayor Green spoke regarding DuncanSwitch starting again after being rained out the previous month; the Hispanic Festival in the Park last Saturday; and the need to continue the celebration of good things in Duncanville i.e. "Community In Unity" Festival on October 29th; and the Tri-City Animal Shelter dinner/auction to raise funds for the Center which was held on Saturday, September 17th. He stated the Mayors' basket auction among Cedar Hill, DeSoto, and Duncanville Mayors had become quite a

competition. This year's Duncanville basket was so large it had to be put on a wagon and wrapped. All three baskets were auctioned at the same time with the highest bid being \$1,300.00. The high bidder lived in Cedar Hill but wanted the Duncanville basket. We are very appreciative to Pat Weaver who gathered the items for the basket and to City Secretary Jones who wrapped and made a beautiful presentation.

Item No. R-1B Councilmembers' Reports

Councilmember Thomas spoke regarding the Heart of Duncanville 5K Race to be held on October 8 to benefit the Duncanville Independent School District and the Duncanville Education Foundation. Cost is \$20 for the race or \$12 for one mile, the event is well attended, and there will be music and giveaways. She advised more information can be found at HeartofDuncanville5K.com or to sign up at Ben Franklin's or Luke's Locker. She looks forward to seeing everyone there.

Councilmember Harvey acknowledged the Caravan Immunization Clinic held at the Trinity United Methodist Church on September 20 for children ages 18 and under, and thanked them for serving their community.

Mayor Pro Tem Rutherford spoke regarding the October 4th National Night Out event sponsored by the Duncanville Police Department to be held at the Duncanville Recreation Center on James Collins from 4:00 p.m. to 8:00 p.m., and encouraged everyone to attend.

Councilmember Jameson spoke regarding the basket auctioned at the Tri-City Animal Shelter and noted that it was funny the auctioneer assumed the high bidder wanted the Cedar Hill basket, and thought it might come to dukes over the Duncanville basket.

Item No. R-1C City Manger's Report

City Manager Hugman spoke regarding upcoming road closures. TxDOT will be performing soil borings at Main Street and U.S. Highway 67 on the inside lanes on Main Street and will have barricades up on September 21 from 9:00 a.m. to 3:00 p.m. in preparation for the construction of the US 67 widening project. This information will be disseminated via a press release and our website. . Also, Street Department crews will also be closing the eastbound lane of Camp Wisdom Road at Main Street on September 27 to level the pavement around the railroad tracks.

PROCLAMATIONS AND PRESENTATIONS

Item No. R-2A Proclamation designating the month of September 2016 as Blood Cancer Awareness month in Duncanville

Mayor Pro Tem Rutherford read the item into record. The Proclamation was presented on behalf of the City Council by City Manager Hugman.

Item No. R-2B Proclamation recognizing October 2016 as Domestic Violence Awareness Month

Councilmember Jameson read the item into record and presented the Proclamation for Domestic Violence Awareness Month to Crime Victim Advocate Connie Bergara. Crime Victim Advocate Bergara accepted the Proclamation on behalf of the Police Department Staff, mentioned National Night Out on October 4, and thanked the City Council for their support. She then introduced guests Sheritha Smith and her nephew, Storm Malone, who shared their story of domestic violence.

Item No. R-2C Proclamation recognizing October 2016 as National Community Planning Month

Mayor Green introduced City Planner Chasidy Allen and recognized Public Works Director Hasler and stated the city was in the middle of developing its first comprehensive plan with the consulting firm of Freese and Nichols. He then read the item into record and presented the Proclamation for National Community Planning Month to City Planner Chasidy Allen. City Planner Allen accepted the Proclamation on behalf of the Department of Public Works staff and thanked the City Council for their support. She then announced the comprehensive plan website, DestinationDuncanville.com, and encouraged citizens to complete a survey on the website or come to National Night Out, where there will be a booth with additional information. Mayor Green further stated a 12-member committee made up of business professionals had been created, a professional planner hired, and a firm employed to help guide Duncanville through the statistics, but that we need all of our citizens to be involved in looking at the next 20 years, where we want to go, and where we want to be.

CITIZENS INPUT

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

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

Alan Conley, 1214 Wellington – Stated he was in his 14th year as a business owner in Duncanville, owns three restaurants, and requested reconsideration of the new banner ordinance passed on August 16. Specifically, the reduction of 75% of the time allowed for a banner (from 365 days a year to only 90 days); a public forum or a town hall meeting facilitated by the Sign Control Board where citizens and the people who got banners over the last two years can come and speak about different options; the intent of the program; that economic development be involved; appreciate the intent of making Duncanville more attractive but has unintended consequences; our neighbors have strict ordinances but have advantages we don't have; having a very proactive and quality banner program could help attract business; appreciated Council's time and asked for reconsideration of the ordinance.

CONSENT AGENDA ITEMS

Mayor Green requested that Acting City Secretary Caldwell read the Consent Agenda Items.

Item No. 4A Consider the minutes for the September 13, 2016, City Council Regular Meeting.

Item No. 4B Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the acquisition of riot/field force equipment from the Defense Reutilization and Marketing Office (DRMO) and authorizing the City Manager or his designee to execute all documents in regards to acquisition of the items including the cost of pickup, packaging, and delivery of said items.

Item No. 4C Consider a Resolution of the City Council of the City of Duncanville, Texas approving the terms and conditions of the Interlocal Agreement by and between the City of Desoto, Texas ("Desoto"), the City of Duncanville, Texas ("Duncanville"), the City of Cedar Hill, Texas, ("Cedar Hill"), and the City of Lancaster, Texas, ("Lancaster"), for services related to shared Regional Emergency Management Operations Coordinator position; authorizing the Mayor to execute said agreement; providing a severability clause; and providing an effective date.

Acting City Secretary Caldwell read the consent items into record. Councilmember Schwartz made a motion to approve the Consent Agenda Items as read. Councilmember Harvey seconded the motion. The vote was cast 7 for, 0 against.

INDIVIDUAL CONSIDERATION

Item No. 5A Consider an Ordinance of the City of Duncanville, Texas, approving and adopting a budget for the City for the Fiscal year October 1, 2016, through September 30, 2107; providing that expenditures for said Fiscal Year shall be made in accordance with said Budget.

Mayor Green read the item into record. Finance Director Summerlin presented the item including fund balance highlights, overview, process and goals. Following the presentation, he provided the required Truth in Taxation specific wording for the motion should Council choose to approve the Ordinance. Mayor Green called for a motion. Mayor Pro Tem Rutherford made the motion, "I move the proposed budget for the City for Fiscal Year October 1, 2016, through September 30, 2017; providing that expenditures for said Fiscal Year shall be made in accordance with said Budget, be adopted. This budget will raise more total property taxes than last year's budget by \$1,102,425 which is a 7.95 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$64,141". Councilmember Jameson seconded the motion. Discussion followed including the increase seen is from commercial revenue going up 2%, and that the economy in Duncanville is turning around, lessening the burden on the homeowner. The vote was cast 7 for, 0 against.

Item No. 5B Consider an Ordinance of the City of Duncanville, Texas, Levying Ad Valorem Taxes for the Year 2017 at a rate of \$0.758447 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the Corporate limits of the City as of January 1, 2016, to provide revenues for current expenses and interest and sinking fund requirements; providing for due and delinquent dates together with penalties and interest; and, declaring an effective date.

Mayor Green read the item into record. Finance Director Summerlin presented the item including the following tax rates: Proposed Tax Rate - \$0.758447 per \$100; Preceding Year's Tax Rate - \$0.758447 per \$100; Effective Tax Rate - \$0.704578 per \$100; and Rollback Tax Rate - \$0.763848 per \$100. Following the presentation, he provided the required Truth in Taxation specific wording for the motion should Council choose to approve the Ordinance. Mayor Green called for a motion. Councilmember Harvey made the motion, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.758447, which is effectively a 7.65 percent increase in the tax rate, be adopted". Councilmember Schwartz seconded the motion. Discussion followed including the motion as read did not include "per hundred tax valuation" after the tax rate, motion read correctly, extra wording not necessary but added for clarity, only 25.7 % of the tax bill goes to Duncanville, daily city services provided equates to \$2.34 per day, at the bottom rung of the tax rate as far as other Best Southwest cities, a one cent tax decrease would equate to three cents per day, trying to catch up our infrastructure requirements, this is a balanced budget. The vote was cast 7 for, 0 against.

Item No. 5C Consider an Ordinance of the City Council of the City of Duncanville, Texas, ratifying the Fiscal Year 2016-2017 Budget which raises more property tax than in the previous year, and providing an effective date.

Mayor Green read the item into record. Finance Director Summerlin presented the item including the requirement of Section 102.007C of the Texas Local Government Code that requires any time there is a budget that raises more revenue from property tax than the previous year that the vote for the adoption of the tax rate must come back and be ratified. Councilmember Harvey made a motion that this Ordinance be ratified. Mayor Pro Tem Rutherford seconded the motion. Discussion followed including this budget addresses the infrastructure of the city, the comprehensive plan and parks master plan is being developed, prefunding the street maintenance program, pipe bursting program, proactive budget, senior level civil service being brought up to 5% lower than the average, mobility, air quality, appreciate the staff working on the budget and making the hard choices. The vote was cast 7 for, 0 against.

Item No. 5D Consider an Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Duncanville; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the city; and, establishing an effective date for such actions.

Per Article II, Section 2-54 of the Duncanville Code of Ordinances, though not required, Councilmember Schwartz chose to recuse himself with Affidavit of Conflict on file. Human Resources Manager Otey presented the item including one-time change to the Texas Municipal Retirement System by adding 100% service credit for active employees and 50% COLAs for retirees equating to \$485,491. Councilmember Jameson made a motion to approve the item. Councilmember Dotson seconded the motion. Discussion followed including coincidence of timing for removing service credits and COLA payments with the downturn of the economy in 2008 and the actual cause due to actuarial changes made by TMRS. The vote was cast 6 for, 0 against, with Councilmember Schwartz recusing.

Item No. 5E Consider an Ordinance of the City of Duncanville, Texas, creating Classified Positions under Civil Service in the Police and Fire Departments; providing for a Pay Scale under Civil Service; repealing all Ordinances in conflict herewith; and providing an effective date.

Mayor Green read the item into record. Human Resources Manager Otey presented the item including the creation of classified positions in accordance with the approved step pay plan included in the approved budget. Councilmember Jameson made a motion to approve the item. Mayor Pro Tem Rutherford seconded the motion. Discussion followed including affirming this action takes the civil service positions up to 95% of the average, another \$500,000 would be required to bring these positions up to 100%. The vote was cast 7 for, 0 against.

Item No. 5F Consider a Resolution of the City Council of the City of Duncanville, Texas, approving the adoption of the Master Fee Schedule for FY 2016-2017, which is attached hereto and incorporated herein as Exhibit "A"; providing a repealing clause; providing a severability clause; and, providing an effective date.

Mayor Green read the item into record. Finance Director Summerlin presented the item including rate increases for water, wastewater, and solid waste fees. Councilmember Schwartz made a motion to approve the item. Mayor Pro Tem Rutherford seconded the motion. There was no discussion. The vote was cast 7 for, 0 against.

Item No. 5G Consider a Resolution of the City Council of the City of Duncanville, Texas, adopting the Fiscal Year 2017 Work Plan, and providing an effective date.

Mayor Green read the item into record. Assistant City Manager Smith presented the item including the concept of what should be accomplished in the coming year based on the approved budget focusing on the capstones and five bold steps to build a vibrant and inclusive community. Councilmember Harvey made a motion to approve the item. Councilmember Schwartz seconded the motion. Discussion followed including complimenting the effort of putting the workplan together, business development handbook, performance management system, City Council goals and objectives, performance measures inspect versus expect, contact your Councilmember, Mayor or At-large Councilmember to provide input on the workplan prior to the open meeting/public retreat, and progress of work plan. The vote was cast 6 for, 1 against (Councilmember Jameson).

Item No. 5H Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement and installation of replacement maple wood flooring from Ponder Company, Inc., through a Local Government Purchasing Cooperative (BuyBoard) Purchasing Agreement, in the amount of four hundred and eighty six thousand three hundred and eight dollars and zero cents (\$486,308.00), authorizing the City Manager to execute the necessary documents; and, providing for an effective date.

Mayor Green read the item into record. Parks and Recreation Director Stevenson presented the item including the timing of the request, history of the flooring, no vapor/moisture barrier in existing floor, specifications of the proposed new flooring, coordination of operations during installation period, performance payment bond, and extended warranty. Mayor Green requested City Attorney Hager read the revised wording for the motion as discussed during the Briefing Session:

“Motion to approve a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement, installation and replacement wood flooring for the Duncanville Fieldhouse from Ponder Company, Inc., through an Interlocal Purchasing Cooperative (BuyBoard) Purchasing Agreement, in addition a Performance Bond for the installation of the flooring and an extended three (3) year warranty, for a total amount of \$490,878.30, authorizing the City Manager to sign appropriate purchase order and agreement.”

Councilmember Jameson made a motion to approve the item. Councilmember Harvey seconded the motion. There was no discussion. The vote was cast 7 for, 0 against.

Item No. 5I Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement of a new Pierce Quint fire apparatus from Siddons-Martin Emergency Group, L.L.C., through a Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement, in an expenditure amount up to nine hundred and forty-nine thousand and forty-nine dollars (\$949,049); authorizing the City Manager to execute the necessary documents; and, providing an effective date.

Mayor Green read the item into record. Fire Chief Rohde stated the existing Quint would continue to be maintained for use as a reserve unit; unit necessary for Duncanville High School and existing/new multi-level buildings; longer aerial ladder, ground ladder, pump, carries water, and hose versus other units which have shorter aerial ladder, limited assortment of ground ladders, and don't carry water; and that prepayment of \$500,000 will result in a \$50,000 reduction in price. Councilmember Harvey made a motion to approve the item. Mayor Pro Tem Rutherford seconded the motion. There was no discussion. The vote was cast 7 for, 0 against.

Item No. 5J Consider Nominations for the election of Places 6-9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Mayor Green read the item into record. City Manager Hugman explained the Texas Municipal League Intergovernmental Risk Pool is governed by a Board of Trustees made up of members of governing bodies and appointed officials of the governing bodies of the State of Texas and that the Governing body must vote as a body in electing a member for each place. By state law, the City Manager is required to make the nomination. Based on discussions in the Briefing Session, City Attorney Hager supplied the motion, “Consider a motion to cast the City of Duncanville votes for Places 6-9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool in favor of the current incumbents”. Councilmember Schwartz made a motion to approve the item. Councilmember Dotson seconded the motion. There was no discussion. The vote was cast 7 for, 0 against.

Item No. 5K Ratify City Manager’s appointment of Mr. Curtis J. Smith, Jr., to the Civil Service Commission to fill the unexpired term of Sharon White, term to expire October 31, 2018.

Mayor Green read the item into record. City Manager Hugman explained the Fire and Police Departments are Civil Service and governed by Chapter 143 of the Texas Local Government Code. Section 143.006 establishes the requirements for the Civil Service Commission that consists of three members that are appointed by the City Manager but must be confirmed by the governing body. Member Sharon White has been disqualified from serving because she has moved out of the city and due to current business in front of the Commission, it is important the position be filled as quickly as possible. City Manager Hugman stated Mr. Curtis had been previously interviewed for Board appointments, is a retired police officer, and had experience as having been a member of civil service and asked he be ratified to fill the position vacated by Sharon White. Councilmember Harvey made a motion to ratify the City Manager’s appointment. Councilmember Schwartz seconded the motion. There was no discussion. The vote was cast 7 for, 0 against.

STAFF AND BOARD REPORTS

Item No. 6A Receive the Economic Development Quarterly Report and Workplan Update.

Mayor Green read the item into record. Economic Development Director James presented the Economic Development Quarterly Report and Workplan Update including sales tax collections; workplan items; business, development and property owner engagement activity; sign grant in the amount of \$4,805.06 for Melcor; Development Incentive Grant in the amount of \$75,000 for Barclay; and miscellaneous activities.

The meeting adjourned at 8:38 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4B

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the payment to Xerox Government Systems, LLC, for software support and maintenance for Banner Financial and Human Resources software from October 2015 to September 2016 in the amount of fifty-four thousand eight hundred eleven dollars and forty-five cents (\$54,811.45); authorizing the City Manager to execute the necessary documents and/or payment; and, providing for an effective date.

FY 2016-2017 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **Goal:** NA

STAFF REPRESENTATIVE:

Tracy R. Beekman, Information Technology Manager

BACKGROUND/HISTORY:

The City of Duncanville utilizes Xerox Governments Systems LLC Banner products for the Finance and Human Resources Departments. Support and Maintenance for software and database upgrades are paid annually at the end of the service year.

POLICY EXPLANATION:

Banner Software Support and Maintenance costs are above \$49,999.99 and must be presented to Council for approval before payment can be authorized.

FUNDING SOURCE:

\$54,811.45 is allocated in the FY 16-17 Information Technology budget for this expense.

RECOMMENDATION:

Staff recommends approval of a Resolution of the City Council of the City of Duncanville, Texas, authorizing the payment to Xerox Government Systems, LLC, for software support and maintenance for Banner Financial and Human Resources software from October 2015 to September 2016 in the amount of fifty-four thousand eight hundred eleven dollars and forty-five cents (\$54,811.45); authorizing the City Manager to execute the necessary documents and/or payment; and, providing for an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION 2016-10184B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE PAYMENT TO XEROX GOVERNMENT SYSTEMS, LLC, FOR SOFTWARE SUPPORT AND MAINTENANCE FOR BANNER FINANCIAL AND HUMAN RESOURCES SOFTWARE FROM OCTOBER 2015 TO SEPTEMBER 2016 IN THE AMOUNT OF FIFTY-FOUR THOUSAND EIGHT HUNDRED ELEVEN DOLLARS AND FORTY-FIVE CENTS (\$54,811.45); AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AND/OR PAYMENT; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is desired to maintain and ensure current software upgrades and maintenance to the City's Financial and Human Resources application and database software; and

WHEREAS, the City Council of the City of Duncanville, Texas desires to approve payment to Xerox Government Systems, LLC, for the October 2015 – September 2016 term; and

WHEREAS, funds are available and budgeted in the Fiscal Year 2016-17 Budget.

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

SECTION 1: That the City Council of the City of Duncanville, Texas hereby approves payment to Xerox Government Systems, LLC in the amount of fifty-four thousand eight hundred eleven and forty-five cents (\$54,811.45).

SECTION 2: That the City Council of the City of Duncanville, Texas hereby authorizes the City Manager to authorize payment and execution of any necessary documents and/or payment.

SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas,
on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4C

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement and License and Use Agreement between the Duncanville Independent School District and City of Duncanville, Texas, for placement of Digital Interactive Kiosk systems on or in City of Duncanville property; authorizing the City Manager to execute the agreement; providing a severability clause; and, providing for an effective date.

FY 2016-2017 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **CAPSTONE 1: Most engaged citizens in America**
- **CAPSTONE 2: Create high quality neighborhoods and parks**

STAFF REPRESENTATIVE:

Tracy R. Beekman, Information Technology Manager

BACKGROUND/HISTORY:

City staff was approached by Kyle Berger, DISD Chief Technology Officer, after the DISD bond election passed regarding placement of Internet enabled digital interactive kiosk systems throughout the City. These kiosks will allow for free open Internet access to the citizens of the City of Duncanville. Citizens will also be afforded easy access to DISD and City information via these kiosks. This will be especially useful for those who do not have Internet or other means of connecting to DISD or City online resources. Each kiosk device, except for those in City buildings that already offer free Internet access, will also broadcast a Wi-Fi signal that will allow a citizen to connect. The DISD Board approved the IA at their September 12, 2016 meeting.

POLICY EXPLANATION:

This agreement would allow placement of Internet enabled kiosk devices on City owned property and in City owned facilities. Financial responsibility per this agreement, outside of providing electricity, and if needed a concrete pedestal, for these kiosk devices does fall to DISD.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends approval of Resolution of the City Council of the City of Duncanville, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement and License and Use Agreement between the Duncanville Independent School District and City of Duncanville, Texas, for placement of Digital Interactive Kiosk systems on or in City of Duncanville property; authorizing the City Manager to execute the agreement; providing a severability clause; and, providing for an effective date.

ATTACHMENTS:

- Resolution
- Interlocal Agreement

WHEREAS, DISD and CITY agree that City Property shall be used by DISD for the purpose of providing public information use and access opportunities for its citizens as set out herein.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual agreements contained herein, the parties hereto agree as follows:

**I.
DEFINITIONS**

“DISD” shall mean the Duncanville Independent School District.

“CITY” shall mean the City of Duncanville, Texas.

“Kiosk” or “kiosk system” shall mean Digital Interactive Kiosk System, including any structure, hardware, or software.

“Properties” or “City Properties” shall mean city owned public property and/or buildings generally described in Exhibit A, which is incorporated herein as if set for in full.

**II
AGREEMENT**

- 2.01. In consideration of the mutual covenants of this Agreement, and other good and valuable consideration, CITY shall permit DISD to use City Property to locate and maintain a digital interactive kiosk system (Kiosk) under the terms and conditions set forth herein and shall permit the CITY to display CITY specific information on kiosk systems.
- 2.02 DISD shall have the right of access to and use of City Property as described in Exhibit “A”, during the times that said properties are available to the public. DISD’s right of access to and use of City Property shall be subject to any and all easements now existing or subsequently granted by the CITY regarding CITY Property. The CITY in its sole discretion shall determine the exact location of any Kiosk on City Properties. DISD right of access and use of City Property shall be used solely for the use and the purpose recited herein and is non-exclusive.
- 2.03 Placement of Kiosks/Installation/Maintenance/Replacement/Removal Due to Vandalism, Theft or Damage.

DISD shall bear at its sole cost and expense installation and/or maintenance, or replacement of kiosk system during the Term of this Agreement. The CITY shall not be responsible for the cost and expense of the replacement of a Kiosk due to any theft of or damage/vandalism. DISD shall repair, maintain, or remove any kiosk system and either replace or return the property to its original state, at DISD cost within thirty (30) days of incident.

2.04. Content on Kiosk System. Prior to display on the kiosk system, DISD shall provide the CITY with detailed information about the content, images, and brands, products and services to be displayed on the kiosk system, including the names of the services, products or brands to be promoted. The CITY acknowledges that the content displayed on the kiosk system may or may not present a direct correlation to the CITY or its events, its own subject matter, or content. In no event shall DISD display any promotional content on the kiosk system that is in violation of the laws, guidelines and policies applicable to the CITY or in violation of DISD current content/advertising policy, attached hereto and incorporated herein as Exhibit B, which includes generally inappropriate, violent, offensive, politically incorrect, sexually explicit, or containing any other similar objectively inappropriate content for DISD students as well as citizens, including those which specifically (a) are obscene, libelous or slanderous, (b) may incite others to commit unlawful acts, violate CITY or DISD rules or disrupt the orderly operation of CITY or DISD, (d) discriminates against, attacks or denigrates any persons or group of persons, (e) promotes the use or sale of materials or services that are illegal or inconsistent with CITY and DISD objectives, including but not limited to promotions for tobacco, intoxicants, and products which are deleterious for citizens or students, (f) solicits funds or services for an organization, with the exception of solicitations authorized by the CITY or DISD, and/or (g) distributes unsolicited merchandise for which an ensuing payment is requested. If during the Term of this Agreement the CITY amends or changes its rules, guidelines or policies applicable to the content to be displayed on the kiosk system, the CITY shall notify DISD of any such changes or amendments and DISD shall revise contents of the kiosk system to conform to any such changes or amendments.

2.05 Content Representations and Warranties. DISD and the CITY represent and warrant to each other that the content provided by each of them to be displayed on the kiosk system (a) will not infringe or misappropriate any intellectual property (including, without limitation, trademarks and copyrights), confidentiality, publicity or privacy rights of any third party, (b) is knowingly truthful and accurate, and not defamatory, deceptive or misleading, (c) does not contain any material or element that is unlawful, harmful, abusive, hateful, threatening, or obscene; and (d) does comply with all applicable laws and guidelines/criteria, including those provided in Section 2.4 above and those

regarding anti-discrimination or false advertising.

- 2.06 Third Party Promotion Disclaimer. The CITY understands and acknowledges that DISD does not control the products or services offered by third party promoters. The third party promoters will be responsible for all aspects of order processing, fulfillment, billing and customer service. DISD is not a party to the transactions entered into between the consumers and the third party promoters. However, DISD shall monitor and be solely responsible for any third party display and reserves the duty and right to revoke any access to display any material on the kiosk system

THE INCLUSION OF THIRD PARTY PROMOTIONS IN THE CONTENT DISPLAYED ON THE KIOSK SYSTEM DOES NOT CONSTITUTE AN ENDORSEMENT, GUARANTEE, WARRANTY, OR RECOMMENDATION BY DISD OF ANY KIND, AND IT MAKES NO REPRESENTATIONS OR WARRANTIES ABOUT ANY PRODUCT OR SERVICE DISPLAYED THEREON, OR THE TRUTH OF ANY SUCH CONTENT ASSOCIATED WITH THE PROMOTION OF THE THIRD PARTY BRANDS AND SERVICES.

THE CITY DOES NOT ENDORSE, PROMOTE, OR PROMOTE ANY PRODUCT, GOODS, OR SERVICES DISPLAYED ON THE KIOSK SYSTEM.

- 2.07 Revenue from Display of Kiosk System Content. DISD shall solely receive fees or income by various third parties in exchange for the display of their content on the kiosk system.
- 2.08 During the term of this Agreement, and any extensions thereof, CITY agrees to maintain its normal security for City Property to include DISD Property located on City Property. The Kiosk systems shall not receive any special security from abuse or loss through vandalism, wanton destruction, or theft to extent possible during any CITY operating hours or licensed events. The CITY shall not be held liable for any physical damage to or logical breach of security and operation of the kiosk system.
- 2.09 DISD shall be responsible for any and all claims, damages, and/or causes acts of negligence or action arising from, caused by, or in any way related to its use of DISD kiosk system.
- 2.10 TO THE EXTENT ALLOWED BY LAW, CITY SHALL INDEMNIFY AND HOLD HARMLESS DISD AND ITS BOARD OF TRUSTEES, EMPLOYEES, AGENTS OR VISITORS, FROM AND AGAINST ANY AND ALL CLAIMS, LOSS, COST, DAMAGES, EXPENSE OR LIABILITY OF ANY KIND, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE USE OF DISD PROPERTY BY CITY. NOTHING HEREIN

SHALL BE CONSTRUED TO AFFECT, ALTER, OR MODIFY IMMUNITY UNDER TEXAS CIVIL PRACTICE AND REMEDIES CODE §101.051.

III. TERM

- 3.01 Term. The term (“Term”) of this Agreement shall commence on the date the first Kiosk is installed on one of City Property, and shall continue for a period of sixty (60) months from the installation date, unless modified, extended, terminated, or amended in accordance with the terms of this Agreement. Upon completion of the first installation, DISD shall provide written notice to the CITY of the commencement of the Term. Within thirty (30) days of the expiration of the Term, DISD shall undertake all efforts necessary to remove the kiosk system from the CITY location, at its own cost and expense returning City Property to its original state.
- 3.02 Effective Date of Agreement. Other than for the Term, the Effective Date of this Agreement shall be the date in which the Agreement is first signed and dated on behalf of the CITY.
- 3.03 Ratification of Agreement by Governing Body. DISD acknowledges this Agreement may not be binding on the parties, unless and until the CITY obtains approval and ratification of the Agreement by the City Council of the City of Duncanville, if so required. If so required, after execution by the parties, the CITY shall have thirty (30) days from the Effective Date in which to obtain approval or ratification by CITY’s governing body. If CITY’s governing body does not approve/ratify this Agreement, it shall be deemed null, void and unenforceable.

IV. TERMINATION

- 4.01 Either party may terminate this Agreement, for any reason, or no reason, upon ninety (90) days prior written notice of the date of termination to the other party. This Agreement may be terminated in whole or in part and will apply only to the property so identified in the notice of termination. DISD may terminate this Agreement for cause upon thirty (30) days prior written notice, including but not limited to, if CITY does not maintain City Property in accordance with Section I of this Agreement, upon thirty (30) days prior written notice. All determinations regarding proper maintenance of DISD Property shall be made by and agreed upon by DISD and the CITY, and such determinations shall be final.

- 4.02 Immediate Right to Terminate – With Cause. The CITY shall have the sole discretion and right to immediately terminate this Agreement by giving written notice to DISD in the event it has materially breached this Agreement by failing to cure said breach within ten (10) days following receipt of notice of the alleged breach, including the display of content on this kiosk system which violate the guidelines and criteria provided for in Section 2.04, or a change or amendment to the laws, policies or guidelines applicable to the CITY which render the services to be provided by DISD under this Agreement as being in violation of said laws, policies or guidelines or otherwise unlawful. Upon termination of agreement, all power to kiosk will be terminated.
- 4.03 If either party terminates this Agreement pursuant to the terms herein, DISD shall be solely responsible for the cost of removal and repair caused by such removal and CITY property returned to original state.
- 4.04 Upon termination, DISD shall remove all personal property or removable structures owned by DISD, provided that DISD thereafter returns City Property to its original condition at time of removal. Upon termination, DISD, at its sole expense, shall bear the cost of any alterations or improvements owned by CITY to City Property. Any addition or improvement to City Property if not removed shall, upon termination of this Agreement and a reasonable time to remove said improvements or alterations, belong to and become the property of CITY without cost to CITY. Nothing shall be removed which may affect the structural integrity of any building or structure.

V.

GENERAL REQUIREMENTS APPLICABLE TO DISD AND CITY

The following subsections shall apply to DISD's use of City Property.

- 5.01 A. **IMMUNITY:** Nothing in this Agreement, or in any exhibit or attachment hereto, shall be construed to affect, alter, or modify the immunity of either party under the Texas Civil Practice and Remedies Code §101.001 *et seq.* It is expressly understood and agreed that in the execution of this Agreement, neither CITY nor DISD waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to each against claims arising in the exercise of governmental powers and functions.
- B. **INSURANCE:** During the term of this Agreement, and any extensions thereof, DISD agrees to obtain and maintain, at its sole expense, insurance to protect against potential claims for which it would otherwise be liable under State law, and arising out of DISD's use of City Property and facilities designated on Exhibit "A" attached hereto. DISD shall furnish the

CITY proof of insurance in accordance with this Section within thirty (30) days from the date of execution of this Agreement. Nothing contained herein shall be construed to grant any third party rights or waive the governmental and/or public purpose of the operation or use of any of City Property.

- 5.02 **THIRD PARTIES:** This Agreement does not create any third-party beneficiaries. Nothing in this Agreement, or in any exhibit or attachment hereto, shall be construed to create, expand, or form a basis for liability to any third party under any theory of law against either CITY or DISD unless such a basis exists independent of this Agreement under State or federal law.
- 5.03 **NOTICE:** Each notice or other communication which may be or is required to be given under this Agreement shall be in writing and shall be deemed to have been properly given when delivered personally during the normal business hours of the party to whom such communication is directed, or upon receipt when sent by United States registered or certified mail, return receipt requested, postage prepaid, to the appropriate one of the following addresses as may be designated by the appropriate party; however, each party has a right to designate a different address by giving the other party fifteen (15) days prior written notice of such designation:

If to DISD:

Attn: Kyle Berger
900 S. Cedar Ridge
Duncanville, TX 75137
E-mail: kberger@duncanvilleisd.org

If to CITY:

Attn: Tracy Beekman
203 E. Wheatland Rd.
Duncanville, TX. 75116
E-mail: tbeekman@ci.duncanville.tx.us

- 5.04 **CLAIMS AGAINST PARTIES:** Subject to the provisions of Article I of this Agreement, each party shall be responsible for defending and/or disposing of all causes arising against the respective party as a result of its use or occupation of City Property. It is expressly understood and agreed that in the execution of this Agreement, neither CITY nor DISD waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to each against claims arising in the exercise of governmental powers and functions.

- 5.05 ENTIRE AGREEMENT: This Agreement contains the entire agreement of the parties hereto, and no other oral or written commitments shall have any force or effect if not contained herein. No amendment, modification, or alteration of this Agreement is binding unless in writing and duly executed by the parties subsequent to this Agreement.
- 5.06 SEVERABILITY: If any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and this Agreement shall be construed as if such invalidity, illegality, or unenforceable provision had never been contained herein.
- 5.07 AUTHORITY: The undersigned officers and/or agents are authorized to execute this Agreement on behalf of the parties hereto, and each party hereto certifies to the other that any necessary resolutions extending such authority have been duly passed and are now in full force and effect.
- 5.08 DEFECT: Each party shall promptly report to the other party any defects or dangerous conditions it discovers on or concerning DISD and/or City Property, and shall cease any such use until such defect or condition is repaired or cured.

VI. REMEDIES

- 6.01 No right or remedy granted or reserved to the parties is exclusive of any other right or remedy herein by law or equity provided or permitted; but each shall be cumulative of every other right or remedy given hereunder. No covenant or condition of this Agreement may be waived without written consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Agreement.

VII. APPLICABLE LAW

- 7.01 This Agreement is to be construed under Texas law, and all obligations of the parties created in this Agreement are performable in Dallas County, Texas. Venue for any disputes arising out of this Agreement shall be in Dallas County, Texas.

VIII. SUCCESSORS AND ASSIGNS

- 8.01 This Agreement is binding on and inures to the benefit of the successors, executors, administrators and assigns of the parties to this Agreement and affects

the use of land and shall run with the land. Neither CITY nor DISD shall assign, sublet, subcontract, or transfer this Agreement without the written consent of the other party. No assignment, delegation of duties, or subcontract under this Agreement shall be effective without the prior written consent of the other party.

**IX.
RECITALS AND ATTACHMENTS**

9.01 The recitals and attachments to this Agreement are incorporated herein for all purposes as if set out herein verbatim.

**X.
EXECUTION**

10.01 This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED between the parties on the date first written above.

WITNESS: **Duncanville Independent School District:**
By: _____ By: _____
Secretary, Board of Trustees President, Board of Trustees

WITNESS: **CITY OF DUNCANVILLE, TEXAS:**
By: _____ By: _____
Mary Jones Kevin Hugman
City Secretary City Manager

Exhibit A

DISD Kiosk Locations

City Hall Lobby – 203 E. Wheatland Rd.

Library Lobby – 201 James Collins Blvd.

Recreation Center Lobby – 201 James Collins Blvd.

Duncanville Field House Lobby – 1700 S. Main St.

Armstrong Park

Lakeside Park

Harrington Park

COMMUNITY RELATIONS
ADVERTISING AND FUND RAISING IN THE SCHOOLS

PROMOTIONAL
ACTIVITIES

School facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the Superintendent or designee.

[For information relating to nonschool use of facilities, see GKD.]

ADVERTISING

For purposes of this policy, "advertising" shall mean a communication designed to attract attention or patronage by the public or school community and communicated through means under the control of the District in exchange for consideration to the District. "Advertising" does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to the District or school support organizations.

Advertising shall be accepted solely for the purpose of generating revenue for the District and not for the purpose of establishing a forum for communication. The District shall retain final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment. The District shall retain the authority to determine the size and location of any advertising. The District shall also reserve the right to reject advertising that is inconsistent with federal or state law, Board policy, District or campus regulations, or curriculum, as well as any content the District determines has a reasonable likelihood of exposing the District to controversy, litigation, or disruption.

Acceptance of advertising shall not constitute District approval or endorsement of any product, service, organization, or issue referenced in the advertising, nor shall acceptance of advertising from a vendor determine whether the District will purchase goods or services from the vendor through the District's formal procurement process.

[For information relating to school-sponsored publications, see FMA.]

SCOREBOARD

The Superintendent or designee may request proposals from potential advertisers. All such advertising shall be limited to goods and services and be in good taste, reflect positive values, be appropriate content for all ages, and be neutral on matters of religion and political controversy. The Superintendent or designee shall reject any proposals or materials that are reasonably foreseeable as disruptive, libelous, obscene, inflammatory, sexually inappropriate, or that endorse actions endangering the health or safety of students. The Superintendent or designee shall review the submitted proposals for conformity with these standards. The determinations as to these standards shall be in the sole discretion of the Superintendent or designee who will recommend the advertising proposal to the Board. The Board shall take formal action on any

COMMUNITY RELATIONS
ADVERTISING AND FUND RAISING IN THE SCHOOLS

advertising proposal. Any agreement for advertising shall be in writing with the terms and conditions agreed to by both parties. Any agreement shall have a termination clause that allows the District to end the contract without penalty if conflict arises. Advertising on any of the District's communication systems shall be governed by this policy.

PROHIBITIONS

The District shall not allow products and/or services that fall into the following categories to be advertised:

1. Alcoholic beverages.
2. Contraceptive products.
3. Firearms, ammunition, and fireworks.
4. Gambling promotions.
5. Drug-related paraphernalia.
6. Motion pictures that have been rated "R" or "NC-17" by the MPAA.
7. Prescription drugs.
8. Feminine hygiene products.
9. Political advertisements.
10. Tobacco products.

Requests for exceptions shall be made to the Superintendent.

GUIDELINES

The following general guidelines shall be followed when determining the advisability of approving commercial advertisements:

1. Community Sensibilities – Any advertising that belittles any person or group based on social, racial, ethnic or religious characteristics or any person because of age, sex or handicap is unacceptable.
2. Controversial – Any advertising that takes a position on a controversial issue of public importance is unacceptable. A controversial issue of public importance is defined as one that involves matters having significant impact on society or its institutions, and for which there is current public debate with substantial segments of the community.
3. Criminal Activity – Any advertising that promotes or accepts violence, crime, or obscenity is unacceptable.
4. Endorsements – Any endorsement shall reflect the honest opinions, beliefs, findings, or experience of the endorser. En-

COMMUNITY RELATIONS
ADVERTISING AND FUND RAISING IN THE SCHOOLS

dorsements shall not contain any claims that cannot be substantiated if made directly by the advertiser.

5. Safety – Any product advertised must be in compliance with generally accepted safety standards. Advertising that disregards normal safety precautions is unacceptable.
6. Subliminal Perception – Any advertisement that uses the technique of “subliminal perception” or any similar technique is unacceptable.

In general the District encourages advertisements that:

1. Provide positive role models for all members of the community.
2. Place emphasis on the importance of education and remaining in school.
3. Communicate strong messages against all forms of antisocial behavior, including drug use, violence, prejudice and the like.

SPONSORSHIPS,
CONTRACTS, AND
OTHER AGREEMENTS

The following guidelines shall apply for sponsorships, contracts and other promotional agreements proposed to the District. As used herein, the terms “contract” and “agreement” have the same meaning and are defined at item 6 below:

1. Prior approval by the Board shall be required for any agreement: (a) that provides exclusive rights, (b) with a duration in excess of three year, and/or (c) with an indicated value in excess of \$20,000. Such agreements shall be of no force and effect until approved by the Board.
2. Agreements specified at item 1 above may be, and all other agreements shall be, executed on “form” contracts that have been reviewed by the District’s legal counsel and approved by the Board for use by the administration.
3. All proposed agreements shall be submitted in advance to the business office without exception. These proposed agreements shall be reviewed and, unless approval by the Board is required, may be approved by the Superintendent or designee. If in the opinion of the Superintendent or designee, the agreement requires legal review, such review shall be obtained prior to the execution of the contract. The signature of District legal counsel reviewing the proposed agreement shall be on the agreement prior to its execution by the Superintendent or designee.
4. Unless prepared on “form” contracts previously approved by the Board, all proposed agreements described in item 1

COMMUNITY RELATIONS
ADVERTISING AND FUND RAISING IN THE SCHOOLS

above shall be sent to the District's attorney for legal review prior to submission to the Board for consideration.

5. All agreements must be in writing. The District shall not be bound by any oral agreement. Regardless of whether or not the receipt or expenditure of funds is involved, agreements that obligate the District to any course of action or allow access to District facilities, employees, or students must be provided to the business office and shall be subject to review and approval by the Superintendent or designee.

Only the Board and its express designee(s) shall have authority to bind the District to any agreement. "Agreement" is hereby defined to be and include any contract, understanding, arrangement, agreement, deal or otherwise, whether written or oral, by or between any individual, group, or organization employed by and/or affiliated in any way with the District, and any individual, group, organization or entity of any character, irrespective of whether charitable, nonprofit or for-profit, that involves any property or property rights of the District (whether real or personal, tangible or intangible, including, but not limited to (a) advertising; (b) use of logo; (c) use or occupancy of, or access to physical facilities; (d) access (either in person or via written, electronic, telephone means) to students' and/or their families or employees and/or their families; (e) taping, filming, photographing, recording, and/or broadcasting of any activity or event) and entails a promise, obligation or commitment of the District and/or any person, organization or other group or entity affiliated with the District, to any course of action or inaction in exchange for any consideration whatsoever, irrespective of whether the consideration is money, goods, services, discounts, exclusivity, preferential treatment, or otherwise. [See policies at CDB, CH, DGA, FM, GBBA, GKD]

RESOLUTION 2016-10184C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT AND LICENSE AND USE AGREEMENT BETWEEN THE DUNCANVILLE INDEPENDENT SCHOOL DISTRICT AND THE CITY OF DUNCANVILLE, TEXAS, FOR PLACEMENT OF DIGITAL INTERACTIVE KIOSK SYSTEMS ON OR IN CITY OF DUNCANVILLE PROPERTY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Duncanville and the Duncanville Independent School District, desire to enter in an Interlocal Agreement allowing placement of digital interactive kiosk systems on or in City of Duncanville property; and

WHEREAS, the City Council of the City of Duncanville, Texas desires to approve the terms and conditions outlined in the Interlocal Agreement.

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

SECTION 1: That the City Council of the City of Duncanville, Texas hereby approves the Interlocal Agreement with and between the City of Duncanville and the Duncanville Independent School District.

SECTION 2: That the City Council of the City of Duncanville, Texas hereby authorizes the City Manager to execute the Interlocal Agreement.

SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4D

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the annual procurement of senior meal program services #14-27 with Visiting Nurse Association of Texas, in the unit amount bid through a City of Grand Prairie Cooperative Purchasing Agreement with an estimated annual expenditure amount of approximately fifty seven thousand nine hundred and thirty seven dollars and fifty cents (\$57,937.50); authorizing the City Manager to execute the necessary documents; and, providing for an effective date.

STAFF REPRESENTATIVE:

Bart Stevenson, Director of Parks and Recreation
Rashidah Madyun, Senior Center Supervisor
Charles Oberrender, Purchasing Manager

BACKGROUND/HISTORY:

For over 30 years, the senior citizens of Duncanville have been provided a daily lunch program through the Nutrition Program for the Elderly via the United States Department of Health and Human Services, and the Administration on Aging. The program is administered locally by the Texas Department of Aging and Disability Services (**DADS**), and the Dallas Area Agency on Aging (**DAAA**). The Duncanville Hopkins Senior Center currently serves 65 – 100 meals daily through this program.

The City of Grand Prairie released bids for congregate meal program in August of 2012. The annual contract term was for one year with four one-year renewal options. The City of Grand Prairie City Council awarded the bid to Visiting Nurse Association of Texas and the allowance for up to four one-year renewal options at its Tuesday, September 18, 2012 meeting. Since then, three one-year renewal options have been executed by the City of Grand Prairie and on July 7, 2016 they approved their fourth and final renewal. The Duncanville City Council originally approved the annual authorization for the procurement of senior meals through the City of Grand Prairie's Cooperative Purchasing Agreement at its August 19, 2014 meeting. Local Government Code Section 271.102 provides for the voluntary participation in cooperative purchasing programs with another local government or a local cooperative and satisfies any state law requiring competitive bids.

The Visiting Nurse Association of Texas currently provides congregate meals for 21 senior centers in Dallas County, including The Summit in Grand Prairie. Menus are planned by a registered dietitian and meet the nutritional needs of seniors. Nutritional education presentations are provided by Megan Vick, Director of Meal Production and Distribution. Presentations are pre-approved by a registered dietitian. In addition, the Visiting Nurse Association of Texas offers a variety of educational presentations on aging related issues (**medication management, heart healthy, Alzheimer's disease, grief and loss, etc.**) that could be utilized by the Senior Center.

The highlights of the City of Grand Prairie annual contract include:

- Terms – October 1, 2016 through September 30, 2017

- Renewals – Fourth of Four (4) one-year renewals for an ending date of September 30, 2017
- Termination – with or without cause by City with 30 day advanced notice
- Nutrition Program guidelines and rules
- Food quality standards
- Inspection requirements for off-site meal preparation
- Dietary guidelines
- \$3.75 per meal

POLICY EXPLANATION:

This contract reflects the annual purchase cost of meals for the Duncanville Hopkins Senior Center and is estimated at a total of \$ \$57,937.50 for 15,450 meals at the contract price of \$3.75 per meal.

The Hopkins Senior Center is prohibited from charging any fees per DAAA and federal regulations for persons age sixty (**60**) and over. As such, the meal program is available to any person aged sixty (**60**) and over free of charge; however, a voluntary contribution of \$.75 per meal is requested from each diner. In addition, diners are not required to be members of the senior center. Meals may be purchased at full price (**\$7.95**) for anyone under the age of sixty. The \$.75 voluntary contribution rate is set by the Site Council, a required local committee who oversees the meal service program and provides feedback to DAAA, city staff and the meal vendor. The voluntary contribution rate is monitored daily. Currently, the center receives an average of \$0.34 per diner, per day. This reflects an estimate return ratio of 50%. Therefore, the Site Council is seeking ways to enhance the voluntary contributions.

The meal services program is administered locally by DAAA, which governs participants’ guidelines and federal funding. The City of Duncanville is a long standing participant of the program and has received approved grant funding for FY 2017. It is highly recommended that if any major changes to the program are needed, the Site Council and community input should be sought.

FUNDING SOURCE:

This program is self-supporting with the reimbursement grant from DAAA and voluntary contributions from our diners.

RECOMMENDATION:

Staff recommends approval of a Resolution of the City Council of the City of Duncanville, Texas, authorizing the annual procurement of senior meal program services #14-27 with Visiting Nurse Association of Texas, in the unit amount bid through a City of Grand Prairie Cooperative Purchasing Agreement with an estimated annual expenditure amount of approximately fifty seven thousand nine hundred and thirty seven dollars and fifty cents (\$57,937.50); authorizing the City Manager to execute the necessary documents; and, providing for an effective date.

ATTACHMENTS:

- Attachment 1 – Resolution
- Attachment 2 – Grand Prairie Contract Extension Resolution and Insurance

RESOLUTION NO. 2016-10184D

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE ANNUAL PROCUREMENT OF SENIOR MEAL PROGRAM SERVICES #14-27 WITH VISITING NURSE ASSOCIATION OF TEXAS, IN THE UNIT AMOUNT BID THROUGH A CITY OF GRAND PRAIRIE COOPERATIVE PURCHASING AGREEMENT WITH AN ESTIMATED ANNUAL EXPENDITURE AMOUNT OF APPROXIMATELY FIFTY SEVEN THOUSAND NINE HUNDRED AND THIRTY SEVEN DOLLARS AND FIFTY CENTS (\$57,937.50); AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Duncanville has provided the senior citizens of Duncanville a daily lunch program for more than 30 years through the Nutrition Program for the Elderly via the United States Department of Health and Human Services, and the Administration on Aging; and

WHEREAS, the program is administered locally by the Texas Department of Aging and Disability Services, and the Dallas Area Agency on Aging (DAAA); and

WHEREAS, the Duncanville Hopkins Senior Center currently serves 65 – 100 meals daily through this program; and

WHEREAS, the City of Duncanville has entered into an Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie; and

WHEREAS, the City of Grand Prairie has taken competitive sealed bids for congregate meal services; and

WHEREAS, the lowest responsible bid was awarded to Visiting Nurse Association of Texas.

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

Section 1: That the City of Duncanville, Texas hereby approves the annual procurement of senior meal program services with Visiting Nurse Association of Texas, in the unit amount bid through a City of Grand Prairie Cooperative with an estimated annual expenditure of \$57,937.50.

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

Section 3: This Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas,
on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

ID

6327

Department:
Purchasing for Parks

Vendor Name:
The Visiting Nurse Association of Texas

Project Name:
12130 R4 Congregate Meals Program - Amendment 4

Work Order Number(s):

Account Number:
300593-61276-12013004

Contract Amount:
\$112,500.00

Implementation Date:
10/1/2016

Termination Date:
9/30/2017

City Council Appr. Date:
9/18/2012

Insurer A Name:
Granite State Insurance Company

Insurer A Expiration:
7/1/2017

Insurer B Name:

Insurer B Expiration:

Insurer C Name:

Insurer C Expiration:

Insurer D Name:

Insurer D Expiration:

Insurer E Name:

Insurer E Expiration:

Return Executed Copy To:

Rm

Department Manager Signature:

Michelle C. Merwin

Date:

July 12, 2016

City Attorney Signature:

[Signature]

Date:

8/2/16

City Manager/Deputy City Manager Signature:

[Signature]

Date:

8/3/16

City Secretary Signature:

CD

Date:

8/4/2016

AMENDMENT TO PRICE AGREEMENT
CITY OF GRAND PRAIRIE

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

THIS AMENDMENT is made and entered into this date by and between the **CITY OF GRAND PRAIRIE**, a Texas municipal corporation (hereinafter referred to as the "CITY", and **VISITING NURSE ASSOCIATION OF TEXAS** (hereinafter referred to as "VENDOR").

WHEREAS, the CITY and VENDOR have entered into a price agreement to provide congregate meals program per bid award resulting from vendor's response to RFB #12130, submitted by Robert P. Carpenter on August 31, 2012; and

WHEREAS, the above referenced agreement was for an initial term of one year with the option to renew for four additional one year periods, totaling \$555,000.00 if all extensions were exercised. This Contract was effective as of October 1, 2012, and was to terminate at midnight on September 30, 2013, unless the parties mutually agreed in writing to extend the term of the Contract through an allowable renewal option, or, unless otherwise terminated as provided in provided in paragraph XVI of the original contract; and

WHEREAS, the first of four available renewal options was executed on August 9, 2013 and extended the term of the contract through September 30, 2014; and

WHEREAS, the second of four available renewal options was executed on July 9, 2014 and extended the term of the contract through September 30, 2015; and

WHEREAS, the third of four available renewal options was executed on July 22, 2015 and extended the term of the contract through September 30, 2016; and

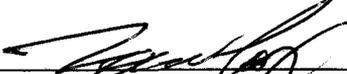
NOW, THEREFORE, for and in consideration of the mutual acts and covenants set out herein, the CITY and VENDOR agree as follows:

1. The parties mutually agree to extend the term of the contract and execute the final of the four available renewal options and extend the contract expiration to midnight on September 30, 2017 at which time all of the work called for under this Contract must be completed unless the parties mutually agree in writing to extend the term of the Contract through an additional allowable renewal option, or, unless otherwise terminated as provided in provided in paragraph XVI of the original contract; and
2. The estimated annual amount to be paid to VENDOR under such contract shall remain the sum of \$112,500.00, to reflect the contract renewal; and
3. This shall constitute an Authorization for extension of price agreement as set out in the agreement between the parties, and an amendment to such contract. All of the terms and conditions of the original contract shall remain in full force and effect, as amended hereto, unless set out otherwise herein.

EXECUTED this the 7th day of July, 2016.

CITY OF GRAND PRAIRIE, TEXAS

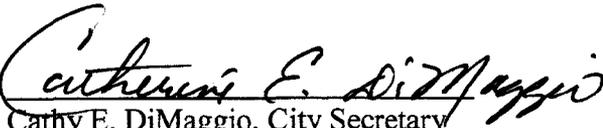
VISITING NURSE ASSOCIATION OF TEXAS

By: 
Tom Cox, Deputy City Manager

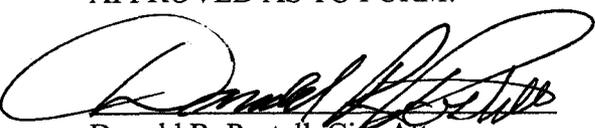
By: 
Printed
Name: Katherine Krause

ATTEST:

Title: President and Chief Executive Officer


Cathy E. DiMaggio, City Secretary
8-4-2016

APPROVED AS TO FORM:


Donald R. Postell, City Attorney



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/1/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

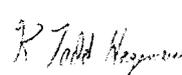
PRODUCER Alliant Insurance Services, Inc. Prestonwood Tower 5151 Belt Line Rd., Suite 605 Dallas, TX 75254-1466	CONTACT NAME:		
	PHONE (A/C, No, Ext): 972-980-5860	FAX (A/C, No): 972-980-5861	
	E-MAIL ADDRESS:		
	PRODUCER CUSTOMER ID #:		
	INSURER(S) AFFORDING COVERAGE		
INSURED The Visiting Nurse Association of Texas 1600 Viceroy Drive, Suite 400 Dallas, TX 75235-2316	INSURER A: North American Capacity Insurance Company		NAIC # 25038
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	\$
	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
	CLAIMS-MADE						MED EXP (Any one person)	\$
	OCUR						PERSONAL & ADV INJURY	\$
	\$ DEDUTIBLE						GENERAL AGGREGATE	\$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS/COMP/OP AGG	\$
	POLICY							\$
	PROJECT							\$
	LOC							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	HIRED AUTOS							\$
	NON-OWNED AUTOS							\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	CLAIMS-MADE							\$
	DEDUCTIBLE							\$
	RETENTION							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	OTHER \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	EMPLOYERS INDEMNITY			EEG0005116-05	07/01/2016	07/01/2017	AGGREGATE	\$ 25,000,000
							PER OCCURRENCE	\$ 25,000,000
							PER EMPLOYEE	\$ 5,000.00
								0

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Waiver of Subrogation is included with regard to the Employers Indemnity coverage, but only with respect to and to the extent of the liabilities assumed by the insured under written contract.

CERTIFICATE HOLDER City of Grand Prairie P.O. Box 53405 Grand Prairie, TX 75053-4045	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4E

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the application for the submission of and receipt of a grant from the Federal Emergency Management Agency, Assistance to Firefighters Grant, FY2016, funding the enhancement of four (4) cardiac monitoring/defibrillator systems, and four (4) CPR chest compression devices for the Fire Department, with a total grant value of \$254,000, of which the City of Duncanville contributes 10% in the form of \$25,400 cash match; and authorizing the City Manager as the authorized official to execute all documents in regard to the requested funds, which includes the power to apply for, accept, reject, alter or terminate the grant.

STAFF REPRESENTATIVE:

Sam Rohde, Fire Chief

BACKGROUND/HISTORY:

The Duncanville Fire Department (DFD) is in urgent need of replacing and obtaining lifesaving cardiac equipment. Currently, the Duncanville Fire Department has a total of 5 cardiac monitor/defibrillators in service; two Lifepak 12 systems and three Lifepak 15 systems. The two Lifepak 12 systems are both 16 year old monophasic monitor/defibrillators with 12 lead capability as its only peripheral function, and the three Lifepak 15 systems are 6 years old. These units are the primary cardiac monitor/defibrillator system utilized by Duncanville Fire personnel when responding to all medical calls.

The two (2) Lifepak 12 units in service do not have wireless/bluetooth capabilities which would be beneficial for increased awareness and assistance to the receiving hospitals for cardiac care. Also, the two Lifepak 12 system devices are outdated, as the recommended manufacture life span of service is 8 years for pre-hospital environments, and the three Lifepak 15 system devices are nearing the end of their recommended life span. The two Lifepak 12 systems are monophasic, and 60-cycle and other interference has been noted during use, which causes artifact, sometimes making it difficult to read the underlying EKG rhythm. Purchasing four (4) new monitor/defibrillators would ensure that the two front line ambulances and two front line fire apparatus would have identical and modern equipment, with an older but still up-to-date Lifepak 15 monitor/defibrillator on the reserve fire apparatus.

The other equipment need of the Duncanville Fire Department is Cardio Pulmonary Resuscitation (CPR) Chest Compression systems. Presently, the city does not own any automatic CPR chest compression system. With only manual CPR capabilities, our system is less capable of providing this documented life preserving care to the pulseless patient. Duncanville Fire Department participates in a regional Automatic Aid Agreement with the cities of Cedar Hill, Dallas, and DeSoto, and as a result the closest emergency apparatus is dispatched in response to the emergency regardless of the city/jurisdiction the emergency occurs in. Therefore the coverage area of all four cities is 86.19 square miles; this can be a lengthy transport for the firefighters and paramedics performing CPR resulting in less consistent and less effective cardiac and cerebral perfusion.

Additionally, an engine must be removed from service once a Firefighter/Paramedic is pulled off of their assigned fire apparatus to perform CPR during ambulance transport. The Chest Compression system will eliminate the need for an

individual to solely perform chest compressions, allowing paramedics to focus on vital functions like airway management, and drug and electrical therapy. Thus, this will result in lower rates of morbidity and mortality among our patients and will provide a higher quality of care.

This equipment will bring us into compliance with current training, patient care, and equipment standards including, but not limited to: NFPA Standards 450, 473, 1584 and 1901. The implementation of this equipment will also meet AHA and local medical control guidelines.

POLICY EXPLANATION:

The Duncanville Fire Department is seeking authorization to submit a grant application to the Federal Emergency Management Agency, Assistances to Firefighters Grant, FY2016, for funding enhancement of four (4) cardiac monitoring/defibrillator systems and four (4) CPR chest compression devices for the Duncanville Fire Department.

The above equipment will provide continuity of care/training, identical equipment on all front line ambulance and front line fire apparatus throughout our regional service area. This grant will allow Duncanville Fire Department to operate the most current and effective pre-hospital treatment (biphasic defibrillation) for cardiac arrest, improving emergency care for members of the community and the firefighters who protect them.

FUNDING SOURCE:

\$228,600 will be funded as cost reimbursement from the grant. The remaining 10% will consist of \$25,400 from Excess General Fund Balance.

RECOMMENDATION:

Staff recommends authorizing approval of a Resolution of the City Council of the City of Duncanville, Texas, authorizing the application for the submission of and receipt of a grant from the Federal Emergency Management Agency, Assistance to Firefighters Grant, FY2016, funding the enhancement of four (4) cardiac monitoring/defibrillator systems, and four (4) CPR chest compression devices for the Fire Department, with a total grant value of \$254,000, of which the City of Duncanville contributes 10% in the form of \$25,400 cash match; and authorizing the City Manager as the authorized official to execute all documents in regard to the requested funds, which includes the power to apply for, accept, reject, alter or terminate the grant.

ATTACHMENTS:

- Resolution

RESOLUTION NO. 2016-10184E

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE APPLICATION FOR AND RECEIPT OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ASSISTANCE TO FIREFIGHTERS GRANT, FY2016, FUNDING THE ENHANCEMENT OF FOUR CARDIAC MONITORING/DEFIBRILLATOR SYSTEMS AND FOUR CPR CHEST COMPRESSION DEVICES FOR THE FIRE DEPARTMENT, WITH A TOTAL GRANT VALUE OF \$254,000, OF WHICH THE CITY OF DUNCANVILLE CONTRIBUTES 10% IN THE FORM OF \$25,400 CASH MATCH; AND AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO EXECUTE ALL DOCUMENTS IN REGARD TO THE REQUESTED FUNDS, WHICH INCLUDES THE POWER TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT

WHEREAS, the City Council for the City of Duncanville agrees that in the event of loss or misuse of the Federal Emergency Management Agency funds, the City Council assures that the funds will be returned to the Federal Emergency Management Agency in full; and

WHEREAS, the City Council for the City of Duncanville agrees to provide applicable 10% matching funds for the Assistance to Firefighters Grant Program as required by the Federal Emergency Management Agency; and

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

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

Section 1: That the City Council for the City of Duncanville authorizes the Fire Department to submit an application to the Federal Emergency Management Agency, Assistance to Firefighters Grant Program, to replace four (4) cardiac/defibrillator systems and purchase four (4) CPR chest compression devices.

Section 2: That the City Council for the City of Duncanville assures the awarded funds will be returned to the Federal Emergency Management Agency, Assistance to Firefighters Grant Program, in full in the event of loss or misuse of the AFG funds.

Section 3: That the City Council for the City of Duncanville understands that there is a 10% cash or in-kind match requirement associated with the grant being sought and will ensure the match requirement is met.

Section 4: That the City Council for the City of Duncanville authorizes the City Manager, as the authorized official, to execute all documents in regard to the requested funds, which includes the power to apply for, accept, reject, alter or terminate the grant.

Section 5: That the City Council for the City of Duncanville assures the City of Duncanville will comply with other rules set by the Federal Emergency Management Agency.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4F

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement of a Wheeled Coach Ambulance from Siddons-Martin Emergency Group, L.L.C. through a Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement in the expenditure amount of two hundred sixty thousand nine hundred twenty seven dollars (\$260,927.00); authorizing the City Manager to execute the necessary documents; and, providing an effective date.

FY 2016-2017 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **CAPSTONE:** NA

STAFF REPRESENTATIVE:

Sam Rohde, Fire Chief

Mike Ryan, EMS Division Chief

BACKGROUND/HISTORY:

The purchasing file number is 17-10. The current ambulance at Station 271 is due for replacement in the City's Fleet Replacement Program. It has been in service since 2011 and will have been in front line service for over 5 years once the new ambulance is received. The proposed replacement includes cab and chassis, ambulance module, a self-loading Stryker stretcher system, a LifePak LP-15 cardiac defibrillator/monitor, secure locking system with remote access, lowered front module, and a liquid ride suspension system.

POLICY EXPLANATION:

The normal service life of an ambulance is ten years – five years as a front line apparatus and five years as a reserve apparatus. The Fire Department and City plan for this through the Fleet Rotation Plan. The Fire Department budgets funds towards the Fleet Rotation Plan each year in order to ensure funding is available when it is time to replace a front line apparatus. Medic 271 has been in service since 2011 and will have served as a front line apparatus for over five years when we receive the new ambulance. Wheeled Coach estimates the current build time for a new ambulance to be approximately 8.5 to 9.5 months.

The price of this ambulance includes a \$4,000 Siddons-Martin Emergency Group Multi Unit Discount due to the purchase of the new Pierce Quint Fire Apparatus which was approved by Council on September 20, 2016. The price also includes a \$1,000 H-GAC (Houston Galveston Area Council) processing fee.

Benefits included in this purchase are:

- **Stryker Self Loading Stretcher System**, this should reduce common, frequent back injuries to Duncanville Fire Department employees by up to 60%.
- **Liquid Ride Suspension System**, which will facilitate a much smoother ride for patients.
- **LifePak 15 Cardiac Defibrillator/Monitor**, by purchasing with the ambulance, it allows a necessary replacement program which ensures our cardiac defibrillator/monitoring systems don't extend past their recommended life span of 8 years (with proper maintenance, possibly 10 ten years).

- **Secured Remote Locking System**, a fob controlled system that secures and locks the entire ambulance, front and back.

FUNDING SOURCE:

\$263,000 is allocated in the FY17 Fleet Rotation Fund for the purchase of a new ambulance and equipment to fully stock the ambulance.

RECOMMENDATION:

Staff recommends approval of a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement of a Wheeled Coach Ambulance from Siddons-Martin Emergency Group, L.L.C. through a Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement in the expenditure amount of two hundred sixty thousand nine hundred twenty seven dollars (\$260,927.00); authorizing the City Manager to execute the necessary documents; and, providing an effective date.

ATTACHMENTS:

- Attachment 1 - Proposal from Siddons-Martin Emergency Group, L.L.C.
- Attachment 2 - HGAC Quote
- Attachment 3 - Resolution



Contract Pricing Worksheets

Rev 02-05-07

NOTE: Purchase Orders are not valid unless a copy of the completed worksheet and the customer's order are faxed to HGACBuy at:
713-993-4548

This Workbook contains three versions of HGACBuy's Contract Pricing Worksheet. One is for Standard Equipment / Services, one is for Catalog or Price Sheet type purchases, and the third is for Motor Vehicles only. See tabs at bottom to select appropriate Worksheet.

Please contact H-GAC staff about use of the worksheets if you have any questions.

RESOLUTION NO. 2016-10184F

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, AUTHORIZING THE PROCUREMENT OF A WHEELED COACH AMBULANCE FROM SIDDONS-MARTIN EMERGENCY GROUP, L.L.C. THROUGH A HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING AGREEMENT IN THE EXPENDITURE AMOUNT OF TWO HUNDRED SIXTY THOUSAND NINE HUNDRED TWENTY SEVEN DOLLARS (\$260,927.00); AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to procure new ambulances as part of safe and efficient Fire Department operations; and

WHEREAS, the City of Duncanville has entered into an Interlocal Cooperative Purchasing Agreement with the Houston Galveston Area Council (H-GAC) for products and services; and

WHEREAS, the Houston Galveston Area Council (H-GAC) has awarded a contract for ambulances.

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

Section 1: That the City Council of the City of Duncanville, Texas hereby approves procurement of a new Wheeled Coach Ambulance from Siddons-Martin Emergency Group, L.L.C. through a Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement in the expenditure amount of \$259,927.00 with a \$1,000.00 H-GAC Ambulance AM10-14 processing fee for total expenditure of \$260,927.00.

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

Section 3: This Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas,
on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4G

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, approving and adopting the City of Duncanville Investment Policy.

STAFF REPRESENTATIVE:

Richard Summerlin, Finance Director

BACKGROUND/HISTORY:

The Investment Policy provides guidance regarding investments and the use of broker/dealers and helps ensure compliance with all aspects of the Public Funds Investment Act (PFIA).

There are no changes except in the approved list of broker/dealers as suggested by Valley View Investments, the City's investment advisor.

POLICY EXPLANATION:

The Investment Policy is reviewed annually by the City's investment advisor for compliance with PFIA and the Finance Director for any other process and wording changes. The Investment Policy is then presented to the City Council for review and approval.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends approval of a Resolution of the City Council of the City of Duncanville, Texas, approving and adopting the City of Duncanville Investment Policy.

ATTACHMENTS:

- Proposed Investment Policy
- Resolution

CITY OF DUNCANVILLE, TEXAS

INVESTMENT POLICY

~~September~~ October 2016~~5~~ – September 2017~~6~~

Prepared by the Finance Department

CITY OF DUNCANVILLE, TEXAS INVESTMENT POLICY

PREFACE

It is the policy of the City of Duncanville (the "City") that after allowing for the anticipated cash flow requirements of the City and giving due consideration to the safety and risks of investments, all available funds shall be invested in conformance with these legal and administrative guidelines to obtain a market rate of return.

Effective cash management is recognized as essential to good fiscal management. An active cash management and investment policy will be pursued to take advantage of investment interest as a viable and material source of revenue for City funds. The City's portfolio shall be designed and managed in a manner responsive to the public trust and shall be invested in conformance with State and Federal Regulations, applicable Bond Resolution requirements, and adopted Investment Policy. The City will invest public funds in a manner which will provide the maximum security and a market rate of return while meeting the daily cash flow demands of the City.

The City is required under the Public Funds Investment Act (Chapter 2256 of the Texas Government Code [the "Act"]) to adopt a formal written Investment Policy for the investment of public funds. These policies serve to satisfy the statutory requirement to define, adopt and review a formal investment strategy and policy.

CITY OF DUNCANVILLE INVESTMENT POLICY

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Attachments:

- A. Investment Strategy Statement
- B. Certification of Business Organization Sample Form
- C. Authorized Broker/Dealers

INVESTMENT POLICY

1. **PURPOSE.** The purpose of this investment policy (the Policy) is to set forth specific investment policy and strategy guidelines for the City in order to achieve the goals of safety, liquidity, rate of return, and public trust for all investment activities.

2. **INVESTMENT STRATEGY.** The City maintains a comprehensive and proactive cash management program which is designed to monitor and control all City funds to ensure maximum utilization and yield a market rate of return. The basic and underlying strategy of this program is that all of the City's funds are earning interest. It is the responsibility and obligation of the City to maintain a flexible approach and be prepared to modify the investment strategy as market conditions dictate. The investment strategy described is predicated on conditions as now exist and are subject to change. The investment strategy emphasizes low credit risk, diversification, and the management of maturities. The strategy also considers the expertise and time constraints of Investment Officers. The allowable investment instruments as defined in Section 6 of this Policy reflect the avoidance of credit risk. Diversification refers to dividing investments among a variety of alternatives offering independent returns. This strategy uses financial institution demand deposits and local government investment pools to achieve cash equivalent liquidity. The management of maturities refers to structuring the maturity dates of the direct investments so that, while funds are initially invested for a longer period of time, some investments mature as cash needs require.

2.1. **The primary investment strategy and objectives** of the City as specified in this Policy (See Section 4.) are listed below, in their order of importance:

- Safety and preservation of principal;
- Maintenance of sufficient liquidity to meet operating needs;
- A market rate of return on the investment portfolio; and
- Public trust.

2.2. **The list of investments authorized** by this Policy intentionally excludes some investments allowed by State law. The restrictions limit possible credit risk, increase individual security marketability, and provide the maximum measure of safety. Within the investment objectives, the investment strategy is to utilize authorized investments for maximum advantage to the City. To increase the interest earnings for funds identified as being available for investment over longer periods of time, based upon a cash requirement projection, the City will consider the following strategies:

2.2.1. **Strategy No. 1.** Maintaining liquidity through the use of financial institution demand deposits, local government investment pools and money market mutual funds as authorized by the City Council. An investment pool is an entity created to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority match those objectives of the Act. Funds are usually available from investment pools on a next-day basis, meaning the

pools have a high degree of liquidity. Because of the size and expertise of their staff, investment pools are able to prudently invest in a variety of the investment types allowed by State law. Funds that may be needed on a short-term basis but that are in excess of the amount maintained at the depository bank are available for deposit in investment pools.

2.2.2 **Strategy No. 2.** Building a ladder of Investment Policy authorized investments with staggered maturities for all or part of the longer-term investable funds. The benefits of this ladder approach include the following:

- It is straight-forward and easily understood;
- It represents the safest option of all possible investment alternatives;
- All investments remain within the approved maturity horizon;
- It will assure the City that it will capture a reasonable portion of the yield curve; and,
- It provides predictable cash flow with scheduled maturities and reinvestment opportunities.

2.2.3. **Strategy No. 3.** Utilizing the services of an independent, third party investment advisor on a periodic basis that would enable the City to achieve a competitive rate of return on the funds available for longer-term investment.

2.2.4. **Strategy No. 4.** The City will utilize five general investment strategies designed to address the unique characteristics of specific fund-types (detailed strategies are presented in Attachment A):

- Investment strategies for operating funds and pooled funds containing operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio which will experience minimal volatility during economic cycles.
- Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date(s).
- Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund.
- Investment strategies for special projects and capital projects funds will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity.
- The investment maturity of bond proceeds (excluding reserve and debt service funds) shall generally be limited to the anticipated cash flow requirement or the "temporary period," as defined by Federal tax law. During the temporary period, bond proceeds may be invested at an unrestricted yield. After the expiration of the

temporary period, bond proceeds subject to yield restriction shall be invested considering the anticipated cash flow requirements of the funds and market conditions to achieve compliance with the applicable regulations.

2.2.5. **Strategy No. 5 - Hold until Maturity.** The strategy of the City is to maintain sufficient liquidity in its portfolio so that it does not need to sell or redeem an investment prior to maturity. Should it become necessary to sell or redeem an investment prior to maturity, the prior written consent of the City Manager must be obtained.

2.2.6. **Strategy No. 6 - Pooling of Deposits and Investments.** Most demand deposits of the City will be concentrated with one central depository. This procedure will maximize the City's ability to pool cash for investment purposes, and provide more manageable banking relationships.

2.2.7. **Strategy No. 7 - Depository Bank Relationships.** This Policy shall further seek to maintain good depository bank relationships while minimizing the cost of banking services. The City will seek to maintain a primary depository contract which will be managed to a level that minimizes the cost of the banking relationship to the City, while allowing the City to earn an appropriate return on idle demand deposits.

2.2.8. **Strategy No. 8 - Single Pooled Fund Group.** A single pooled fund group, as defined in this Policy, may be utilized at the discretion of the Investment Officers. However, earnings from investments will be allocated on a pro-rata cash basis to the individual funds and used in a manner that will best service the interests of the City.

2.2.9. **Strategy No. 9 - Maximizing Investible Cash Balances.** Procedures shall be established and implemented in order to maximize investible cash by decreasing the time between the actual collection and the deposit of receipts, and by the controlling of disbursements.

3. **SCOPE.** The Investment Policy shall govern the investment of all financial assets considered to be part of the City and includes the following separately invested funds or fund types: General Fund, Utility Fund, Debt Service Fund, Capital Projects Fund, Self-Insurance Funds, Asset Forfeiture Fund, Special Revenue Funds, and any other funds which have been contractually delegated to the City for management purposes. The City may add or delete funds as may be required by law, or for proper accounting procedures. This Policy does not include funds governed by approved trust agreements, or assets administered for the benefit of the City by outside agencies under retirement or deferred compensation programs. In addition to this Policy, bond funds (including debt service and reserve funds) are governed by bond ordinances and are subject to the provisions of the Internal Revenue Code and applicable federal regulations governing the investment of bond proceeds.

4. **INVESTMENT OBJECTIVES.** Funds of the City shall be invested in accordance with all applicable Texas statutes, this Policy and any other approved, written administrative procedures. The four objectives of the City's investment activities shall be as follows (in the order of priority):

4.1. **Safety of Principal.** Safety of principal invested is the foremost objective in the investment decisions of the City. Each investment transaction shall seek to ensure the preservation of capital in the overall portfolio. The risk of loss shall be controlled by investing only in authorized investments as defined in this Policy, by qualifying the financial institutions with which the City will transact, and by portfolio diversification. Safety is defined as the undiminished return of the principal on the City's investments.

4.2. **Liquidity.** The investment portfolio shall be managed to maintain liquidity to ensure that funds will be available to meet the City's cash flow requirements and by investing in securities with active secondary markets. Investments shall be structured in such a manner as will provide the liquidity necessary to pay obligations as they become due. An investment may be liquidated or redeemed prior to its stated maturity to meet unanticipated cash requirements, or to otherwise favorably adjust the City's portfolio, in accordance with Section 2.2.5 above.

4.3. **Market Rate-of-Return (Yield).** The City's investment portfolio shall be designed to optimize a market rate-of-return on investments consistent with risk constraints and cash flow requirements of the portfolio. The investment portfolio shall be managed in a manner which seeks to attain a market rate of return throughout budgetary and economic cycles. The City will not attempt to consistently attain an unrealistic above market rate-of-return, as this objective will subject the overall portfolio to greater risk. Therefore, the City's rate of return objective is secondary to those of safety and liquidity. Rate of return (yield) is defined as the rate of annual income return on an investment, expressed as a percentage.

4.4. **Public Trust.** All participants in the City's investment program shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction which might involve a conflict of interest or otherwise impair public confidence in the City's ability to govern effectively. All officials of the City having either a direct or indirect role in the process of investing idle funds shall act responsibly as custodians of the public trust.

5. **INVESTMENT RESPONSIBILITY.** As provided in this Policy, the daily operation and management of the City's investments are the responsibility of the following persons.

5.1 **Delegation of Authority.** The City Manager, Assistant City Manager, Finance Director, and Assistant Finance Director shall be Investment Officers and are authorized to deposit, withdraw, invest, transfer or manage in any other manner the funds of the City. Management responsibility for the investment program is hereby delegated to the Finance Director, who shall establish written procedures for the operation of the investment program, consistent with this Policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. All persons involved in investment activities will be referred to in this Policy as "Investment Officials." No persons may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of subordinate Investment Officials. The system of controls shall be designed to provide reasonable assurance that ensures the assets of the City are protected from loss, theft or misuse. The concept of reasonable assurance recognizes that:

- (1) the cost of a control should not exceed the benefits likely to be derived; and,
- (2) the valuation of costs and benefits requires estimates and judgments by management.

The Finance Director shall be designated as the primary Investment Officer for the City and shall be responsible for investment decisions and activities under the direction of the City Manager. The Finance Director may delegate any phase of the investment program to the Assistant Finance Director. However, ultimate responsibility for investment decisions will rest with the Finance Director. Commitment of financial and staffing resources in order to optimize investment return through active portfolio management shall be the responsibility of the City Council.

5.2 **Prudence.** The standard of prudence to be applied by the Investment Officer shall be the "prudent person" rule, which states, "investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." In determining whether the Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the following:

5.2.1 The investment of all funds over which the Investment Officer had responsibility rather than a consideration as to the prudence of a single investment; and

5.2.2 whether the investment decision was consistent with the written investment Policy and procedures of the City.

5.3 **Due Diligence.** The Investment Officer, acting in accordance with written policies and procedures and exercising due diligence, shall not be held personally responsible for a specific investment's credit risk or market price changes, provided that

these deviations are reported in a timely manner and that appropriate action is taken to control adverse developments. All Investment Officials involved in investment transactions will be bonded.

5.4 **Ethical Standards and Conflicts of Interest.** All City Investment Officials having a direct or indirect role in the investment of City funds shall act as custodians of the public trust avoiding any transaction which might involve a conflict of interest, the appearance of a conflict of interest, or any activity which might otherwise discourage public confidence. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. An Investment Officer who has a personal business relationship with the depository bank or with any entity seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

5.5 **Training.** The City shall provide periodic training in investments for the Investment Officers through courses and seminars offered by professional organizations and associations in order to insure the quality and capability of the City's Investment Officers making investment decisions in compliance with the Act. The Investment Officers shall attend a training session(s) containing a total of at least ten (10) hours of instruction relating to the Officer's responsibility under the Act within twelve (12) months after assuming duties, and attend an investment training session(s) not less than once every two years, that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date, receiving an additional eight (8) hours of total training. The Government Finance Officers' Association of Texas, the Government Treasurers' Organization of Texas, the Texas Municipal League, the University of North Texas, and the North Central Texas Council of Governments are approved as independent training sources.

6. **AUTHORIZED INVESTMENTS.** As stated previously, safety of principal is the primary objective in investing public funds and can be accomplished by limiting two types of risk - credit risk and interest rate risk. Credit risk is the risk associated with the failure of an investment issuer or backer. Interest rate risk is the risk that the value of a portfolio will decline due to an increase in the general level of interest rates. In order to provide for safety of principal as the City's primary objective, only certain investments are authorized as acceptable investments for the City. The following list of authorized investments for the City intentionally excludes some investments authorized by law. These restrictions are placed in order to limit possible risk and provide the maximum measure of safety to City funds.

At least quarterly, the Investment Officers shall monitor market values and issuer ratings obtained from independent news sources, business organizations or portfolio reporting services. In the event an authorized investment loses its required minimum credit rating, all prudent measures will be taken to liquidate said investment. Additionally, the City is not required to liquidate investments that were authorized at the time of purchase.

6.1 **Authorized and Acceptable Investments.** The authorized list of investment instruments is as follows:

6.1.1. Obligations of the United States or its agencies and instrumentalities, excluding mortgage-backed securities.

6.1.2. Direct obligations of the State of Texas, or its agencies and instrumentalities.

6.1.3. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States, but excluding mortgage-related securities.

6.1.4. Financial Institution Deposits. Certificates of deposit and other evidences of deposit at a financial institution that: a) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, b) is secured in a manner and amount provided by law and in accordance with 10.2 Collateralization, or c) is executed through a depository institution or broker that meets the requirements of the Act.

6.1.5. Eligible Local Government Investment Pools. Public funds investment pools which invest in instruments and follow practices allowed by the current law as defined in Section 2256.016 of the Texas Government Code, provided that:

- the investment pool has been authorized by the City Council;
- the pool shall have furnished the Investment Officer an offering circular containing the information required by Section 2256.016(b) of the Texas Government Code;
- the pool shall furnish the Investment Officer investment transaction confirmations with respect to all investments made with it;
- the pool shall furnish to the Investment Officer monthly reports containing the information required under Section 2256.016(c) of the Texas Government Code;
- the pool is continuously rated no lower than “AAA” or “AAA-m” or an equivalent rating by at least one nationally recognized rating service;

- the pool marks its portfolio to market daily;
- the pool's investment objectives shall be to maintain a stable net asset value of one dollar (\$1.00); and
- the pool's investment philosophy and strategy are consistent with this Policy.

6.1.6. Repurchase Agreements, Reverse Repurchase Agreements, Bankers' Acceptances, and Commercial Paper. These investments are authorized for the City to the extent that they are contained in the portfolios of approved public funds investment pools in which the City invests. Only fully collateralized direct repurchase agreements with the City's Bank Depository are authorized City investments. All City repurchase agreement transactions shall be governed by a signed repurchase agreement. Repurchase agreements must also be secured in accordance with State law as described in Section 10.

6.1.7. Regulated No-Load Money Market Mutual Funds. These investments are authorized, under the following conditions:

- the money market mutual fund is registered with and regulated by the Securities and Exchange Commission;
- the fund provides the City with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940;
- the investment objectives include the maintenance of a stable net asset value of one dollar (\$1.00) per share; and
- the fund is continuously rated no lower than "AAAm" or an equivalent rating by at least one nationally recognized rating service.

The City may not invest funds under its control in an amount that exceeds 10% of the total assets of any individual money market mutual fund.

6.2. Investment Instruments NOT Authorized. State law specifically prohibits investment in the following securities:

6.2.1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.

6.2.2. An obligation whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

6.2.3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.

6.2.4. Collateralized mortgage obligations, the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

7. **DIVERSIFICATION.** Diversification of investment instruments shall be utilized to avoid incurring unreasonable risks resulting from over-concentration of investments in a specific maturity, a specific issue, or a specific class of investments, where appropriate.

The longer the maturity of investments, the greater their price volatility. Therefore, it is the City's policy to concentrate its investment portfolio in shorter-term investments in order to limit principal risks caused by change in interest rates. The City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow (including the anticipated cash flow requirements of bond proceeds within the temporary period), the City will not directly invest in investments maturing more than two (2) years from the date of purchase. However, the above described obligations, certificates, or agreements may be collateralized using longer date instruments. The City shall diversify the use of investment instruments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. Maturity scheduling shall be managed by the Investment Officer so that maturities of investments shall be timed to coincide with projected cash flow needs.

The entire City portfolio, or single pooled fund group if utilized, shall maintain a maximum average dollar-weighted maturity, based on the stated maturity date, of less than two hundred seventy (270) days. Investment maturities for debt service interest and sinking funds and/or other types of reserve funds, whose use is never anticipated, may not exceed two (2) years.

8. **AUTHORIZED BROKER/DEALERS AND INSTITUTIONS.** Financial institutions (federally insured banks) with and through whom the City invests shall be state or national banks that has its main office or branch office in this State. No public deposit shall be made except in a qualified public depository as established by State laws. Broker/dealers and investment advisors authorized to provide investment services to the City shall include only those authorized by the City Council. All primary depository banking services will be governed by a depository contract awarded by the City Council. In addition, the Director of Finance shall maintain a list of authorized brokers/dealers and investment pools that are authorized by the City Council. In order to create a competitive pricing environment for each investment transaction, the City shall solicit quotations from multiple authorized investment providers.

8.1 All organizations with whom the City does investment-related business (including financial institutions, broker/dealers, advisors, and pools) must supply the following, as appropriate: (1) audited financial statements; (2) proof of Financial Industry Regulatory Authority (FINRA) certification; (3) proof of State registration; (4) completed broker/dealer questionnaire; (5) certification of having read the City's Investment Policy

signed by a qualified representative of the organization, acknowledging that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization.

8.2 **Primary Depository.** Selection Criteria for federally insured financial institutions shall include the following: (1) the financial institution must be insured by the FDIC; (2) the financial institution must be incorporated under the laws of the State of Texas or of the United States of America; and (3) the financial institution must be located within the corporate boundaries of the City. Primary Depositories located outside the City limits, but within Dallas County may be eligible to bid on investments, provided the financial institution maintains a place of business within the State of Texas and offers within the State the services required by the primary depository services contract; and the City Council has adopted a written policy expressly permitting the consideration of applications received by the City from a financial institution that is not doing business within the City, after taking into consideration what is in the best interest of the City in establishing a primary depository.

8.3 **Monitoring Investments.** The Investment Officers of the City are responsible for monitoring the investments made by a financial institution and/or broker/dealer to determine that they are in compliance with the provisions of the Investment Policy.

9. **DELIVERY VERSUS PAYMENT.** It is the policy of the City that all security transactions entered into with the City shall be conducted on a “**DELIVERY VERSUS PAYMENT**” (DVP) basis through the Federal Reserve System, or similar system. By doing this, City funds are not released until the City has received, through the Federal Reserve wire, the securities purchased. The City shall authorize its safekeeping bank to release funds only after the safekeeping bank has received the purchased security in the safekeeping account of the City.

10. **SAFEKEEPING AND COLLATERALIZATION**

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

10.2 **Collateralization.** Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the City to require full collateralization of all City funds on deposit with a financial institution. The market value of the investments securing the

deposit of funds shall be at least equal to 102% of the amount of the deposits of funds plus accrued interest, with the exception of deposits secured with irrevocable letters of credit at 100% of amount, reduced to the extent that the deposits are insured by the Federal Deposit Insurance Corporation (FDIC). Securities pledged as collateral shall be held by an independent third party with whom the City has a current custodial agreement. The agreement is to specify the acceptable securities as collateral, including provisions relating to possession of the collateral, the substitution or release of securities, ownership of securities, and the method of valuation of securities. The agreement must clearly state that the custodial bank is instructed to release purchased and collateral securities to the City in the event the City has determined that the depository bank has failed to pay as requested by the City, or has determined that the funds of the City are in jeopardy for whatever reason, including involuntary closure or change of ownership. A clearly marked evidence of pledge or ownership, e.g., safekeeping receipt, must be supplied to the City and retained by the City. Any collateral with a maturity over five (5) years must be approved by an Investment Officer before the transaction is initiated. Release of collateral or substitution of securities must be approved in writing by an Investment Officer.

10.2.1 The City may accept the following securities as collateral for financial institution deposits:

- guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
- secured by obligations that are eligible for pledge as described in the Public Funds Collateral Act: or
- secured by a letter of credit issued by the United States or its agencies and instrumentalities, expiring at least two business days past the anticipated withdrawal of the deposit.

10.2.2 For certificates of deposit and other evidences of deposit, collateral shall be at 102% of market value. The market value of collateral will always equal or exceed 102% of the principal plus accrued interest of deposits at financial institutions less any applicable FDIC insurance.

10.2.3 Financial institutions with which the City invests or maintains other deposits shall provide monthly, and as requested by an Investment Officer, a listing of the collateral pledged to the City, marked to current market prices. The listing shall include total pledged securities itemized by name, type, description, CUSIP, par value, current market value, maturity date, and Moody's or Standard & Poor's rating, if applicable. The City and the financial institution shall jointly assume the responsibility for ensuring that the collateral is sufficient.

10.2.4 **Collateralized Deposits.** Consistent with the requirements of State law, the City requires all financial institution deposits to be federally insured or collateralized with eligible securities. Financial institutions serving as City depositories

will be required to sign a "Depository Agreement" with the City. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in the event of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- the Agreement must be in writing;
- the Agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- the Agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- the Agreement must be part of the Depository's "official record" continuously since its execution.

11. **INTERNAL CONTROL.** The Director of Finance shall establish a system of written internal controls. The controls shall be designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions. The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls and adherence to the City's established Investment Policy.

12. **PERFORMANCE.** The City's investment portfolio shall be designed to obtain a market rate of return on investments consistent with risk constraints and cash flow requirements of the City. This Investment Policy establishes "weighted average yield to maturity" as the standard portfolio performance measurement.

13. **REPORTING.** The Director of Finance shall submit a quarterly investment report, signed by all Investment Officers, that summarizes current market conditions, economic developments, and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter and describe the portfolio in terms of investments, maturities, risk characteristics, and shall explain the investment return for the quarter.

13.1 **Annual Report.** Within 180 days of the end of the fiscal year, the Director of Finance shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Council. In conjunction with the annual audit, the quarterly reports prepared by the Director of Finance shall be formally reviewed by the City's independent auditor, and the result of the review shall be reported to the City Council by that auditor. Said results may be included in the full annual audit report.

13.2 **Methods.** The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current

investment portfolio and transactions made over the past quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to this Policy. The report will be provided to the City Council. The report will include the following:

13.2.1 A listing of individual investments held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired;

13.2.2. Book and market value of each separately invested asset at the end of the reporting period by type of asset and fund type invested;

13.3.4 Fully accrued interest for the reporting period;

13.3.5 Average weighted yield to maturity of the portfolio as compared to applicable benchmarks;

13.3.6 Listing of investments by maturity date;

13.3.7 The percentage of the total portfolio which each type of investment represents;

13.3.8 Statement of compliance of the City's investment portfolio with State Law and the investment strategy and policy approved by the City Council; and

13.3.9 Market yield benchmark comparison of the average 90-day U. S. Treasury Bill auction yield during the reporting period.

14. **INVESTMENT POLICY ADOPTION AND AMENDMENT.** The City's Investment Policy shall be adopted and amended by resolution of the City Council only. The City's written policies and procedures for investments are subject to review not less than annually to stay current with changing laws, regulations, and needs of the City. The City Council, not less than annually, shall adopt a written instrument stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to either the Policy or strategies

**CITY OF DUNCANVILLE, TEXAS
Investment Policy**

Investment Strategy Statement

Operating Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Operating Funds.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing the weighted average days to maturity for the Operating Fund's portfolio to less than 270 days and restricting the maximum allowable maturity to two years, the price volatility of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity - The Operating Fund requires the greatest short-term liquidity of any of the Fund types. Cash equivalent investments will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification - Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of the City. Market cycle risk will be reduced by diversifying the appropriate maturity structure out through two years.

Yield - Attaining a competitive market yield for comparable Investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio will be the minimum yield objective.

City of Duncanville Internal Investment Pool

Suitability - Any investment eligible in the Investment Policy is suitable for the Internal Investment Pool.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing weighted average days to maturity for the Investment Pool to less than 270 days and restricting the

maximum allowable maturity to two years, the price volatility of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – The Internal Investment Pool has moderate liquidity needs. Cash equivalent investments will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification - Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of the City. Market cycle risk will be reduced by diversifying the appropriate maturity structure out through two years.

Yield - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio will be the minimum yield objective.

Debt Service Funds

Suitability - Any investment eligible in the Investment Policy is suitable for the Debt Service Fund.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity - Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Cash equivalent investments may provide a competitive yield alternative for short term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any debt service payment. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions influence the attractiveness of fully extending maturity to the next “unfunded” payment date. Generally, if investment rates are anticipated to decrease over time, the City is best served by locking in most

investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to bolster yield.

Yield - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio shall be the minimum yield objective.

Debt Service Reserve Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Debt Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing reduces the investment's market risk if the City's debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or two years. Annual mark-to-market requirements or specific maturity and average life limitations within the borrowing's documentation will influence the attractiveness of market risk and reduce the opportunity for maturity extension.

Marketability - Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

Liquidity – Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to the City's debt holders. The funds are "returned" to the City at the final debt service payment. Market conditions and arbitrage regulation compliance determine the advantage of investment diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, the City is best served by locking in investment maturities and reducing liquidity. If the borrowing cost cannot be exceeded, then concurrent market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipating future increased yields.

Diversification - Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall at all times operate within the limits of the Investment Policy's risk constraints.

Special Project and Capital Project Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Special Project and Capital Project Funds.

Safety of Principal – All investments will be of high quality with no perceived default risk. Market fluctuations may occur. However, by restricting the maximum maturity to two years and by managing Special Project and Capital Project Funds to balance the short term and long term anticipated cash flow requirements, the market risk of the portfolio will be minimized.

Marketability - The balancing of short-term and long-term cash flow needs requires the short-term portion of the Special Project and Capital Project Funds portfolio to have securities with active and efficient secondary markets. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market. Securities with less active and efficient secondary markets are acceptable for the long-term portion of the portfolio.

Liquidity - Special Project and Capital Project Funds used as part of a CIP plan or scheduled repair and replacement program are reasonably predictable. However unanticipated needs or emergencies may arise. Selecting Investment maturities that provide greater cash flow than the anticipated needs will reduce the liquidity risk of unanticipated expenditures.

Diversification - Investment maturities should blend the short-term and long-term cash flow needs to provide adequate liquidity and yield enhancement and stability. A “barbell” maturity ladder may be appropriate.

Yield - Attaining a competitive market yield for comparable investment-types and portfolio structures is the desired objective. The yield of an equally weighted, rolling six-month Treasury Bill portfolio will be the minimum yield objective.

Bond Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Bond Funds.

Safety of Principal - All investments will be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing Bond Funds to not exceed the shorter of two years or the anticipated expenditure schedule the market risk of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market “spreads”

between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – Bond Funds used for capital improvements programs have reasonably predictable draw down schedules. Therefore, investment maturities should generally follow the anticipated cash flow requirements. Cash equivalent investments will provide readily available funds generally equal to at least one month's anticipated cash flow needs, or a competitive yield alternative for short term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any expenditure request. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for construction, loan and bond proceeds. Generally, when investment rates exceed the applicable cost of borrowing, the City is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then concurrent market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. At no time shall the anticipated expenditure schedule be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the cost of borrowing is the desired objective, within the limits of the Investment Policy's risk constraints. The yield of an equally weighted, rolling six-month Treasury Bill portfolio will be the minimum yield objective for non-borrowed funds.

Attachment B

**CITY OF DUNCANVILLE, TEXAS
Investment Policy**

**[SAMPLE]
TEXAS PUBLIC FUNDS INVESTMENT ACT
CERTIFICATION BY BUSINESS ORGANIZATION**

This certification is executed on behalf of the City of Duncanville, Texas (the "City") and _____ (the Business Organization), pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "Act") in connection with investment transactions conducted between the City and the Business Organization.

The undersigned Qualified Representative of the Business Organization hereby certifies on behalf of the Business Organization that:

1. The undersigned is a Qualified Representative of the Business Organization offering to enter an investment transaction with the City as such terms are used in the Public Funds Investment Act, Chapter 2256, Texas Government Code; and
2. The Qualified Representative of the Business Organization has received and reviewed the Investment Policy furnished by the City; and
3. The Qualified Representative of the Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Business Organization and the City that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

Qualified Representative of Business Organization

Firm: _____

Signature _____

Printed Name: _____

Title: _____

Date: _____

Attachment C

**CITY OF DUNCANVILLE, TEXAS
Authorized Broker/Dealers**

1. Coastal Securities
- ~~2. Comerica~~
- ~~3. Duncan Williams~~
- ~~4. First Southwest Company~~ [Hilltop Securities](#)
- ~~5. JPM Chase~~ [Multi-Bank Securities](#)
- ~~6. Great Pacific Securities~~
- ~~7. Wells Fargo~~

RESOLUTION NO. 2016-10184G

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, APPROVING AND ADOPTING THE CITY OF DUNCANVILLE INVESTMENT POLICY.

WHEREAS, the City of Duncanville reviews its Investment Policy annually; and,

WHEREAS, as a result of such review the City has determined that sound fiscal management requires the management of municipal funds in order to protect principal while maximizing yield.

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

SECTION 1. That the City of Duncanville Investment Policy attached hereto be and the same is hereby adopted.

SECTION 2. That all provisions of the Resolutions of the City of Duncanville, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

SECTION 4. This Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-4H

TITLE:

Consider a Resolution of the City Council of the City of Duncanville, Texas, adopting the revised Business Beautification Award Guidelines; and, providing for an effective date.

STAFF REPRESENTATIVE:

Timothy Hamilton, Keep Duncanville Beautiful Staff Liaison

BACKGROUND/HISTORY:

Keep Duncanville Beautiful (KDB) is an Affiliate of Keep Texas Beautiful and its activities are funded by the Economic Development Corporation. The KDB Board members are charged with the responsibility of creating and implementing programs that will encourage beautification within Duncanville. The Business Beautification Award Program is designed to represent this goal for non-residential property recognition.

POLICY EXPLANATION:

Recent feedback from the KDB Board at its September 2, 2016 meeting indicated their desire to revise the guidelines for the Business Beautification Award Program to remove the criterion that makes a church or non-profit ineligible for recognition of the positive impact that they are having in beautification of the community. The belief of KDB is that an opportunity to highlight positive beautification examples in the community is the core of its responsibilities as appointed by the City Council and as funded by the DCEDC and therefore should not be limited by a taxing category. The revision is presented in the attachment and only eliminates that criterion, while keeping everything else the same. The City Council discussed this change of policy during the Briefing Session at the September 20, 2016 meeting and received positive feedback to move forward with the revision.

FUNDING SOURCE:

Funds are allocated in the Economic Development/Keep Duncanville Beautiful budget for related expenditures. If and when a nonprofit or church is selected, the funds for their plaque will come from the Parks & Recreation General Fund budget.

RECOMMENDATION:

Approval of a Resolution of the City Council of the City of Duncanville, Texas, adopting the revised Business Beautification Award Guidelines; and, providing for an effective date.

ATTACHMENTS:

- Resolution with Exhibit A - Guidelines

RESOLUTION NO. 2016-10184H

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, ADOPTING THE REVISED BUSINESS BEAUTIFICATION AWARD GUIDELINES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is desired to recognize non-residential properties with significant improvements to the exterior portion of a building, landscape improvements, and/or long term maintenance that exemplifies high quality standards within the City of Duncanville; and

WHEREAS, the Keep Duncanville Beautiful (KDB) Board nominates the Business Beautification Award properties based on established guidelines; and

WHEREAS, final approval by the City Council is required; and

WHEREAS, the City Council of the City of Duncanville, Texas desires to adopt the revised Business Beautification Award Guidelines as presented in Exhibit "A" attached hereto, and authorize the execution of the necessary documents to affect such revisions.

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

Section 1: That the City Council of the City of Duncanville does hereby adopt the revised Business Beautification Award Guidelines as presented in Exhibit "A" attached hereto.

Section 2: This Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Duncanville, Texas, on the 18th day of October, 2016.

CITY OF DUNCANVILLE, TEXAS

APPROVED:

David L. Green, Mayor

ATTEST:

Mary E. Jones, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

Exhibit A



Business Beautification Award Guidelines

Up to one non-residential building in Duncanville is recognized each quarter for significant improvements to the exterior portion of a building, landscape improvements, and/or long term maintenance of the non-residential property that exemplifies high quality standards. Award recipients receive recognition at a regular City Council meeting, an article in the City newsletter, and a sign to display at their place of business during the month they are selected.

The Keep Duncanville Beautiful (KDB) Board nominates the Business Beautification Award. The property must be in good standing with the City's Code Enforcement and Building Inspections Departments. Final approval by City Council is required. The KDB Board reserves the right to select properties as warranted and is not bound to select a property every quarter.

The KDB Board follows the criteria identified below:

- Property must be retail/professional office/commercial/industrial or other business use.
 - Property must be located within the city limits of Duncanville, Texas.
 - Significant exterior improvements and/or superior maintenance of the property must be made to the property, or the property is new construction.
 - Improvements can include new landscaping, repainting a building, paving a parking lot, adding awnings, new signage, etc.
-



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-5A

TITLE:

Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by adding a new Chapter 12C titled “Boarding and Group Home Facilities”, setting forth regulations for boarding and group homes located within the city; providing definitions; providing requirements, qualifications, and fees for group home facilities; providing for owners and operators of group home facilities; providing for exemptions; providing for adoption of regulations; providing for location separation requirements; providing for reasonable accommodations; providing for parking requirements; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty clause of fine not to exceed the sum of two thousand (\$2,000) dollars for each offense if the provision violated governs fire safety, public health, or sanitation; or, five hundred (\$500) dollars for all other offenses; and, providing for an effective date.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN: N/A

- **CAPSTONE: Create high quality neighborhoods and parks**

STAFF REPRESENTATIVE:

Michael J. Hasler, P.E., Director of Public Works
Chasidy E. Allen, AICP, City Planner

BACKGROUND/HISTORY:

On August 18, 2015, staff presented background information to the City Council during a briefing session regarding Boarding Home Facilities. After the briefing, a request was made for Council to submit suggested restrictions to staff.

After further review and consideration by staff and the City Attorney, it was determined that the previously proposed ordinance was creating a protected class where one did not previously exist. The previously proposed ordinance did not require that the occupants of boarding homes be persons with disabilities, although group homes were considered a subset of boarding homes. Additionally, it was determined that the ordinance would be cumbersome to regulate and would require expertise of a third party to enforce.

Group homes are defined as “housing occupied by groups of unrelated individuals with disabilities, which may or may not be provided by organizations that also offer various services for individuals with disabilities living in the homes and are licensed by the state, in which a reasonable accommodation and certificate of occupancy has been issued prior to operating if such home has four (4) or more persons occupying the dwelling unit.”

Due to the extensive change in approach, staff briefed the City Council on the proposed changes on August 16, 2016. The City Council directed staff to draft an ordinance to continue to prohibit boarding houses and to permit group homes in accordance with applicable state and federal guidelines.

Staff has reviewed group home ordinances of other cities and state regulations and proposes to continue to prohibit boarding homes in Duncanville. However, group homes would be permitted with parameters. All group homes currently

require a Special Use Permit “SUP” to locate in Duncanville. Staff proposes an ordinance that would allow for an administrative approval process and additional guidelines for consideration in terms of number of residents, distance from other facilities, and proportionality standards.

The new proposed ordinance would allow for up to four (4) unrelated persons to occupy a single-family dwelling as a group home facility. If more than four (4) unrelated persons are to occupy the single-family dwelling as a group home facility, a reasonable accommodation must be requested.

A request for reasonable accommodation may be made by any person with a disability, the person’s representative, a developer, or a provider of housing for individuals with disabilities. All reasonable accommodation requests will be reviewed by the Director of Public Works to determine whether the request should be granted. Prior to a final determination being made, the City Attorney will review all pertinent information and provide the Director legal counsel regarding all requests. The matter set out in the request for reasonable accommodation shall be granted unless the accommodation would fundamentally alter the City’s land use and zoning patterns, or if the impact of the use on its surroundings is greater than that of other uses permitted in the zoning district.

The maximum number of residents shall be based on proportionality requirements as set forth in the proportionality section of the proposed ordinance and occupancy standards of the Building Code. Proportionality standards are as follows:

- Each bedroom in a dwelling unit occupied by one person shall contain 70 square feet of floor area, and each bedroom occupied by more than one person shall contain at least 60 square feet of floor area for each occupant thereof.
- Bedrooms shall be proportional to bathrooms and living areas in single-family residential structures.
- For every two (2) rooms used in the structure as a bedroom, there shall be at least one full bathroom (containing a commode, a sink, and a shower or bathtub) and one living area.
- “Living area” means a room of at least 120 square feet in size, other than an unfinished garage or basement, or a room used as bedroom, bathroom or kitchen.
- One vehicle per bedroom is permitted. The total number of bedrooms is based on proportionality requirements.

No group home shall locate within 1,600 feet of another group home as defined by this ordinance. The measurement is taken in a straight, direct line from one property to another. An Administrative Reasonable Accommodations Application must be submitted and approved by the Director prior to approving any certificate of occupancy. Denial of any Reasonable Accommodations Application may be appealed to the Zoning Board of Adjustment. An interior and exterior inspection of the property will be conducted prior to approving any certificate of occupancy. Additional inspections will be conducted as appropriate. An Administrative Reasonable Accommodations Application will be developed should this ordinance be passed. There will be no fee associated with this application process.

POLICY EXPLANATION:

The state allows cities to add their policy guidelines for group homes. The proposed ordinance will provide the city the authority to regulate group homes and fully distinguish them from prohibited boarding homes. The ordinance will help to ensure the impact of group homes on its surroundings is not greater than that of other uses permitted in the single-family zoning districts.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Approval of an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by adding a new Chapter 12C titled “Boarding and Group Home Facilities”, setting forth regulations for boarding and group homes located within the city; providing definitions; providing requirements, qualifications, and fees for group home facilities; providing for

owners and operators of group home facilities; providing for exemptions; providing for adoption of regulations; providing for location separation requirements; providing for reasonable accommodations; providing for parking requirements; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty clause of fine not to exceed the sum of two thousand (\$2,000) dollars for each offense if the provision violated governs fire safety, public health, or sanitation; or, five hundred (\$500) dollars for all other offenses; and, providing for an effective date.

ATTACHMENTS:

- Ordinance

ORDINANCE NO. 2283

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 12C TITLED "BOARDING AND GROUP HOME FACILITIES" SETTING FORTH REGULATIONS FOR BOARDING AND GROUP HOMES LOCATED WITHIN THE CITY; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS, QUALIFICATIONS, AND FEES FOR GROUP HOME FACILITIES; PROVIDING FOR OWNERS AND OPERATORS OF GROUP HOME FACILITIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ADOPTION OF REGULATIONS; PROVIDING FOR LOCATION SEPARATION REQUIREMENTS; PROVIDING FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS FOR EACH OFFENSE IF THE PROVISION VIOLATED GOVERNS FIRE SAFETY, PUBLIC HEALTH, OR SANITATION; OR, FIVE HUNDRED DOLLARS (\$500.00) FOR ALL OTHER OFFENSES; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Health Management Associates performed a study of unregulated boarding home facilities in Texas (hereafter "Study") for the Texas Health and Human Services Commission in 2008, which the Commission presented to the Governor and Texas Legislature in 2009; and

WHEREAS, the Study found that many low-income Texans reside in unlicensed boarding home facilities, particularly the aged, disabled, mentally ill, and persons with a history of substance abuse; and

WHEREAS, the Study further found some residents have severe behavioral problems and may, without adequate treatment and intervention, present a danger to themselves or other residents; and

WHEREAS, the Study further found that many residents are vulnerable to being financially exploited by the facilities; and

WHEREAS, in response to the Study, the State Legislature enacted H.B. 216 in 2009, which is now codified in Chapter 260 of the Texas Health and Safety Code; and

WHEREAS, Chapter 260 authorizes, but does not require, municipalities to require boarding home facilities to obtain a permit and comply with model standards; and

WHEREAS, neither Chapter 260 nor any other state law requires boarding home facilities to comply with any uniform state standards; and

WHEREAS, Section 215.075 of the Texas Local Government Code grants home-rule municipalities the authority to license any lawful business or occupation that is subject to the police power of the municipality; and

WHEREAS, the Texas Health and Human Services Commission published model standards for municipal regulation of boarding home facilities in the August 27, 2010 edition of the Texas Register; and

WHEREAS, the City Council believes it is in the interest of the public health, safety, and welfare to regulate and license boarding home facilities and to adopt, with certain modifications, the model standards published by the Texas Health and Human Services Commission; and

WHEREAS, the City Council believes the standards in this ordinance will provide adequate standards to protect the health and safety of residents of boarding home facilities, protect these residents from persons who try to take advantage of them, ensure that adequate fire-rescue and police personnel and vehicles are available to serve these residents, and help the city identify and facilitate appropriate responses for residents who may require special assistance during an emergency or at any other time.

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

SECTION 1. That the City of Duncanville Code of Ordinances is amended adding a new Chapter 12C, "Boarding and Group Home Facilities", to read as follows:

**“CHAPTER 12C – BOARDING AND GROUP HOMES
ARTICLE 1**

Sec. 12C-1. - Purpose.

- (a) The purposes of this article are to ensure that:
- (1) protect single family and certain multifamily districts from the effects of uses that are incompatible with single family districts.
 - (2) residents of group home facilities live in safe, sanitary, and decent housing; to be compatible with single family districts.
 - (3) these residents are not abused, neglected, or exploited by the owners, operators, or employees of group home facilities;
 - (4) adequate fire-rescue and police personnel and vehicles are available to serve these residents;
 - (5) the city can identify and facilitate appropriate responses for residents who may require special assistance during an emergency or at any other time; and
 - (6) ensure neighborhoods appropriately accommodate all residential uses to protect the health, safety and welfare of citizens.
- (b) The City Council also intends that this article fully comply with the Federal Fair Housing Amendments Act of 1988 ("FHAA"), as amended, the Americans with Disabilities Act of 1990 ("ADA"), as amended, and all other applicable state and federal legislation. It is the express

intent of the city council that this article be construed in a manner consistent with the FHAA, the ADA, and all other applicable state and federal legislation at all times.

Sec. 12C-2. – Definitions.

For purposes of this article, the following terms shall apply:

Appeals Board. The City of Duncanville’s Zoning Board of Adjustment shall serve as the Appeals Board for purposes of this article.

Boarding Home. An establishment that furnishes, in one or more buildings, lodging to three or more persons with or without disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage, and provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-medication

Department. Designated by the city manager to enforce and administer this article.

Director. The Director of the department designated by the City Manager to enforce and administer this article and includes representatives, agents, or department employees designated by the Director.

Disability. Defined in 42 U.S.C. § 12102, as amended.

Employee. A person who performs caretaking duties or regularly works in a group home facility.

Group Home Facility. Housing occupied by groups of unrelated individuals with disabilities, which may or may not be provided by organizations that also offer various services for individuals with disabilities living in the homes and are licensed by the state, in which a reasonable accommodation and Certificate of Occupancy has been issued prior to operating if such home has four (4) or more persons occupying the dwelling unit.

Licensee.

- (a) person in whose name a group home facility license has been issued;
- (b) each individual listed as an owner or operator of the group home facility on the application for a group home facility license;
- (c) each individual who has an ownership interest in the corporation or other legal entity owning or operating the group home facility, regardless of whether the individual's name or signature appears on the group home facility license application; and
- (d) each officer of the corporation or other legal entity owning or operating a group home facility, regardless of whether the individual’s name or signature appears on the group home facility license application.

Unrelated Occupants: No more than 4 unrelated people may occupy a single-family dwelling under any circumstance without relief from the following standards being granted via a reasonable accommodation.

Operator. Person in control of a group home facility.

Owner. Individual who has an ownership interest in a corporation or other legal entity operating a group home facility or the owner of the real property where a group home facility is located.

Resident. Person who is residing in a group home facility.

Sec. 12C-3

- a. It shall be unlawful for any person, firm, corporation or entity to operate a boarding home in a neighbored zoned as single-family under the Code of Ordinances, except as authorized in Section 12C-4 of this chapter.

Sec. 12C-4. – Authority of Director.

The Director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the Director determines are necessary to discharge any duty under or to effect the policy of this chapter.

Sec.12C-5. – Application Required.

- (a) A group home, as defined herein, is permitted in a single family residential district if it complies with the regulations set forth in this chapter.
- (b) A person commits an offense if he owns or operates a group home facility in the city without an approved application issued under this Chapter.
- (c) It is a defense to prosecution under this article if a person operates a group home facility while an application under Section #12C-4 of this chapter is pending.
- (d) It is a defense to prosecution under this section if a person operates a facility listed in Section #12C-5 of this chapter.
- (e) The application must be submitted to the Director including but not limited to the following information:
 1. Property owner information
 2. Onsite responsible party

3. Offsite emergency contacts
4. Total number of residents
5. Age of residents
6. Disability of residents
7. Total number of employees / caregivers
8. License with State of Texas
9. Total square feet of dwelling unit
10. Total square feet of sleeping area
11. Number of bedrooms
12. Total square feet of living area
13. Total square feet of dining area
14. Total square feet of kitchen
15. Number of restrooms
16. Total linear feet of street frontage
17. Number of vehicles

(f) Additional information may be requested by the Director to ensure compliance.

Sec.12C-6. – Exemptions.

This article does not apply to the following:

- (a) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code, as amended.
- (b) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code, as amended.
- (c) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code, as amended.

- (d) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code, as amended.
- (e) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code, as amended.
- (f) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by a state agency with jurisdiction over mental health and mental disability and monitored by that state agency or its designated local authority in accordance with standards set by that agency as set forth in Chapter 142 of the Texas Health and Safety Code, as amended.
- (g) An establishment conducted by or for persons who have a sincere religious belief in providing facilities to care and treat the sick by depending exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules.
- (h) A hotel as defined by Section 156.001 of the Texas Tax Code, as amended.
- (i) A retirement community as defined by Section 11.18 of the Texas Tax Code, as amended.
- (j) A monastery or convent.
- (k) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code, as amended.
- (l) A family violence shelter center as defined by Section 51.002 of the Texas Human Resources Code, as amended.
- (m) A college dormitory, fraternity, or sorority house associated with an institution of higher education.

Sec.12C-7. – Reasonable Accommodation.

- (a) If more than four (4) unrelated persons are to occupy the single-family dwelling as a group home facility, a reasonable accommodation must be requested.
- (b) A request for reasonable accommodation may be made by any person with a disability, the person's representative, a developer, or a provider of housing for individuals with disabilities.
- (c) There is no fee for an application requesting a reasonable accommodation.
- (d) The request must state the reason for the accommodation from the zoning or development regulations and the basis for the request.

- (e) The Director reviews the application to determine whether the request for reasonable accommodation should be granted.
- (f) Prior to final determination being made, the City Attorney reviews all pertinent information and provides the Director legal counsel regarding all requests for a reasonable accommodation.
- (g) The applicant or applicant's representative must demonstrate that:
 - a. The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Act.
 - b. The accommodation is both reasonable and necessary.
- (h) The matter set out in the request for Reasonable Accommodation shall be granted unless:
 - a. The accommodation would fundamentally alter the City's land use and zoning patterns.
 - b. If the impact of the use on its surroundings is greater than that of other uses permitted in the zoning district.
- (i) A reasonable accommodation for an increase in the number of residents, more than four (4) unrelated persons, terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Act.
- (j) The maximum number of residents shall be based on proportionality requirements as set forth in Sec. 12C-8 of this chapter and occupancy standards of the Building Code.

Sec. 12C-8. – Proportionality Requirements.

- (a) Each bedroom in a dwelling unit occupied by one person shall contain 70 square feet of floor area, and that each bedroom occupied by more than one person shall contain at least 60 square feet of floor area for each occupant thereof.
- (b) Bedrooms shall be proportional to bathrooms and living areas in single family residential structures such that for every two (2) rooms used in the structure as a bedroom there shall be at least: (A) one full bathroom (containing a commode, a sink and a shower or bathtub); and (B) one living area. As used in this section, the term "living area" means a room of at least 120 square feet in size, other than: (A) an unfinished garage or basement; or, (B) a room used as bedroom, bathroom or kitchen.

Sec.12C-9. – Parking.

- (a) One vehicle per bedroom is permitted. The total number of bedrooms is based on the proportionality requirements set forth in Sec.12C-8 of this chapter.

Sec.12C-10. – Separation Requirements.

(a) No group home shall locate within 1,600 feet of another group home as defined by this ordinance. The measurement is taken in a straight, direct line from one property to another.

Sec. 12C-11. – Process.

(a) An administrative reasonable accommodations application must be submitted and approved by the Director prior to approving any certificate of occupancy.

(b) Denial of any reasonable accommodations application may be appealed to the Zoning Board of Adjustment.

(c) An interior and exterior inspection of the property is conducted prior to approving any certificate of occupancy.

(d) Additional inspections conducted as appropriate.

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

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Duncanville, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Duncanville, as heretofore amended and upon conviction shall be punished by a fine not exceeding Two Thousand Dollars (\$2,000.00) for each offense if the provision violated governs fire safety, public health, or sanitation; or, Five Hundred Dollars (\$500.00) for all other offenses.

SECTION 6. This Ordinance shall take effect immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DUNCANVILLE, TEXAS ON THIS THE 18th DAY OF OCTOBER, 2016.**

APPROVED:

DAVID L. GREEN, MAYOR

ATTEST:

MARY E. JONES, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-5B

TITLE:

Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67, to include an "SUP" Special Use Permit to allow a Hotel (Less Than 120 Rooms) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

FY 2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **CAPSTONE:** Create high quality neighborhoods and parks

STAFF REPRESENTATIVE:

Michael J. Hasler, P.E., Director of Public Works
Chasidy E. Allen, AICP, City Planner

BACKGROUND/HISTORY:

The applicant is seeking approval of a Special Use Permit (SUP) for a hotel (La Quinta Inn & Suites) at 835 East U.S. Highway 67. The 2.581-acre site is a vacant piece of property along the U.S. Highway 67 frontage road just west of Craig's Collision Center. The applicant wants to build an approximately 57,000 square foot, four-story, 88-guest room hotel with an indoor pool and 750 square feet of meeting rooms.

Per Article XIII of the Zoning Ordinance, a Special Use Permit is required for hotels and motels in any non-residential district which fail to meet any one or more of the following criteria:

- Less than 120 rooms;
- Less than three stories in height or more than six stories in height;
- No full service kitchen and/or seating for less than 60 in the dining area;
- Less than 5,000 square feet of meeting rooms or no provision for meeting rooms;
- Less than 200 square feet of board meeting rooms or no provision for board meeting rooms;
- Interior corridors only (i.e. has exterior corridors)

There are less than 120 rooms, there will be no full service kitchen, and there is less than 5,000 square feet of meeting space, however the proposed hotel is more than three stories in height.

The subject property is along a major highway with exceptional visibility and access. The surrounding properties are developed with auto body/collision repair to the east, retail to the west and undeveloped property to the immediate north. The undeveloped adjacent property to the north is zoned R2.2 Single-Family Residential. The use is compatible with the

established development pattern. The hotel would be a beneficial addition to the U.S. Highway 67 corridor, particularly as it relates to future roadway improvements and potential redevelopment in the area. The proposed hotel will consist of articulated facades of stucco and manufactured ceramic tile, meeting the minimum percentage of masonry (80%) on each elevation. Signage is subject to the sign regulations of the Code of Ordinances.

The applicant has proposed a landscape plan that exceeds the minimum required landscape regulations of the Zoning Ordinance including, but not limited to, a fifteen (15) foot landscape buffer with required tree plantings, parking lot landscaping and screening, enhanced entry landscaping, and foundation plantings. The property abuts a heavily treed floodplain area that will remain undisturbed. This area serves as adequate screening between the subject property and the adjacent undeveloped residentially zoned property.

On September 26, 2016, a public hearing was conducted before the Planning and Zoning Commission to consider the request of Nirmal Patel, owner, to amend the existing "LR-2" Local Retail-2 zoning to include a Special Use Permit "SUP" to allow a Hotel (Less than 120 Rooms) on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67 (**Attachments 1 and 2**).

Nirmal Patel, (owner), 2711 Columbus, Grand Prairie, Texas, spoke in favor of the request. No one spoke in opposition of the request.

Vice-Chairman Turner made a motion, seconded by Commissioner Maga, to recommend to the City Council that the request of Nirmal Patel, owner, to amend the existing "LR-2" Local Retail-2 zoning to include a Special Use Permit "SUP" to allow a Hotel (Less than 120 Rooms) on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67, be approved subject to the following conditions:

1. Property shall be developed in general conformance with the site plan, landscape plan, and elevations and be incorporated in the ordinance.
2. Project shall meet all city, state, and federal regulations for building and fire codes, and accessibility.
3. Property is subject to submittal of civil plans per Article XIV-H, Site Plan Review, of the Zoning Ordinance. These plans will be reviewed and approved by staff when construction documents are submitted to the city for approval. Minor modifications to the site plan due to engineering requirements shall be permitted.
4. Property shall conform to Article XIV-E, Landscape Requirements, with the additional landscaping provided as reflected on the landscape plan. The heavily treed floodplain area along the western and northern property lines shall remain undisturbed to serve as adequate screening between the subject property and the adjacent undeveloped residentially zoned property.
5. Minimum masonry requirements of eighty (80) percent shall be provided, as reflected on the elevations.
6. The building shall be limited to four (4) stories.
7. Property shall comply with the sign regulations of the Code of Ordinances per Chapter 16A, Sign Guidelines.
8. Minimum off-street parking shall conform to Article XIV-D, Off-Street Parking and Loading Requirements.
9. All structures shall be protected by a fire sprinkler system and fire alarm system.
10. An outdoor amenity shall be provided in the open space area on the property.
11. The Special Use permit shall have no time limit.

POLICY EXPLANATION:

Following discussion, the Planning & Zoning Commission voted 4 for and 1 against to approve the request, subject to eleven (11) conditions, per the attached minutes (**Attachment 3**).

Five (5) notices were sent to properties within a 200-foot radius (**Attachment 4, 5 and 6**) for this public hearing. No survey responses have been received.

Per City Ordinance, written survey responses will continue to be received until the close of business October 12, 2016.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends approval of an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67, to include an "SUP" Special Use Permit to allow a Hotel (Less Than 120 Rooms) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

ATTACHMENTS:

- Attachment 1 - Legal Advertisement for Public Hearing
- Attachment 2 - Maps of Area of Zoning Request
- Attachment 3 - Draft Meeting Minutes
- Attachment 4 - Letter and survey to Property Owners within 200' of Zoning Request
- Attachment 5 - Map of Properties within 200' of Zoning Request
- Attachment 6 - Address List for Properties within 200' of Zoning Request

Advertise 1 time - By September 16, 2016

NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE # 2016-23

A public hearing will be held before the Planning & Zoning Commission on Monday, September 26, 2016, at 7:00 p.m., and before the City Council on Tuesday, October 18, 2016, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Road, Duncanville, Texas, to hear the request of Nirmal Patel, owner, to amend the "LR-2" Local Retail-2 zoning to include an "SUP" Special Use Permit to allow a Hotel (Less than 120 Rooms) on A Slayback Abstract 1299, Page 880, Tract 3.1, 2.58 Acres, more commonly known as 835 East U.S. Highway 67.

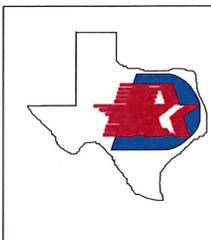
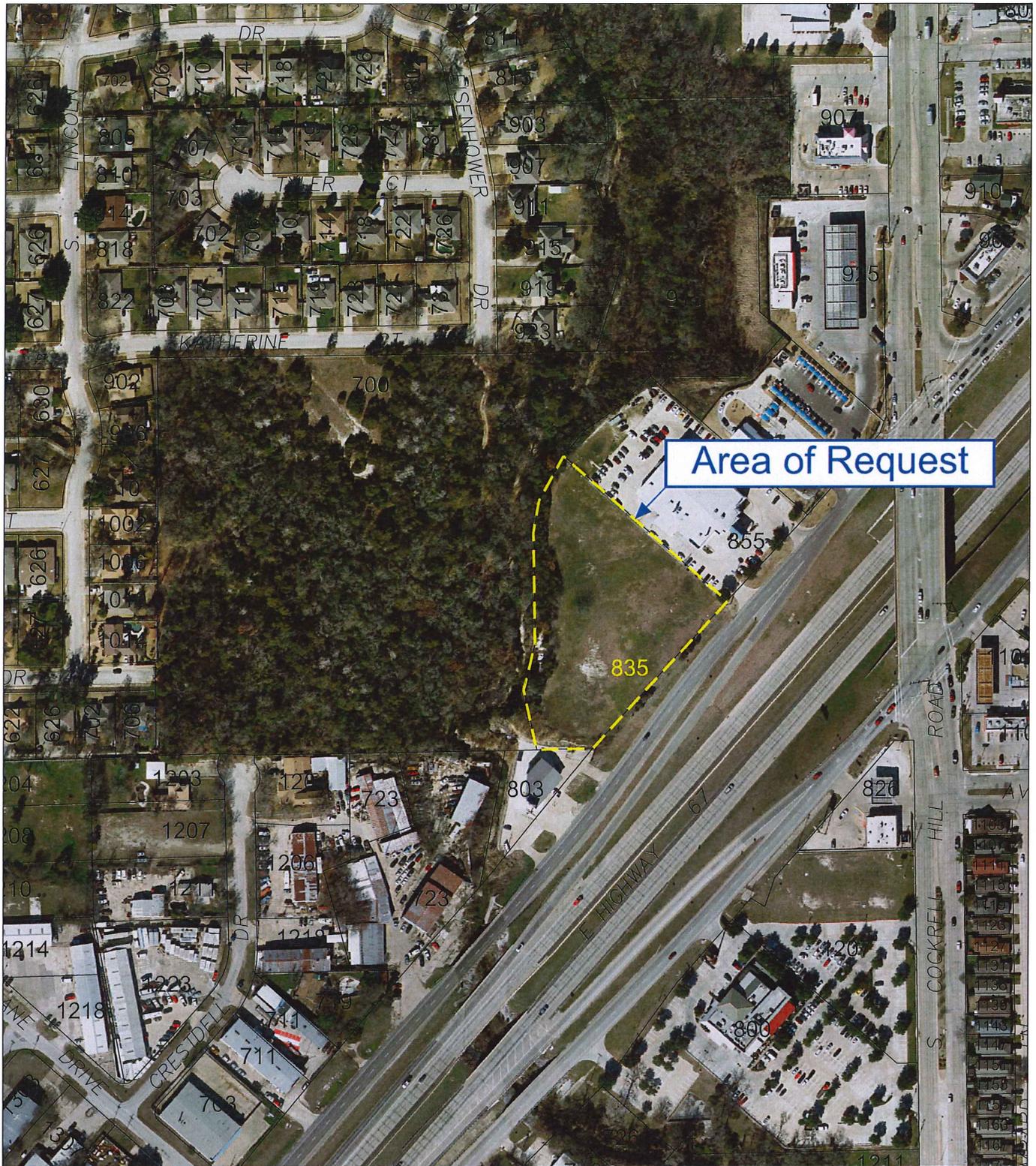
The purpose of the Special Use Permit is to allow the applicant to build a LaQuinta Inn & Suites hotel.

The City Council of the City of Duncanville will hold a public hearing on Tuesday, October 18, 2016, 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.

CITY OF DUNCANVILLE

Mary Jones
City Secretary

Chasidy E. Allen
Secretary, Planning and Zoning Commission



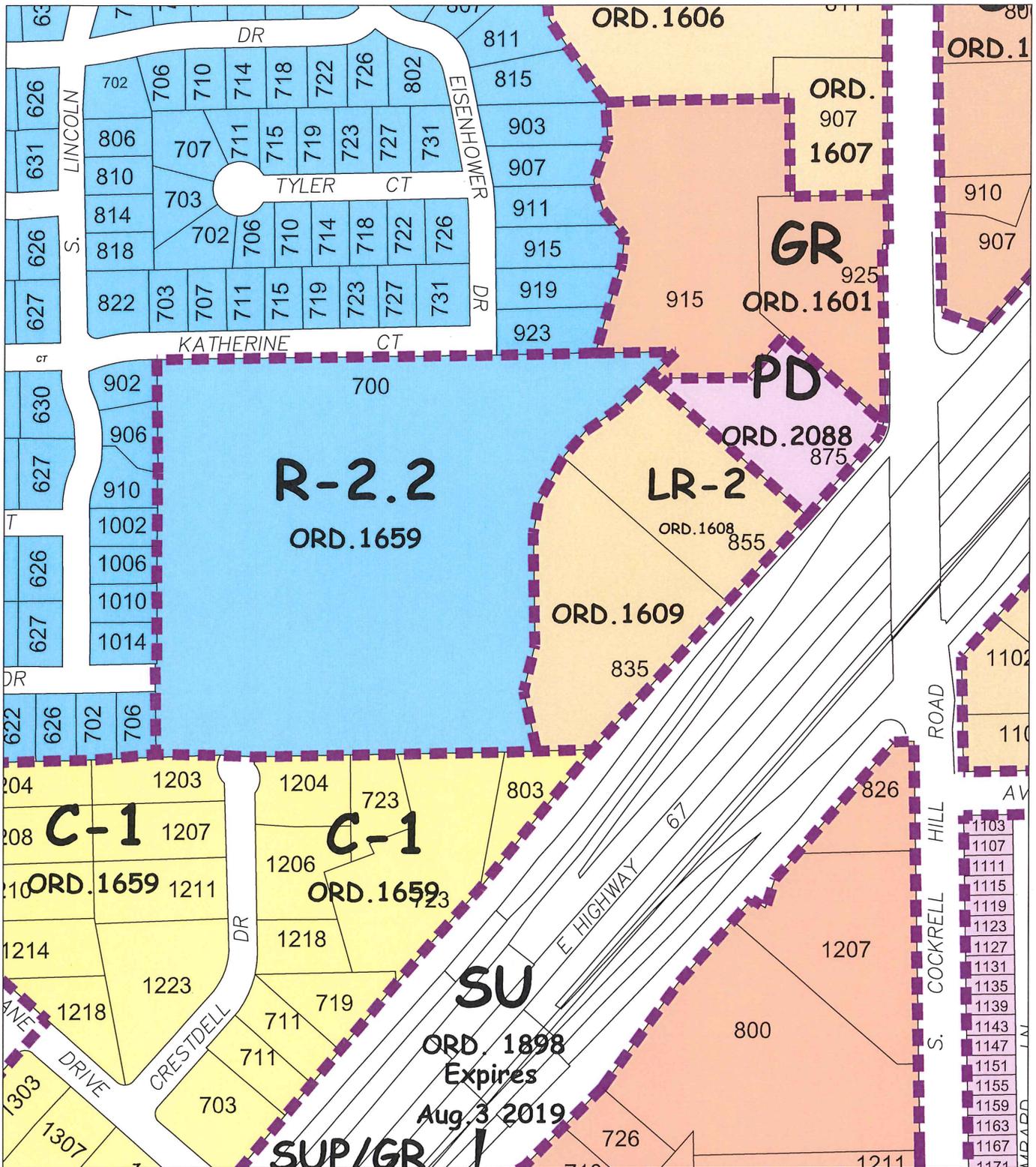
Proposed Zoning Change

Case # 2016-23

Aerial Location

835 E. Highway 67





Proposed Zoning Change

Case # 2016-23

Current Zoning Area

835 E Highway 67

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL
203 E. WHEATLAND ROAD
SEPTEMBER 26, 2016 @ 7:00 P.M.**

A regular meeting of the Planning and Zoning Commission was held on Monday, September 26, 2016, at 7:00 p.m., with a quorum present to wit:

Felecia Davis	Chairman	
George Turner	Vice-Chairman	
Greg Zylka	Commissioner	
Bernard Maga	Commissioner	
Kathy McKee	Commissioner	EXCUSED
David A. Ross	Commissioner	

Commissioner Maga made a motion, seconded by Commissioner Turner, to elect Felecia Davis as Chairman and George Turner as Vice-Chairman. The vote was unanimous, 5 for, with Commissioner McKee absent.

Commissioner Ross made a motion, seconded by Vice-Chairman Turner, to approve the minutes of the Joint City Council/Planning and Zoning Commission meeting of August 29, 2016. The vote was unanimous, 5 for, with Commissioner McKee absent.

Commissioner Ross made a motion, seconded by Commissioner Maga, to approve the minutes of the regular meeting of September 12, 2016. The vote was unanimous, 5 for, with Commissioner McKee absent.

A public hearing was held at the request of Michael Westfall, representing Ewing Irrigation Products, Inc., owner, to replat Lots 1A and 1C, Block A, Crestview Addition, more commonly known as 1419 South Alexander Avenue and 511 East U.S. Highway 67, respectively.

Representing the applicant, Larry Coker, 12201 Cutten Road, Houston, Texas, spoke in favor of the request. No one spoke in opposition of the request.

Discussion followed. Commissioner Ross made a motion, seconded by Vice-Chairman Turner, to approve the Crestview Addition Replat (Lot 1A-R, Block A) as submitted. The vote was unanimous, 5 for, with Commissioner McKee absent.

A public hearing was held at the request of Nirmal Patel, owner, to amend the "LR-2" Local Retail-2 zoning to include an "SUP" Special Use Permit to allow a Hotel (Less than 120 Rooms) on A. Slayback Abstract 1299, Page 880, Tract 3.1, 2.58 Acres, more commonly known as 835 East U.S. Highway 67.

Representing the applicant/owner, Nirmal Patel (owner), 2711 Columbus, Grand Prairie, Texas, spoke in favor of the request. No one spoke in opposition of the request.

Discussion followed. Vice-Chairman Turner made a motion, seconded by Commissioner Maga, to recommend to the City Council that the request of Nirmal Patel, owner, to amend the "LR-2" Local Retail-2 zoning to include an "SUP" Special Use Permit to allow a Hotel (Less than 120 Rooms) on A. Slayback Abstract 1299, Page 880, Tract 3.1, 2.58 Acres, more commonly known as 835 East U.S. Highway 67, be approved subject to the following conditions:

1. Property shall be developed in general conformance with the site plan, landscape plan, and elevations and be incorporated in the ordinance.
2. Project shall meet all city, state, and federal regulations for building and fire codes, and accessibility.
3. Property is subject to submittal of civil plans per Article XIV-H, Site Plan Review, of the Zoning Ordinance. These plans will be reviewed and approved by staff when construction documents are submitted to the city for approval. Minor modifications to the site plan due to engineering requirements shall be permitted.
4. Property shall conform to Article XIV-E, Landscape Requirements, with the additional landscaping provided as reflected on the landscape plan. The heavily treed floodplain area along the western and northern property lines shall remain undisturbed to serve as adequate screening between the subject property and the adjacent undeveloped residentially zoned property.
5. Minimum masonry requirements of eighty (80) percent shall be provided, as reflected on the elevations.
6. The building shall be limited to four (4) stories.
7. Property shall comply with the sign regulations of the Code of Ordinances per Chapter 16A, Sign Guidelines.
8. Minimum off-street parking shall conform to Article XIV-D, Off-Street Parking and Loading Requirements.
9. All structures shall be protected by a fire sprinkler system and fire alarm system.
10. An outdoor amenity shall be provided in the open space area on the property.
11. The Special Use permit shall have no time limit.

The vote was 4 for, 1 against, with Commissioner McKee absent. Voting for was Chairman Davis, Vice-Chairman Turner, Commissioner Zylka, and Commissioner Maga. Voting against was Commissioner Ross.

Chairperson Davis read the obituary of Commissioner Gene Eubanks and acknowledged his service on the Planning & Zoning Commission.

The meeting adjourned at 7:40 p.m.

Chasidy E. Allen, Secretary

Felecia Davis, Chairman



City of Duncanville

www.ci.duncanville.tx.us

September 16, 2016

Zoning File: 2016-23

Dear Property Owner:

Nirmal Patel, owner, is requesting to amend the existing "LR-2" Local Retail-2 zoning to include an "SUP" Special Use Permit to allow a Hotel (less than 120 rooms) on A. Slayback Abstract 1299, Page 880, Tract 3.1, 2.58 acres, more commonly known as 835 East U.S. Highway 67. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning change.

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

The Planning and Zoning Commission will hold a public hearing on Monday, September 26, 2016, at 7:00 p.m., and a City Council public hearing will be held on Tuesday, October 18, 2016, 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, October 12, 2016, to fulfill legal requirements for a written formal protest.

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

Sincerely,

Chasidy E. Allen, AICP
Secretary, Planning and Zoning Commission

CEA/cec
Enclosures

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. 2016-23 Nirmal Patel, owner, is requesting to amend the "LR-2" Local Retail-2 zoning to include an "SUP" Special Use Permit to allow a Hotel (Less than 120 Rooms), on A Slayback Abstract 1299, Page 880, Tract 3.1, 2.58 acres, more commonly known as 835 East U.S. Highway 67.

The applicant proposes to construct a new hotel on the subject property.

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, September 26, 2016, 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 October 12, 2016, 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, October 12, 2016, by 5:00 p.m. The City Council public hearing for this case will be held on Tuesday, October 18, 2016.

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).

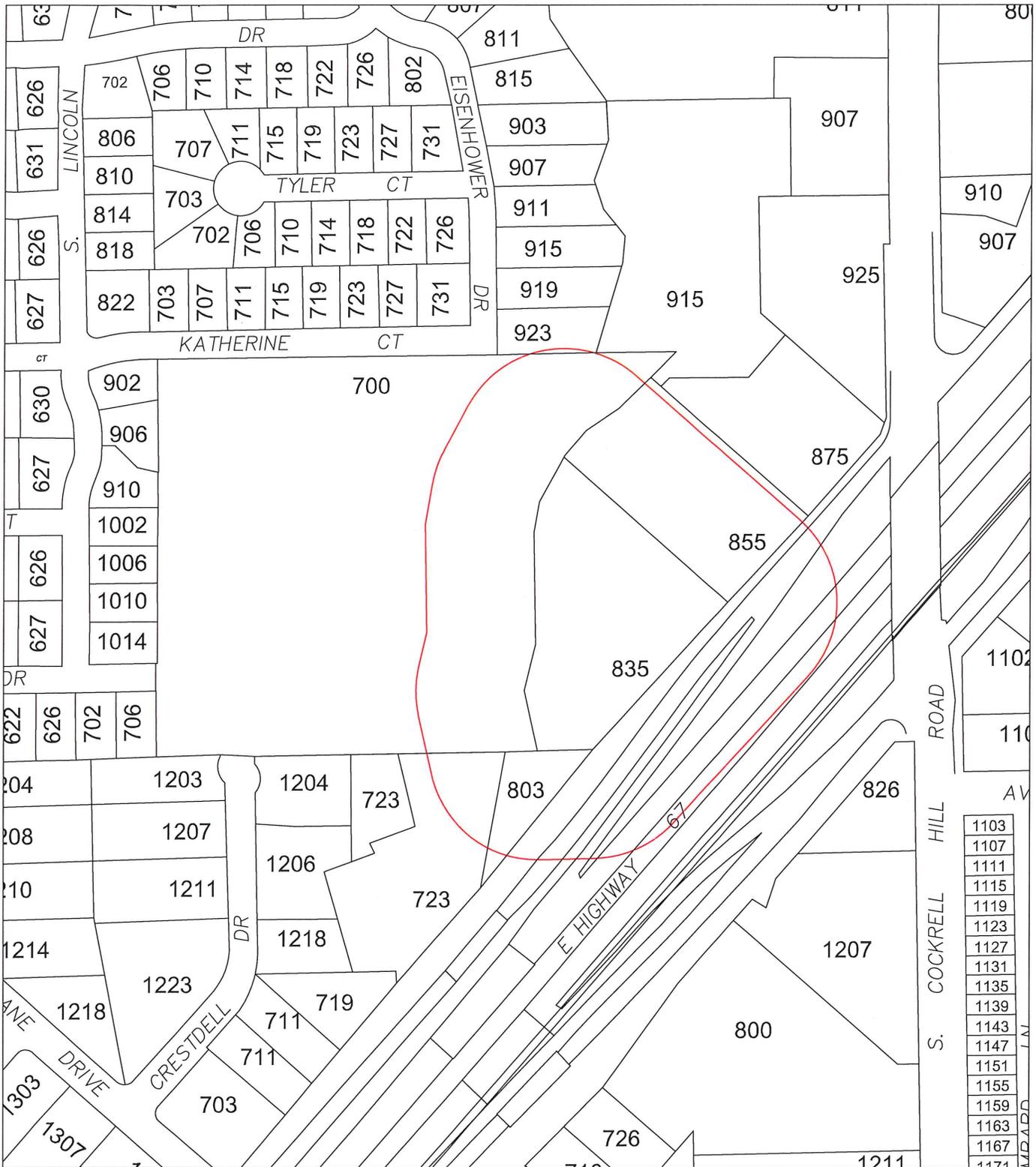
3).

Printed Name: _____

Address: _____

Signature: _____

Date: _____



Proposed Zoning Change
Case # 2016-23
200 ft Buffer
835 E. Highway 67



ZUNIGA HECTOR & MARIA L
923 EISENHOWER DR
DUNCANVILLE TEXAS 751372628

VANCLEVE INVESTMENTS INC
2078 W HIGHWAY 114
GRAPEVINE TEXAS 760518602

GRANDSTAFF DAVID LYNN
RT 1 BOX 489 K
2645 BEAR CREEK RD
LANCASTER TEXAS 751463903

COOKSONS TRANSMISSION CITY INC
723 E HIGHWAY 67
DUNCANVILLE TEXAS 751373407

PATEL NIRMAL *applicant*
2711 COLUMBUS
GRAND PRAIRIE TEXAS 750545512

RE RAM INC
ATTN: OLIVER RAY SPILLER
305 NASH
ROCKWALL TEXAS 750872517

ORDINANCE 2289

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, TO AMEND THE EXISTING "LR-2" LOCAL RETAIL-2 ZONING ON TRACT 3.1, ANDERSON SLAYBACK SURVEY, ABSTRACT 1299, PAGE 880, 2.58 ACRES, MORE COMMONLY KNOWN AS 835 EAST U.S. HIGHWAY 67, TO INCLUDE AN "SUP" SPECIAL USE PERMIT TO ALLOW A HOTEL (LESS THAN 120 ROOMS), IN THE CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A AND EXHIBIT B, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Duncanville, Texas, as heretofore amended, be and the same are hereby amended to amend the existing “LR-2” Local Retail-2, on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67, to include an "SUP" Special Use Permit to allow a Hotel (Less than 120 Rooms), in the City of Duncanville, Dallas County, Texas (the “Property”).

SECTION 2. That the above-described Property shall be used and developed only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Duncanville, as heretofore amended, and as amended hereto, subject to the following special conditions:

- A. Property shall be developed in general conformance with the site plan, landscape plan, and elevations and be incorporated in the ordinance.

- B. Project shall meet all city, state, and federal regulations for building and fire codes, and accessibility.
- C. Property is subject to submittal of civil plans per Article XIV-H, Site Plan Review, of the Zoning Ordinance. These plans will be reviewed and approved by staff when construction documents are submitted to the city for approval. Minor modifications to the site plan due to engineering requirements shall be permitted.
- D. Property shall conform to Article XIV-E, Landscape Requirements, with the additional landscaping provided as reflected on the landscape plan. The heavily treed floodplain area along the western and northern property lines shall remain undisturbed to serve as adequate screening between the subject property and the adjacent undeveloped residentially zoned property.
- E. Minimum masonry requirements of eighty (80) percent shall be provided, as reflected on the elevations.
- F. The building shall be limited to four (4) stories.
- G. Property shall comply with the sign regulations of the Code of Ordinances per Chapter 16A, Sign Guidelines.
- H. Minimum off-street parking shall conform to Article XIV-D, Off-Street Parking and Loading Requirements.
- I. All structures shall be protected by a fire sprinkler system and fire alarm system.
- J. An outdoor amenity shall be provided in the open space area on the property.
- K. The Special Use permit shall have no time limit.

SECTION 3. That all provisions of the ordinances of the City of Duncanville in conflict with the provisions of this ordinance be and the same are hereby repealed and all ordinances not so in conflict shall remain in full force and effect.

SECTION 4. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE,
TEXAS, ON THE 18TH DAY OF OCTOBER, 2016.**

APPROVED:

DAVID L. GREEN, MAYOR

ATTEST:

MARY E. JONES, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY

EXHIBIT "A"

Being all that certain lot, tract, or parcel of land located in the ANDERSON SLAYBACK SURVEY, Abstract No. 1299, City of Duncanville, Dallas County, Texas, and being the same tract of land described in deed to Nirmal Patel, recorded in Instrument No. 201600171814, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a point for corner in the Northwest line of U. S. Highway No. 67 (S. G. Alexander Freeway), a variable width right-of-way, at the Northeast corner of Lot 1, Block E, CRESTVIEW ADDITION, an Addition to the City of Duncanville, Dallas County, Texas, according to the plat thereof recorded in Volume 11, Page 103, Map Records, Dallas County, Texas;

Thence South $88^{\circ}30'29''$ West, along the North line of said CRESTVIEW ADDITION, a distance of 107.57' to a point at the Southeast corner of a tract of land described in deed to Re Ram, Inc., recorded in Instrument No. 201100223232, Official Public Records, Dallas County, Texas;

Thence Northerly, along the East line of said Re Ram, Inc., the following five (5) courses and distances:

- 1) Thence North $13^{\circ}58'40''$ West, a distance of 103.10' to a point for corner;
- 2) Thence North $12^{\circ}13'15''$ East, a distance of 87.43' to a point for corner;
- 3) Thence North $02^{\circ}17'06''$ West, a distance of 206.02' to a point for corner;
- 4) Thence North $08^{\circ}17'39''$ East, a distance of 57.14' to a point for corner;
- 5) Thence North $27^{\circ}13'12''$ East, a distance of 93.10' to a point at the Southwest corner of Lot 1, Block 1, CRAIG'S COLLISION CENTER ADDITION, an Addition to the City of Duncanville, Dallas County, Texas, according to the plat thereof recorded in Volume 98159, Page 904, Map Records, Dallas County, Texas;

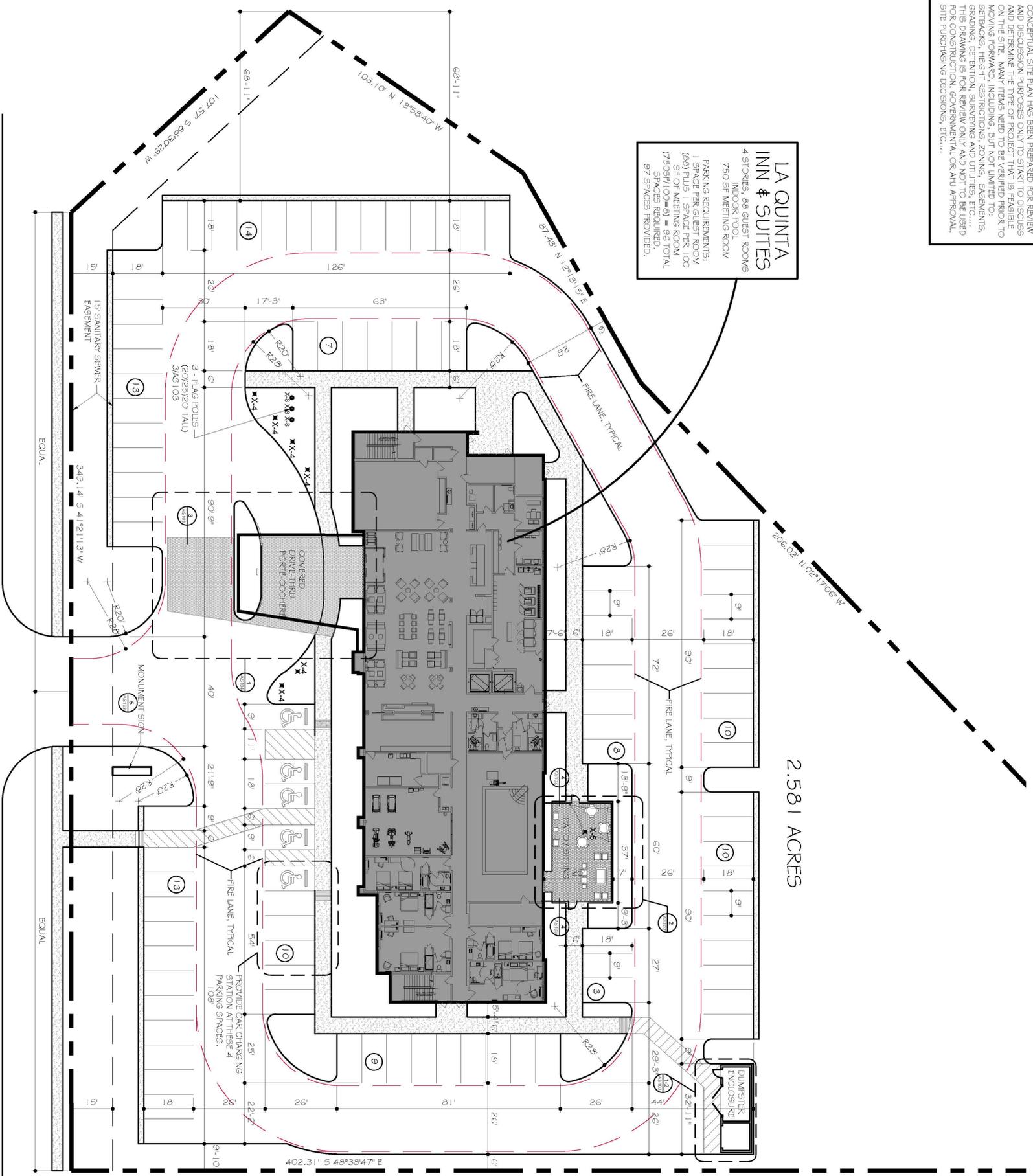
Thence South $48^{\circ}38'47''$ East, leaving said East line, a distance of 402.31' to a point in the said Northwest line of U. S. Highway No. 67, at the Southeast corner of said CRAIG'S COLLISION CENTER ADDITION;

Thence South $41^{\circ}21'13''$ West, along said Northwest line, a distance of 349.13' to the PLACE OF BEGINNING and containing 112,426 square feet or 2.581 acres of land.

(Note: this metes and bounds is not based on field survey and is for zoning purposes only.)

CONCEPTUAL SITE PLAN HAS BEEN PREPARED FOR REVIEW AND DISCUSSION PURPOSES ONLY TO START TO DEVELOP AND DETERMINE THE ORDER OF WORK. THE PLAN IS SUBJECT TO CHANGES AND MODIFICATIONS. THE PLAN IS SUBJECT TO MOVING FORWARD INCLUDING BUT NOT LIMITED TO SETBACKS, HEIGHT RESTRICTIONS, ZONING, EASEMENTS, GRADING, DETENTION, SURVEYING AND UTILITIES, ETC.... THIS DRAWING IS FOR REVIEW ONLY AND NOT TO BE USED FOR CONSTRUCTION, GOVERNMENTAL OR A/HU APPROVAL, SITE PURCHASING DECISIONS, ETC....

LA QUINTA INN & SUITES
 4 STORIES, 86 GUEST ROOMS
 INDOOR POOL
 750 SF MEETING ROOM
 PARKING REQUIREMENTS:
 1 SPACE PER GUEST ROOM
 (64) PLUS 1 SPACE PER 100
 SF OF MEETING ROOM
 (7505/100=8) = 96 TOTAL
 SPACES REQUIRED.
 97 SPACES PROVIDED.



2.581 ACRES

U.S. HIGHWAY 67 FRONTAGE ROAD

1

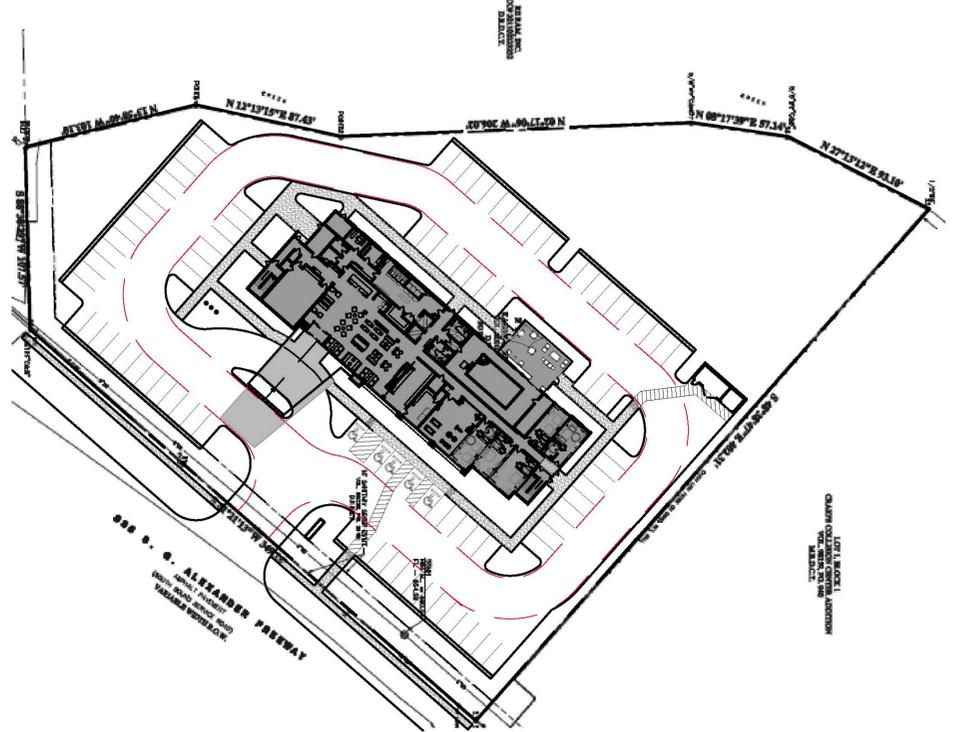
ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

2

SITE KEY PLAN

SCALE: 1" = 50'-0"



NO.	REVISIONS	BY

PROPOSED HOTEL

U.S. HIGHWAY 67 FRONTAGE AT COCKRELL HILL RD.
 DUNCANVILLE, TEXAS



PRELIMINARY
 ARCHITECT
 REGISTERED ARCHITECT
 STATE OF TEXAS
 8-25-16

RSS ARCHITECTS LLC.
 103 SOUTH MESQUITE STREET, SUITE B
 ARLINGTON, TEXAS 76010
 PHONE: 817/538-9258

Date: 8-29-16
 Job: 18047
 Sheet: AS-101
 Of: Sheets

REVISIONS	BY

PROPOSED HOTEL

U.S. HIGHWAY 67 FRONTAGE AT COCKRELL HILL RD.
DUNCANVILLE, TEXAS



ID NO. XXXX

RSS ARCHITECTS LLC.
103 SOUTH MESQUITE STREET, SUITE B
ARLINGTON, TEXAS 76010
PHONE: 817.538-9258

DATE: 8-11-16
SHEET: 1 OF 4
PROJECT: EXISTING TREE PLAN
SCALE: 1"=30'-0"

EXISTING TREE NOTES

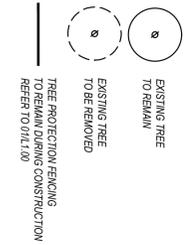
- Existing trees to remain shall be protected during construction from tree structure damage and compaction of soil under and around dripfed canopy of tree.
- If any root damage is detected during adjacent excavation/construction, notify the Architect immediately. It is recommended that a licensed Arborist be secured for the treatment of any possible new wounds.
- No disturbance of the soil greater than 4" shall be located closer to the tree trunk than 1/2 the distance of the drip line to the tree trunk. A minimum of 125% of the drip line and root zone shall be preserved as natural grade.
- Any fine grading done within the critical root zones of the protected trees must be done with light machinery such as a bobcat or light tractor. No earth moving equipment with tracks is allowed within the critical root zones of the trees.
- Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the dripfed of any tree.
- Equipment Cleaning/Liquid Disposal: No equipment may be cleaned, toxic solutions or other liquid chemicals shall be deposited within the limits of the dripfed of any tree. All such materials shall be removed to a spill containment, asphalt, concrete, mortar, primers, etc.
- Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
- Vehicle Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the dripfed of trees.
- Binding of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight (48") inches.
- Trenching: Any trenching which must be done within the critical root zone of a tree shall be dug by hand and enter the area in a radial manner.
- Tree Flagging: All trees to be removed from the site shall be flagged by the Contractor with bright red vinyl flags (2" width) wrapped around the main trunk of the tree. All flags shall be 42" high and shall be placed at the top of the trunk. All flags shall be placed prior to any tree removal. Contractor shall contact Landscape Architect with 72 hour notice to schedule on-site meeting.
- Protective Fencing: All trees to remain, as noted on drawings, shall have protective fencing located at the tree's drip line. The protective fencing may be constructed of any material, but shall be a minimum height of 42" high and shall be constructed of a material that will not damage the tree. Refer to the Protection Detail(s).
- Bark Protection: In situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with amber plastic wrap or other material that does not damage the tree. Refer to the Protection Detail(s).
- Construction Pruning: In a case where a low hanging limb is broken during the course of construction, the Contractor shall notify the Landscape Architect immediately. In no instance shall the Contractor prune any portion of the damaged tree without the prior approval by the Landscape Architect.

TREE SURVEY FIELD DATA

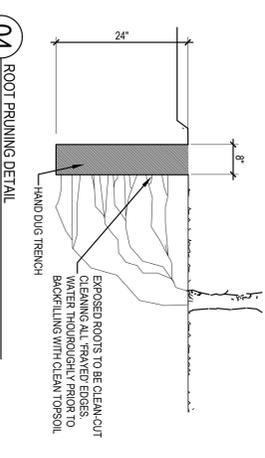
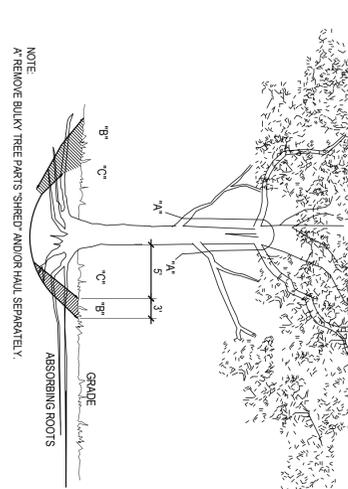
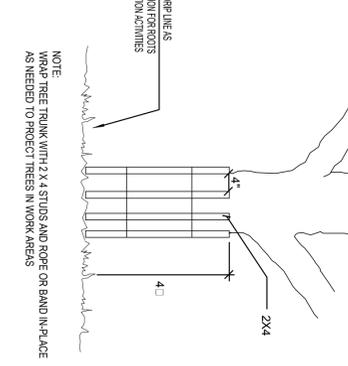
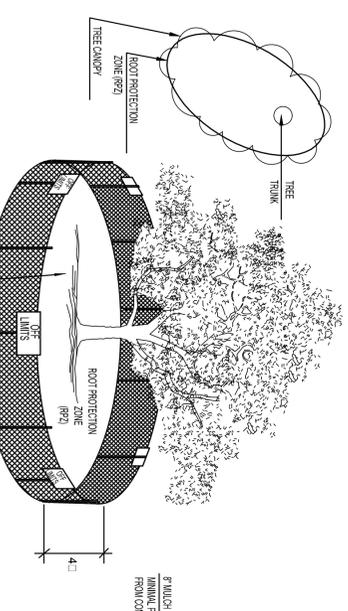
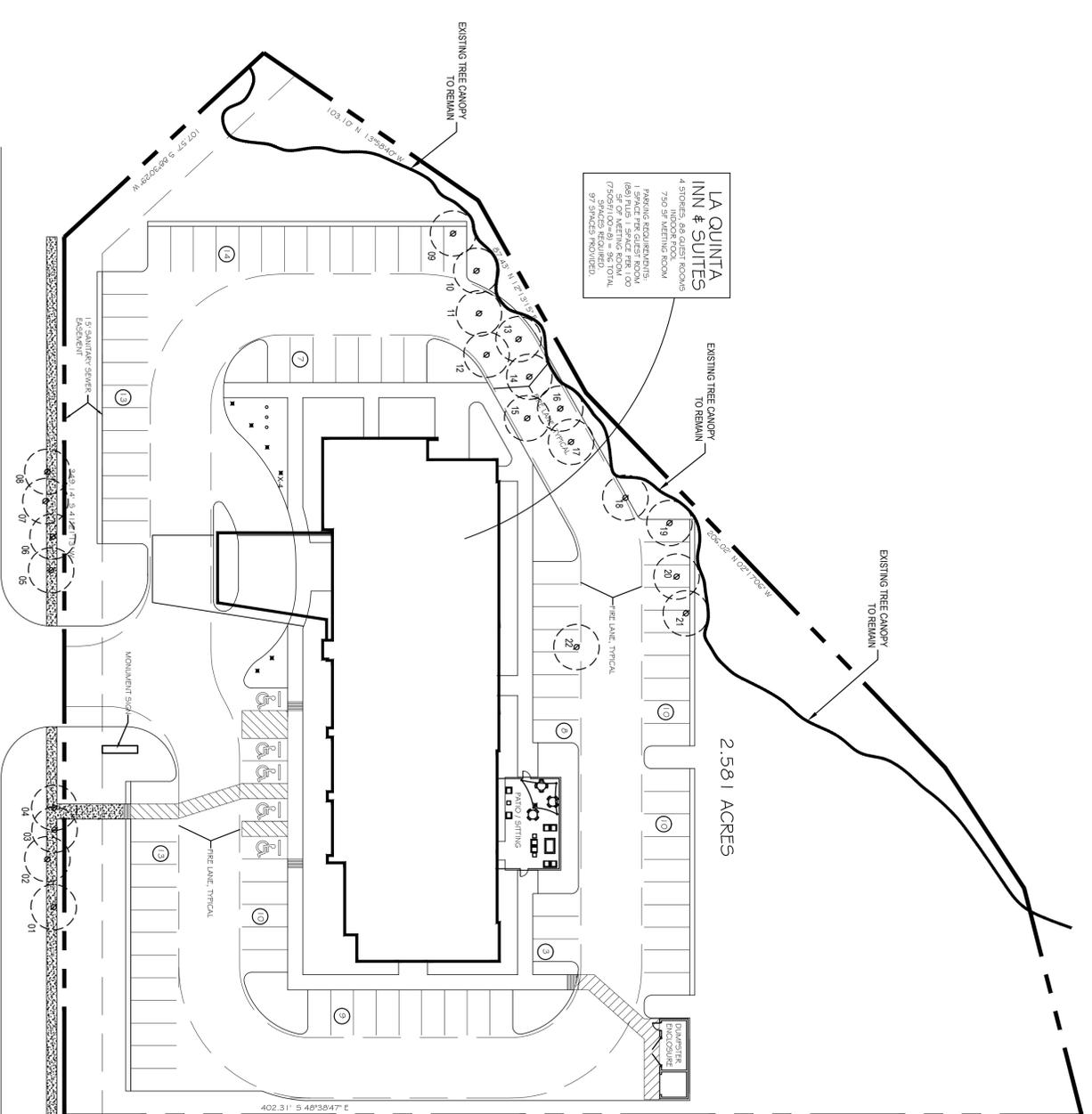
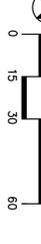
NO.	DIA. INCHES	SPECIES (COMMON NAME)	REMARKS	STATUS
1	8	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
2	7	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
3	6	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
4	5	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
5	4	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
6	4	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
7	4	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
8	4	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
9	6	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
10	10	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
11	10	HACKBERRY	TO BE REMOVED	NOT PROTECTED
12	10	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
13	6	HACKBERRY	TO BE REMOVED	NOT PROTECTED
14	4	HACKBERRY	TO BE REMOVED	NOT PROTECTED
15	4	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED
16	4	AMERICAN ELM	TO BE REMOVED	NOT PROTECTED
17	4	AMERICAN ELM	TO BE REMOVED	NOT PROTECTED
18	6	AMERICAN ELM	TO BE REMOVED	NOT PROTECTED
19	6	AMERICAN ELM	TO BE REMOVED	NOT PROTECTED
20	4	CEDAR ELM	TO BE REMOVED	NOT PROTECTED
21	10	CEDAR ELM	TO BE REMOVED	NOT PROTECTED
22	30	EASTERN RED CEDAR	TO BE REMOVED	NOT PROTECTED

(9) PROTECTED TREES ARE PROPOSED TO BE REMOVED.
(1) 6" CALIPER AMERICAN ELM
(1) 6" CALIPER CEDAR ELM
(1) 30" CALIPER MULTITRUNK MINNOSA

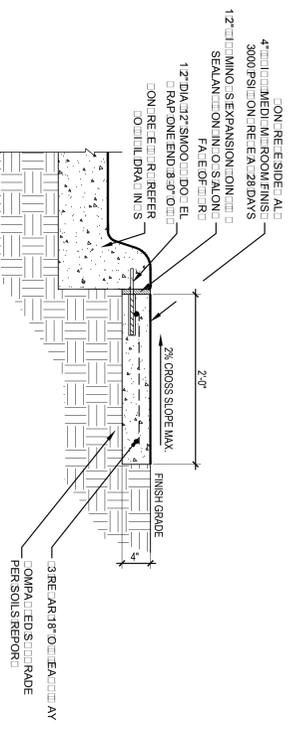
EXISTING TREE LEGEND



01 EXISTING TREE PLAN



LANDS: APT. AREA: 2.581 ACRES
S: DIO: GREEN SPOT: 100
D: R: S: R: ON: YAO
D: R: S: S: DIO: REINSPO: 100M



TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
TREES					
CE	13	Cedar Elm	Ulmus crassifolia	3" cal.	B&B, 12" H, 6" spread, 6" clear trunk
LE	2	Lardache Elm	Ulmus parvifolia	3" cal.	container, 14" H, 8" spread, 7" clear straight trunk
SHRUBS					
CE	6	Live Oak	Quercus virginica	3" cal.	container, 14" H, 8" spread, 7" clear straight trunk
BRJ	14	Blue Point Juniper	Juniperus chinensis Blue Point	4" H, 18" spread	container, 18" spread well rounded
DVH	97	Dwarf Veitchian Holly	Ilex verticillata var. 'Dwarf Veitchian'	3" gal.	container green, 20" spread
MFC	13	Mountain Redstart Cedar	Madonia spicata 'Redstart Cedar'	3" gal.	container, 18" spread
NPH	238	Nippon Holly	Ilex cornuta 'Nipponholly'	5" gal.	container green, 24" H, 20" spread
SY	3	Scheffler Yucca	Yucca recurvifolia	5" gal.	container green, 24" H, 20" spread
GROUNDCOVERS					
TYPE	QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
SC	500	Seasonal Color	Eragrostis curvula 'Coloratus'	4" pots	selection by owner, 12" x 6" c.
WC	1730	Purple Wintercreeper	Cynodon dactylon '419'	4" pots	container, 3-12" runners min., 12" x 6" c.
WC	419	Bermuda grass	Cynodon dactylon '419'	4" pots	Seed Sod refer to notes

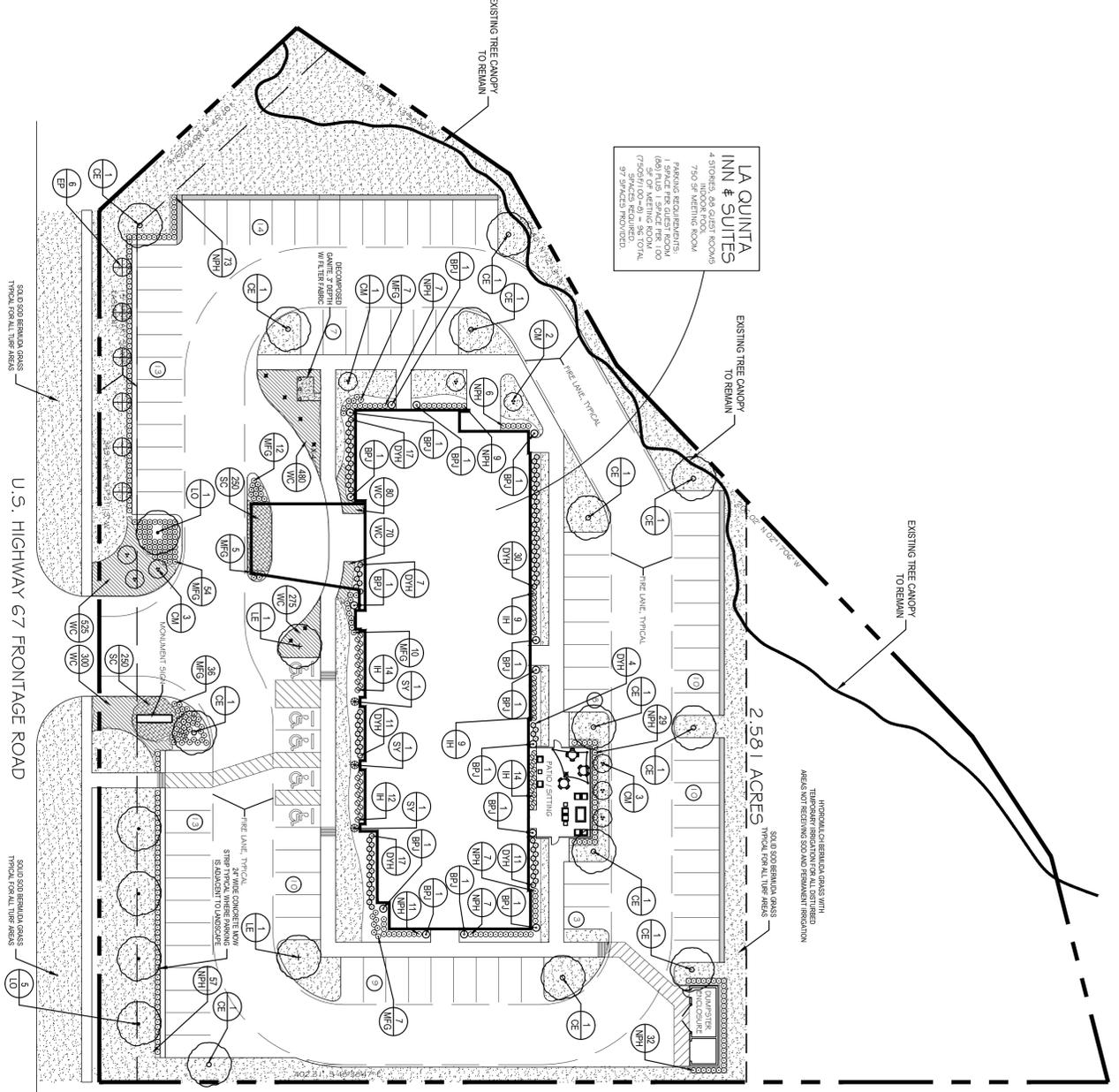
NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed within varieties.

LANDSCAPE TABULATIONS

Street yard Requirement: 20% of the street yard to be landscape area (Street yard Area: 55,154 s.f.)
 Required: Provided
 7,031 s.f. 13,282 s.f.

Street frontage Requirement: (1) tree per 40 L.F. of street frontage excluding the drive walk at the property line. Parking that is adjacent to the street ROW shall be screened.
 (US Highway 67 Frontage Road-310) L.F. excluding drive.
 Required: Provided
 (8) trees (8) trees

Emergency parking of screen provided.
 Parking lot Requirement: (1) tree per 10 parking spaces, all parking spaces shall be within 60 L.F. of a tree.
 (82) parking spaces) Provided
 Required (9) trees (15) trees



01 CONCRETE CURB AT BACK OF CURB
1/2"=1'-0"

- GENERAL LAWN NOTES**
- FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED ON CIVIL PLANS.
 - ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNDERDRAINAGE AT TOP AND BOTTOM OF SLORES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
 - ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1" BELOW FINAL FINISH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
 - IMPORTED TOPSOIL SHALL BE NATURAL, FRAGILE SOIL FROM THE REGION KNOWN AS BOTTOM AND SOIL FREE FROM LIMES, CLAY, CONTAINING NO SALT AND BLACK TO BROWN IN COLOR.
 - ALL LAWN AREAS TO BE FINE GRADED, IRRIGATION TRENCHES COMPLETED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR ARCHITECT PRIOR TO INSTALLATION.
 - ALL ROCKS 3/4" DIAMETER AND LARGER, DIGT CLONTS, STONKS, CONCRETE SPILLS, ETC. SHALL BE REMOVED PRIOR TO PLACING TOPSOIL AND ANY LAWN INSTALLATION.
 - CONTRACTOR SHALL PROVIDE (1") ONE INCH OF IMPORTED TOPSOIL ON ALL AREAS TO RECEIVE LAWN.
- SOLID SOD NOTES**
- FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS INDICATED ON CIVIL PLANS. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNDERDRAINAGE AT TOP AND BOTTOM OF SLORES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
 - ALL LAWN AREAS TO RECEIVE SOLID SOD SHALL BE LEFT IN A MAXIMUM OF 1" BELOW FINAL FINISH GRADE. CONTRACTOR TO COORDINATE OPERATIONS WITH ON-SITE CONSTRUCTION MANAGER.
 - CONTRACTOR TO COORDINATE WITH ON-SITE CONSTRUCTION MANAGER FOR AVAILABILITY OF EXISTING TOPSOIL.
 - PLANT SOD BY HAND TO COVER INDICATED AREA COMPLETELY. INSURE EDGES OF SOD ARE TIGHTENING. TOP EDGES JOIN BY HAND WITH TOPSOIL TO FILL JOINTS.
 - ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE FREE FROM UNWANTED INDENTATIONS.
 - WATER SOD THROUGHOUT AS SOD OPERATION PROGRESSES.
 - CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT LIMITED TO, MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS HEALTHY CONDITION.
 - CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ANY ACCEPTABLE TIER AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.
 - IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, A RATE OF 1/4" PER HOUR PER ONE THOUSAND (1000) SQUARE FEET.
 - IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, A RATE OF 1/4" PER HOUR PER ONE THOUSAND (1000) SQUARE FEET.

- LANDSCAPE NOTES**
- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND VERIFY LOCATION OF ALL EXISTING UTILITIES. VERIFY DATA OF EXISTING CONDITIONS HAS SURVEYED BY OTHERS.
 - CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
 - CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
 - CONTRACTOR TO PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
 - ALL PLANTING BERMS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
 - ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM AND SHALL INCLUDE RAIN AND FREEZE SENSORS.
 - ALL LAWN AREAS TO BE SOLID SOD BERMUDA GRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.

01 LANDSCAPE PLAN
SCALE: 1"=30'-0"



RSS ARCHITECTS LLC.
103 SOUTH MESQUITE STREET, SUITE B
ARLINGTON, TEXAS 76010
PHONE: 817/538-9258

PROPOSED HOTEL
U.S. HIGHWAY 67 FRONTAGE AT COCKRELL HILL RD.
DUNCANVILLE, TEXAS

NO.	DATE	REVISIONS	BY

DATE: 8-11-16

SCALE: 1"=30'-0"

LANDSCAPE PLAN

Sheet: 1 of 4

LANDS ARE ARCHITECTS
REGISTERED PROFESSIONAL ENGINEER
STATE OF TEXAS
CHRIS R. SMITH
89,8616

MATERIAL CALCULATIONS

TOTAL BUILDING

MARK	DESCRIPTION	SQUARE FOOTAGE	PERCENTAGE OF TOTAL	CLASSIFICATION	PERCENTAGE OF ELEVATION
C-1	CERAMIC PANELS - IRON CORTEN COLOR	9432	35%	COUNTED AS MASONRY	97%
C-2	STUCCO (COARSE SAND TEXTURE) - THUNDER GRAY COLOR (SW-7945)	5514	20%		
C-3	STUCCO (FINE SAND TEXTURE) - MEGA GREIGE COLOR (SW7031)	10859	40%		
C-4	STUCCO (FINE SAND TEXTURE) - DUCK WHITE COLOR (SW-7200)	237	1%		
C-5	STUCCO (FINE SAND TEXTURE) - TORCHLIGHT COLOR (SW-6347)	165	1%		
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) - SILVER COLOR	626	2%		
C-9	ALUMINUM PANELS (PORTE-COCHERE) STONE WHITE COLOR	88	0%	NON MASONRY	3%
TOTAL SQUARE FOOTAGE (EXCLUDING DOORS AND WINDOWS)		26921 SF			

NOTE: ALL SQUARE FOOTAGES ARE APPROXIMATE, AND NOT TO BE USED FOR CONTRACTOR BIDDING.

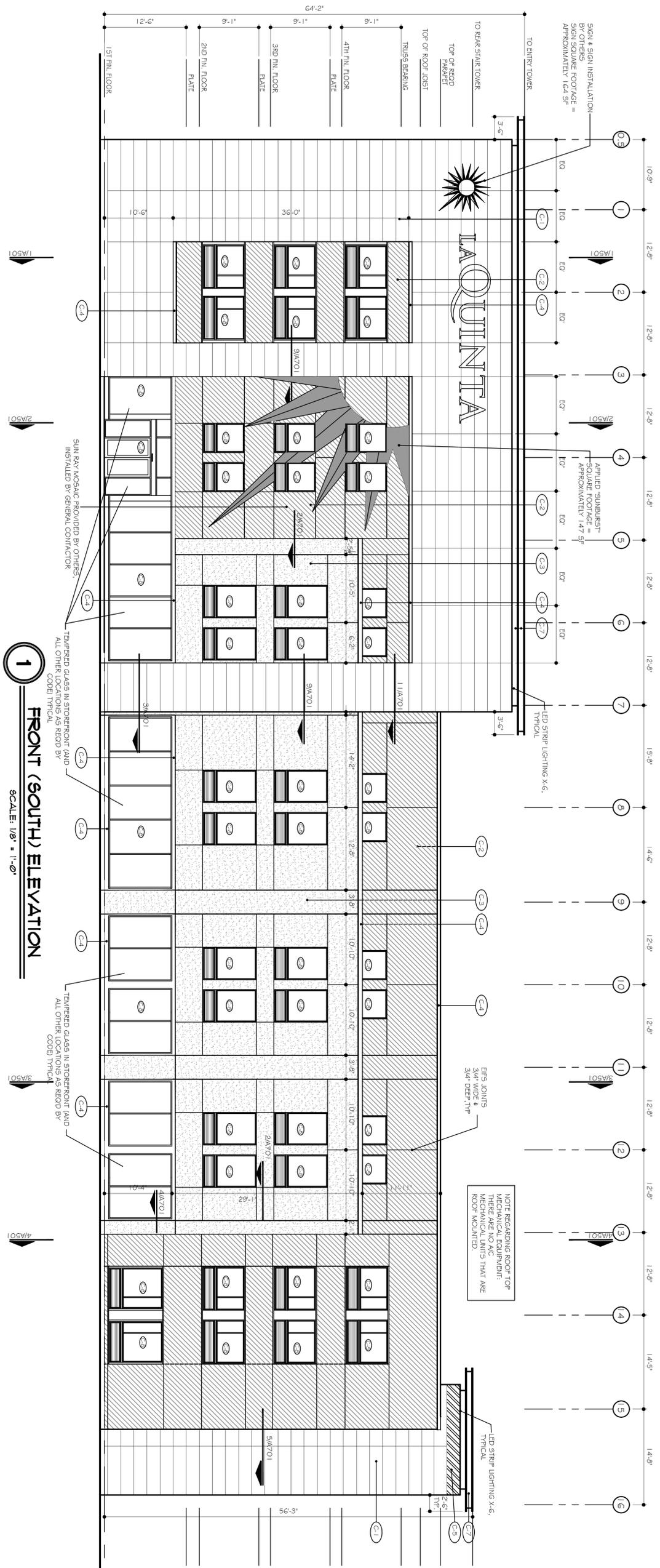
MATERIAL CALCULATIONS

FRONT (SOUTH) ELEVATION

MARK	DESCRIPTION	SQUARE FOOTAGE	PERCENTAGE OF TOTAL	CLASSIFICATION	PERCENTAGE OF ELEVATION
C-1	CERAMIC PANELS - IRON CORTEN COLOR	3882	88%	COUNTED AS MASONRY	98%
C-2	STUCCO (COARSE SAND TEXTURE) - THUNDER GRAY COLOR (SW-7945)	2956	33%		
C-3	STUCCO (FINE SAND TEXTURE) - MEGA GREIGE COLOR (SW7031)	2220	25%		
C-4	STUCCO (FINE SAND TEXTURE) - DUCK WHITE COLOR (SW-7200)	119	1%		
C-5	STUCCO (FINE SAND TEXTURE) - TORCHLIGHT COLOR (SW-6347)	25	0%		
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) - SILVER COLOR	179	2%		
C-9	ALUMINUM PANELS (PORTE-COCHERE) STONE WHITE COLOR	32	0%	NON MASONRY	2%
TOTAL SQUARE FOOTAGE (EXCLUDING DOORS AND WINDOWS)		8913 SF			

COLOR SCHEDULE

(C-1)	CERAMIC PANELS - IRON CORTEN COLOR	(C-6)	DOOR & FRAME PAINT (AS NOTED)
(C-2)	STUCCO (COARSE SAND TEXTURE) - THUNDER GRAY COLOR (SW-7945)	(C-7)	ALUMINUM TOWER PARAPET EXTENSIONS) PAC-COLO - SILVER
(C-3)	STUCCO (FINE SAND TEXTURE) - MEGA GREIGE COLOR (SW7031)	(C-8)	ALUMINUM WINDOWS, STOREFRONT, & P/AC GRILLS) CLEAR ANODIZED
(C-4)	STUCCO (FINE SAND TEXTURE) - DUCK WHITE COLOR (SW-7200)	(C-9)	ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-COLO - STONE WHITE FINISH
(C-5)	STUCCO (FINE SAND TEXTURE) - TORCHLIGHT COLOR (SW-6347)	(C-10)	TOWER CORNING, PORTE-COCHERE METAL FABRICATOR (P/262850, 0448)
(C-7)	ALUMINUM (TOWER PARAPET EXTENSIONS) - SILVER COLOR		
(C-9)	ALUMINUM PANELS (PORTE-COCHERE) STONE WHITE COLOR		



FRONT (SOUTH) ELEVATION

SCALE: 1/8" = 1'-0"

1

1/8"=1'-0"

1/8"=1'-0"

1/8"=1'-0"

1/8"=1'-0"

NOTE REGARDING ROOF TOP MECHANICAL EQUIPMENT: ALL MECHANICAL UNITS THAT ARE ROOF MOUNTED.

LED STRIP LIGHTING X-6, TYPICAL

EIFS JOINTS 3/4" WIDE & 3/4" DEPTH

SUN RAY MOSAIC PROVIDED BY OTHERS. INSTALLED BY GENERAL CONTRACTOR.

TEMPERED GLASS IN STOREFRONT (AND ALL OTHER LOCATIONS AS NOTED BY CODE) TYPICAL.

TEMPERED GLASS IN STOREFRONT (AND ALL OTHER LOCATIONS AS NOTED BY CODE) TYPICAL.

MATERIAL CALCULATIONS

TOTAL BUILDING

MARK	DESCRIPTION	SQUARE FOOTAGE	PERCENTAGE OF TOTAL	CLASSIFICATION	PERCENTAGE OF ELEVATION
C-1	CERAMIC PANELS - IRON CORTEX COLOR	9432	35%	COUNTED AS MASONRY	97%
C-2	STUCCO (COARSE SAND TEXTURE) - THUNDER GRAY COLOR (SW-765)	5514	20%		
C-3	STUCCO (FINE SAND TEXTURE) - MEGA GREIGE COLOR (SW7031)	10859	40%		
C-4	STUCCO (FINE SAND TEXTURE) - DUCK WHITE COLOR (SW-7010)	237	1%		
C-5	STUCCO (FINE SAND TEXTURE) - TORCHLIGHT COLOR (SW-6347)	165	1%		
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) - SILVER COLOR	626	2%		
C-9	ALUMINUM PANELS (PORTE-COCHERE) STONE WHITE COLOR	88	0%	NON MASONRY	3%
TOTAL SQUARE FOOTAGE (EXCLUDING DOORS AND WINDOWS)		28921 SF			

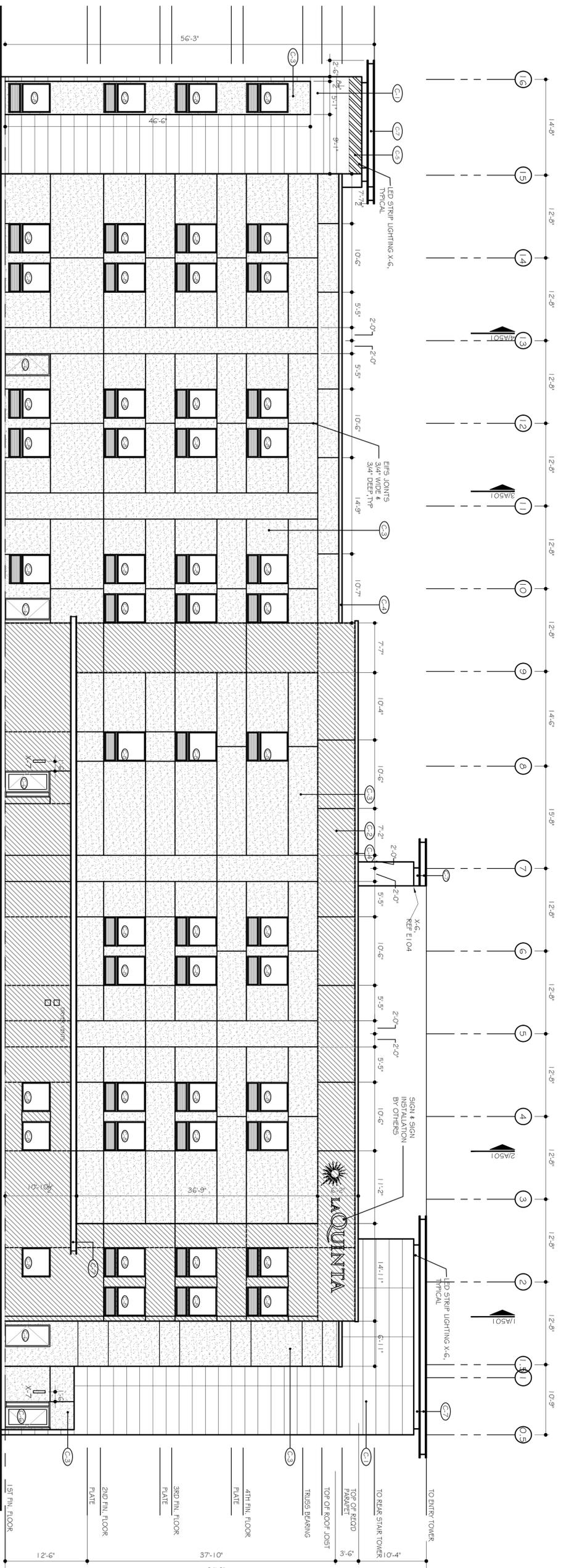
NOTE: ALL SQUARE FOOTAGES ARE APPROXIMATE, AND NOT TO BE USED FOR CONTRACTOR BIDDING.

MATERIAL CALCULATIONS

REAR (NORTH) ELEVATION

MARK	DESCRIPTION	SQUARE FOOTAGE	PERCENTAGE OF TOTAL	CLASSIFICATION	PERCENTAGE OF ELEVATION
C-1	CERAMIC PANELS - IRON CORTEX COLOR	1290	13%	COUNTED AS MASONRY	98%
C-2	STUCCO (COARSE SAND TEXTURE) - THUNDER GRAY COLOR (SW-765)	2256	23%		
C-3	STUCCO (FINE SAND TEXTURE) - MEGA GREIGE COLOR (SW7031)	6070	61%		
C-4	STUCCO (FINE SAND TEXTURE) - DUCK WHITE COLOR (SW-7010)	91	1%		
C-5	STUCCO (FINE SAND TEXTURE) - TORCHLIGHT COLOR (SW-6347)	28	0%		
C-7	ALUMINUM (TOWER PARAPET EXTENSIONS) - SILVER COLOR	159	2%		
C-9	ALUMINUM PANELS (PORTE-COCHERE) STONE WHITE COLOR	0	0%	NON MASONRY	2%
TOTAL SQUARE FOOTAGE (EXCLUDING DOORS AND WINDOWS)		9894 SF			

COLOR SCHEDULE	
(C-1)	CERAMIC PANELS NAME: IRON CORTEX CONTRACT: PETER HOLLAND HOLLAND MARBLE 972.247.1821
(C-2)	STUCCO (COARSE SAND TEXTURE)/PAINTED SW-765: THUNDER GRAY
(C-3)	STUCCO (FINE SAND TEXTURE)/PAINTED SW-7031: MEGA GREIGE
(C-4)	STUCCO (FINE SAND TEXTURE) SW-7010: DUCK WHITE
(C-5)	STUCCO (FINE SAND TEXTURE) SW-6347: TORCHLIGHT
(C-7)	DOOR & FRAME PAINT (AS NOTED) SW-766: THUNDER GRAY
(C-9)	ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLO: SILVER
(C-9)	ALUMINUM WINDOWS, STOREFRONT, & PAC GRILLS CLEAR ANODIZED
(C-9)	ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLO: STONE WHITE FINISH
(C-9)	TOWER COPING, PORTE-COCHERE METAL FABRICATOR MFG. METAL-ERA CONTRACT DATA SPURGEON (714) 283-8849



1

REAR (NORTH) ELEVATION

SCALE: 1/8" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

PROPOSED HOTEL
U.S. HIGHWAY 67 FRONTAGE AT COCKRELL HILL RD.
DUNCANVILLE, TEXAS



PRELIMINARY
ID NO. XXXX
REGISTERED ARCHITECT
OF TEXAS
DATE: 8-29-16

RSS ARCHITECTS LLC
103 SOUTH MESQUITE STREET, SUITE B
ARLINGTON, TEXAS 76010
PHONE: 817/538-9258

Date: 8-29-16
Job: 16047
Sheet: A-303
Of: 3
Sheets



La Quinta Inn & Suites
US Highway 67 Frontage at Cockrell Hill Road
Duncanville, Texas





STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-5C

TITLE:

Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, Tenant Space 442, to include an "SU" Specific Use permit to allow a Party/Event Facility (Indoor Only) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

FY 2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN: N/A

- **CAPSTONE: Create high quality neighborhoods and parks**

STAFF REPRESENTATIVE:

Michael J. Hasler, P.E., Director of Public Works
Chasidy E. Allen, AICP, City Planner

BACKGROUND/HISTORY:

The applicant is seeking approval of a Specific Use (SU) permit for a party/event facility in Suite 442 (442 East Wheatland Road) of an existing shopping center located at 402 East Wheatland Road. The shopping center is occupied with a variety of retail and personal service uses such as dry cleaners, beauty salon, tax office, restaurant, and donut shop. The main anchor, formerly a Minyard's, is vacant. The applicant wants to occupy a 1,400 square foot tenant space, Suite 442, with a party/event center.

According to the applicant, Giant Nation is the parent company of Remember The Giants, a full service party rental and event planning company, and Giant YOUiversity, a life coaching brand that seeks to uplift and empower those in the community. Remember The Giants prides themselves on providing budget friendly parties for children with the whole family in mind. As a certified life coach, Giant YOUiversity creates unique moments which seek to enrich, encourage and empower people by helping them to identify the giant on the inside of them in areas they feel minimized.

The applicant proposes to utilize the space as follows:

- Children's birthday parties – Saturdays from 11:00 a.m. to 6:00 p.m.
- Women's Empowerment Sessions – Fridays from 7:00 p.m. to 10:00 p.m.
- Meetings to train volunteers and other life coaches – Monday through Friday 12:00 p.m. to 7:00 p.m.

The facility could also be rented out to other entities for private events at varying times. The applicant has indicated the latest any event would last is until midnight on Friday and Saturday and until 9:00 p.m. on weekdays. The target audience is other life coaches and business owners seeking to expand their clientele.

On September 12, 2016, a public hearing was conducted before the Planning and Zoning Commission to consider the request of Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, to amend the

existing "LR-2" Local Retail-2 zoning to include a Specific Use "SU" permit to allow a party/event facility (indoor only) in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road (**Attachments 1, 2 and 3**).

Shanneca Beck, (applicant), 1101 Surrey Drive, DeSoto, Texas, spoke in favor of the request. No one spoke in opposition of the request.

Commissioner Ross made a motion, seconded by Commissioner McKee, to recommend to the City Council that the request of Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, to amend the existing "LR-2" Local Retail-2 zoning to include a Specific Use "SU" permit to allow a party/event facility (indoor only) in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, be approved subject to the following conditions:

1. Property shall be developed in accordance with the floor plan and be incorporated into the ordinance.
2. Property shall meet all city, state, and federal regulations for building and fire codes and accessibility.
3. All seating arrangements shall be in accordance with the requirements of the Fire Marshal for aisle widths and exiting. The Fire Marshal will inspect the property and provide the applicant a list of items that will need to be in place prior to the issuance of a certificate of occupancy.
4. The occupancy load for the party/event center shall be limited to approximately forty-five (45) people. Final occupancy, as determined by the Building Official, will be determined through applicable permitting.
5. The party/event facility will require fifteen (15) parking spaces, according to Appendix A, Article XIV-D, Off-Street Parking and Loading Requirements.
6. Sound attenuation (sound proofing) methods will be employed for events with amplified sound.
7. No alcoholic beverages will be allowed or served at any event.
8. Hours of operation for events shall be from 8:00 a.m. to 9:00 p.m. Sunday through Thursday and from 8:00 am to 12:00 a.m. Friday and Saturday.
9. The Specific Use permit shall be granted for an initial one (1) year period with three (3) additional one (1) year automatic renewal options.

POLICY EXPLANATION:

Following discussion, the Planning & Zoning Commission voted 4 for and 0 against to approve the request, subject to nine (9) conditions, per the attached minutes (**Attachment 4**).

Fifty (50) notices were sent to properties within a 200-foot radius (**Attachment 5, 6 and 7**) for this public hearing. Subsequent to the Planning & Zoning Commission meeting, one positive survey response and one negative survey response (**Attachment 8**) have been received.

Per City Ordinance, written survey responses will continue to be received until the close of business October 12, 2016.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends approval of an Ordinance of the City of Duncanville, Texas, amending the comprehensive zoning ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, Tenant Space

442, to include an "SU" Specific Use permit to allow a Party/Event Facility (Indoor Only) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

ATTACHMENTS:

- Attachment 1 - Legal Advertisement for Public Hearing
- Attachment 2 - Site Plan
- Attachment 3 - Maps of Area of Zoning Request
- Attachment 4 - Draft Meeting Minutes
- Attachment 5 - Letter and survey to Property Owners within 200' of Zoning Request
- Attachment 6 - Map of Properties within 200' of Zoning Request
- Attachment 7 - Address List for Properties within 200' of Zoning Request
- Attachment 8 - Survey Responses

Advertise 1 time - By August 31, 2016

**NOTICE OF A PUBLIC HEARING BEFORE THE
PLANNING AND ZONING COMMISSION AND CITY COUNCIL
ZONING FILE # 2016-20**

A public hearing will be held before the Planning & Zoning Commission on Monday, September 12, 2016, at 7:00 p.m., and before the City Council on Tuesday, October 18, 2016, at 7:00 p.m., in the Council Chambers, City Hall, 203 E. Wheatland Road, Duncanville, Texas, to hear the request of Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, to amend the existing "LR-2" Local Retail-2 zoning to include a Specific Use "SU" permit to allow a Party/Event Facility (Indoor Only) in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road.

The City Council of the City of Duncanville will hold a public hearing on Tuesday, October 18, 2016, 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.

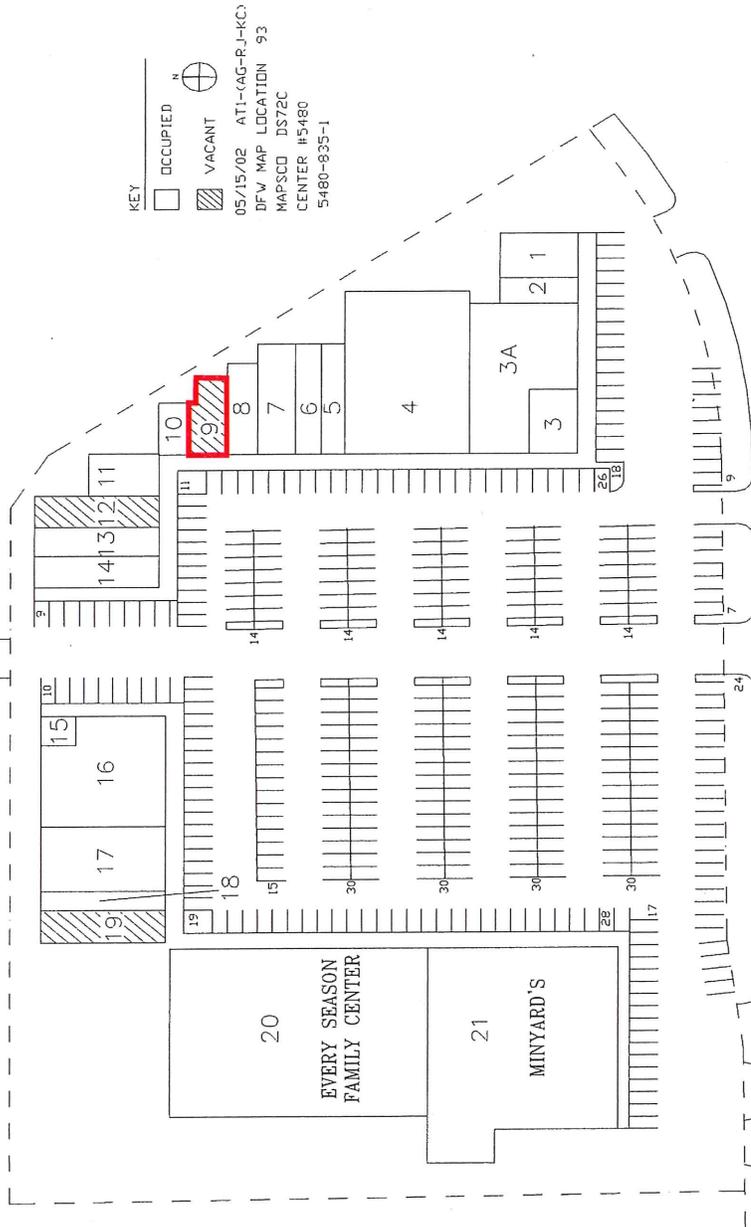
As an interested citizen, you may appear at the public hearing or you may send a notice to either the City Secretary or to Chasidy Allen, Secretary of the Planning and Zoning Commission, P.O. Box 380280, Duncanville, Texas, 75138-0280, stating your position.

CITY OF DUNCANVILLE

Mary E. Jones
City Secretary

Chasidy Allen
Secretary, Planning and Zoning Commission

WHEATLAND PLAZA SHOPPING CENTER
402 E. WHEATLAND ROAD & ACTON AVENUE DUNCANVILLE, TX 75116



KEY
 □ OCCUPIED
 ▨ VACANT
 05/15/02 AT1-(AG-R)-KC
 DF'W MAP LOCATION 93
 MAPSCD DS72C
 CENTER #5480
 5480-935-1

WHEATLAND ROAD

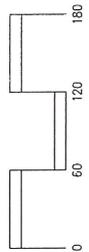
LEGEND

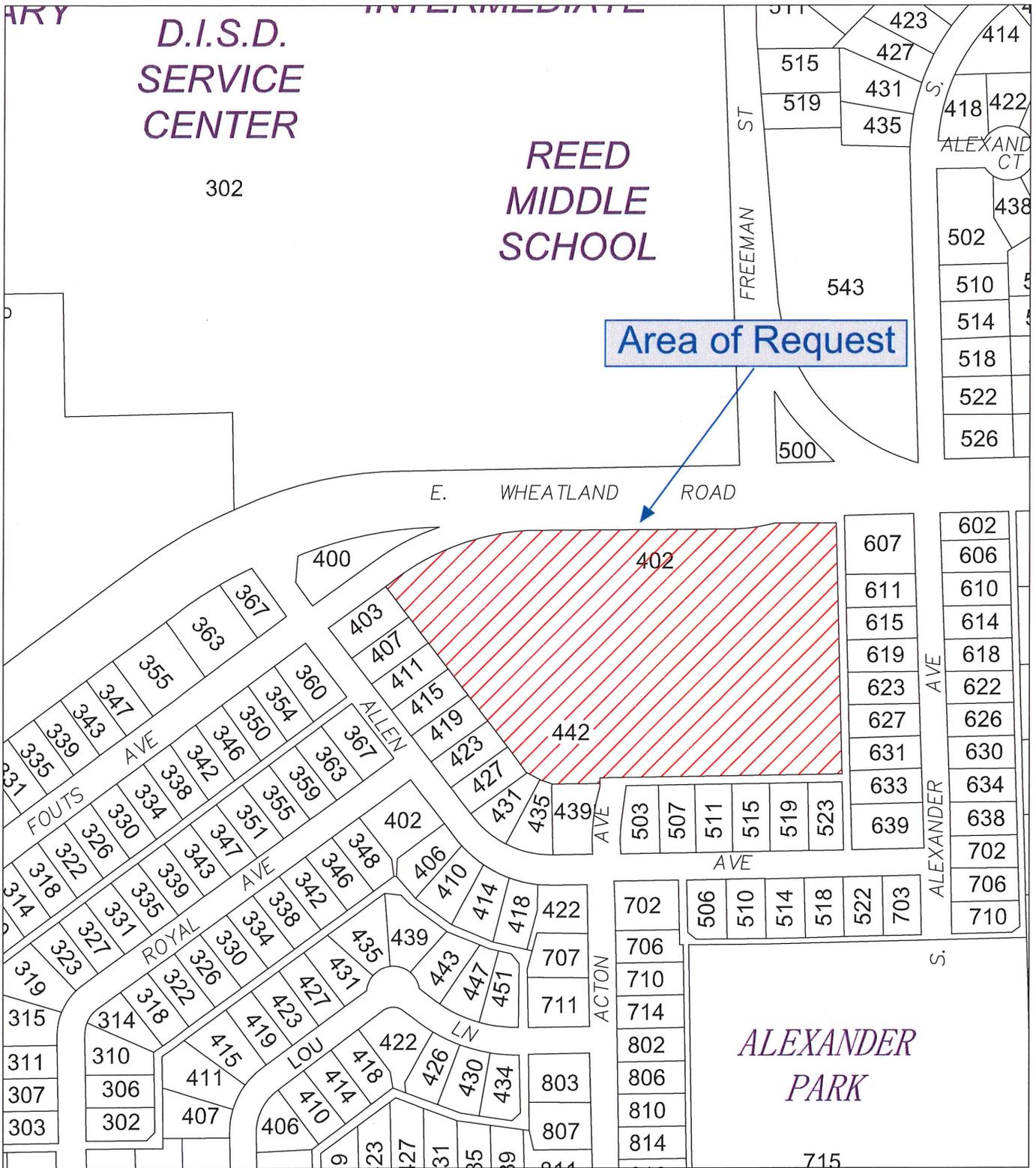
1. 40204	DOMINGO'S PIZZA	1760 SF
2. 406	K & J DONUT	1000 SF
3. 410	VACANT	1822 SF
3A. 414	SALON ELITE	6098 SF
4. 418	GENERAL	1000 SF
5. 422	AMERPOWER	1100 SF
6. 426	FIESTA MEX MART	1488 SF
7. 430	TAX KINGS	1997 SF
8. 434	DOMINGO'S	1000 SF
8. 442	VACANT	1400 SF
10. 446	EZ MALLS	800 SF
11. 450	KIM & JERRY CAFE	1455 SF
12. 454	METROPCS	1845 SF
13. 458	DOROTHY OF DUNCANVILLE	1800 SF
14. 466	KWIK WASH LAUNDRY	2000 SF
16. 512	WALSH BROTHERS	5400 SF
16. 516	HARDING CLEANER	5400 SF
17. 526	VACANT	4000 SF
18. 530	FRAL TOUCH HAIR GALLERY	1200 SF
19. 534	VACANT	1800 SF
19. 534	EVERY SEASON SCHOOL SUPPLY	2100 SF
21. 500	MINYARD'S	18172 SF
TOTAL		89787 SF
TOTAL PARKING SPACES		394



S I T E P L A N

SCALE: 1" = 120'





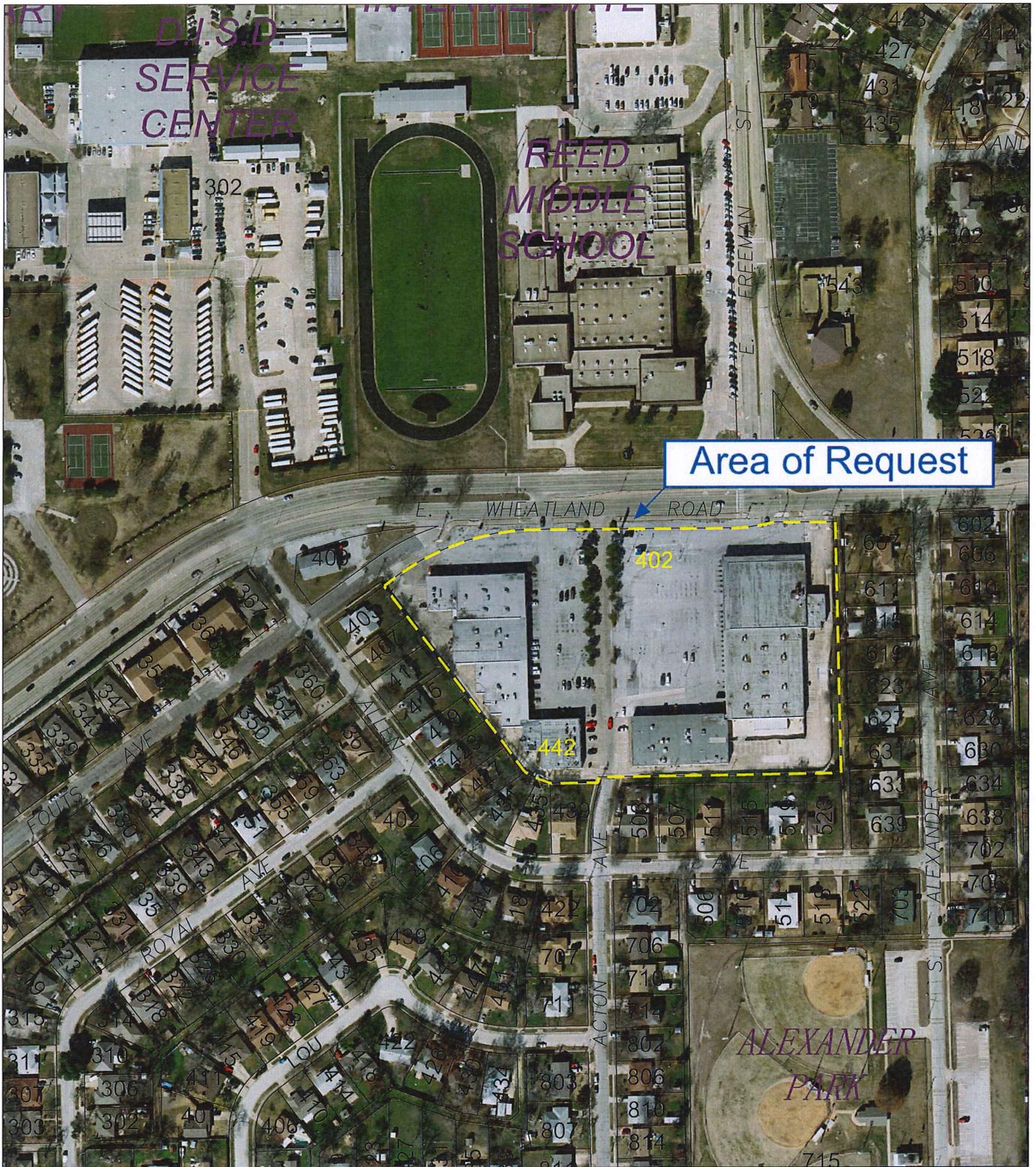
Proposed Zoning Change

Case # 2016-20

Area of Request

402 E. Wheatland Rd.





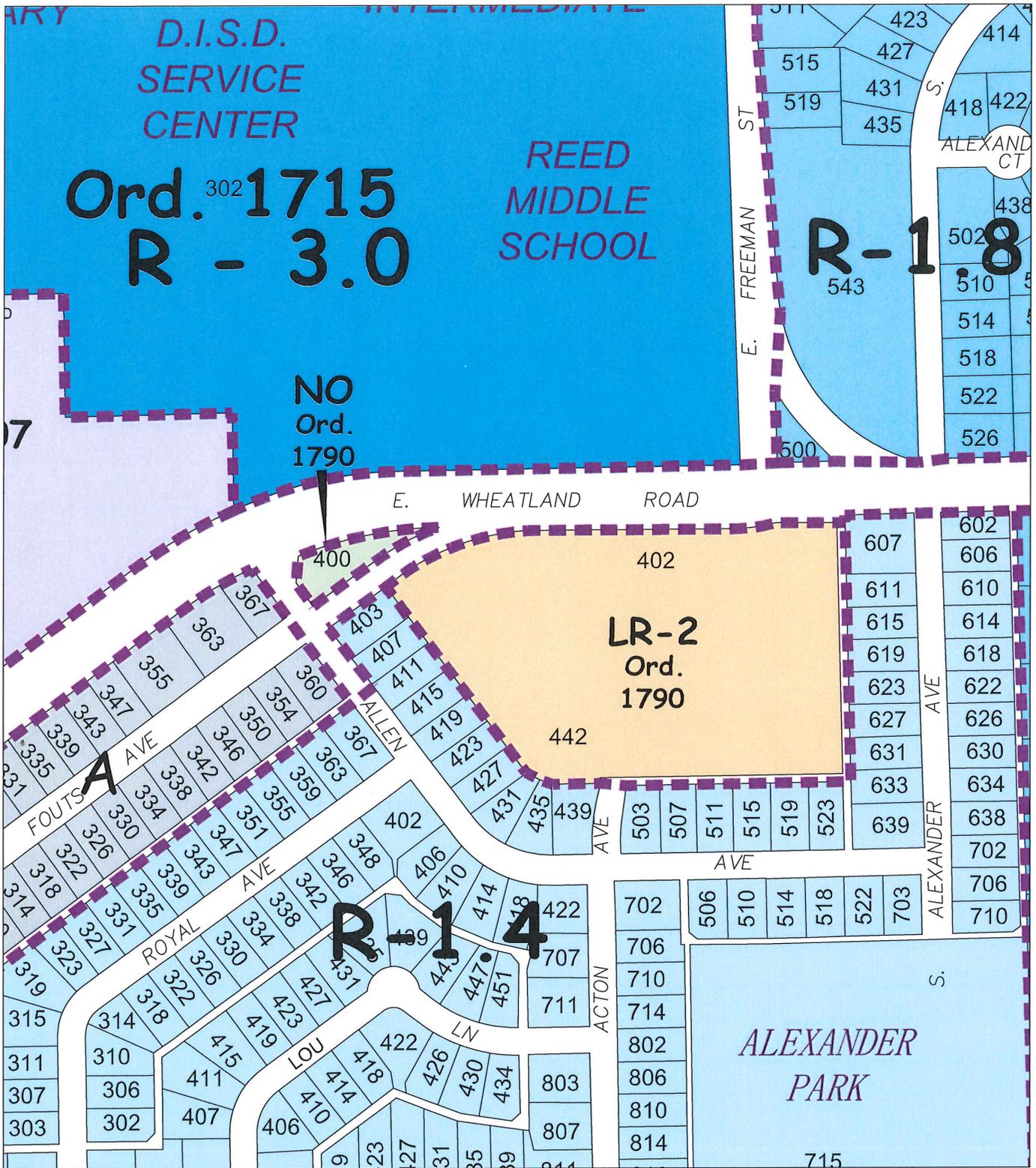
Proposed Zoning Change

Case # 2016-20

Aerial Location

402 E. Wheatland Rd.





Proposed Zoning Change

Case # 2016-20

Current Zoning Area

402 E. Wheatland Rd.



**PLANNING AND ZONING COMMISSION
REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL
203 E. WHEATLAND ROAD
SEPTEMBER 12, 2016 @ 7:00 P.M.**

A regular meeting of the Planning and Zoning Commission was held on Monday, September 12, 2016, at 7:00 p.m., with a quorum present to wit:

Felecia Davis	Chairman	EXCUSED
George Turner	Vice-Chairman	
Greg Zylka	Commissioner	EXCUSED
Bernard Maga	Commissioner	
Kathy McKee	Commissioner	
Gene Eubanks	Commissioner	ABSENT
David A. Ross	Commissioner	

Commissioner Ross made a motion, seconded by Commissioner McKee to postpone the election of officers until the September 26, 2016, meeting. The vote was unanimous, 4 for, with Chairman Davis, Commissioner Zylka, and Commissioner Eubanks absent.

Commissioner Ross made a motion, seconded by Commissioner Maga, to approve the minutes of the regular meeting of June 27, 2016. The vote was unanimous, 4 for, with Chairman Davis, Commissioner Zylka, and Commissioner Eubanks absent.

A public hearing was held at the request of Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, to amend the existing "LR-2" Local Retail-2 zoning to include a Specific Use "SU" permit to allow a party/event facility (indoor only) in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road.

Representing the applicant, Shanneca Beck, (applicant), 1101 Surrey Drive, DeSoto, Texas, spoke in favor of the request. No one spoke in opposition of the request.

Discussion followed. Commissioner Ross made a motion, seconded by Commissioner McKee, to recommend to the City Council that the request of Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, to amend the existing "LR-2" Local Retail-2 zoning to include a Specific Use "SU" permit to allow a party/event facility (indoor only) in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, be approved subject to the following conditions:

1. Property shall be developed in accordance with the floor plan and be incorporated into the ordinance.
2. Property shall meet all city, state, and federal regulations for building and fire codes and accessibility.

3. All seating arrangements shall be in accordance with the requirements of the Fire Marshal for aisle widths and exiting. The Fire Marshal will inspect the property and provide the applicant a list of items that will need to be in place prior to the issuance of a certificate of occupancy.
4. The occupancy load for the party/event center shall be limited to approximately forty-five (45) people. Final occupancy, as determined by the Building Official, will be determined through applicable permitting.
5. The party/event facility will require fifteen (15) parking spaces, according to Appendix A, Article XIV-D, Off-Street Parking and Loading Requirements.
6. Sound attenuation (sound proofing) methods will be employed for events with amplified sound.
7. No alcoholic beverages will be allowed or served at any event.
8. Hours of operation for events shall be from 8:00 a.m. to 9:00 p.m. Sunday through Thursday and from 8:00 am to 12:00 a.m. Friday and Saturday.
9. The Specific Use permit shall be granted for an initial one (1) year period with three (3) additional one (1) year automatic renewal options.

A landscape plan, submitted in accordance with Planned Development Ordinance No. 2259 (Zoning Case 2015-16), was submitted by Donna Harris for Block 2, Lots 15R and 16, more commonly known as 112-114 Wes Jespersen Way.

Representing the applicant, Donna Harris (applicant), 114 Wes Jespersen Way, spoke in favor of the request.

Discussion followed. Commissioner Ross made a motion, seconded by Commissioner McKee, to approve the Landscape Plan, subject to the following condition:

1. Landscaping adjacent to the parking areas on Wes Jespersen Way shall include edging or hardscape to maintain the proposed gravel and river rocks in the designated areas and out of the right-of-way.

The vote was unanimous, 4 for, with Chairman Davis, Commissioner Zylka, and Commissioner Eubanks absent.

The meeting adjourned at 7:52 p.m.

Chasidy E. Allen, Secretary

George Turner, Vice-Chairman



City of Duncanville

www.ci.duncanville.tx.us

September 2, 2016

Zoning File: 2016-20

Dear Property Owner:

Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, is requesting a zoning amendment to change the existing "LR-2" Local Retail-2 zoning to include a **Specific Use Permit for a Party/Event Facility (Indoor Only)** in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road. This is the first of two public hearings that have been scheduled to receive further input on the requested zoning renewal.

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

The Planning and Zoning Commission will hold a public hearing on Monday, September 12, 2016 at 7:00 p.m., and a second public hearing will be held on Tuesday, October 18, 2016, 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, October 12, 2016, to fulfill legal requirements for a written formal protest.

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

Sincerely,

Chasidy E. Allen, AICP
Secretary, Planning and Zoning Commission

CEA/cec

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. 2016-20 Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, is requesting a zoning amendment to change the existing "LR-2" Local Retail-2 zoning to include a **Specific Use Permit** for a **Party/Event Facility (Indoor Only)** in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road.

The purpose of the Specific Use permit is to allow the applicant to occupy a 1,400 square foot tenant space with a party/event facility.

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, September 12, 2016, 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 October 12, 2016, 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, October 12, by 5:00 p.m. The City Council public hearing for this case will be held on Tuesday, October 18, 2016.

Please check one:

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

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

My reasons are as follows:

1).

2).

3).

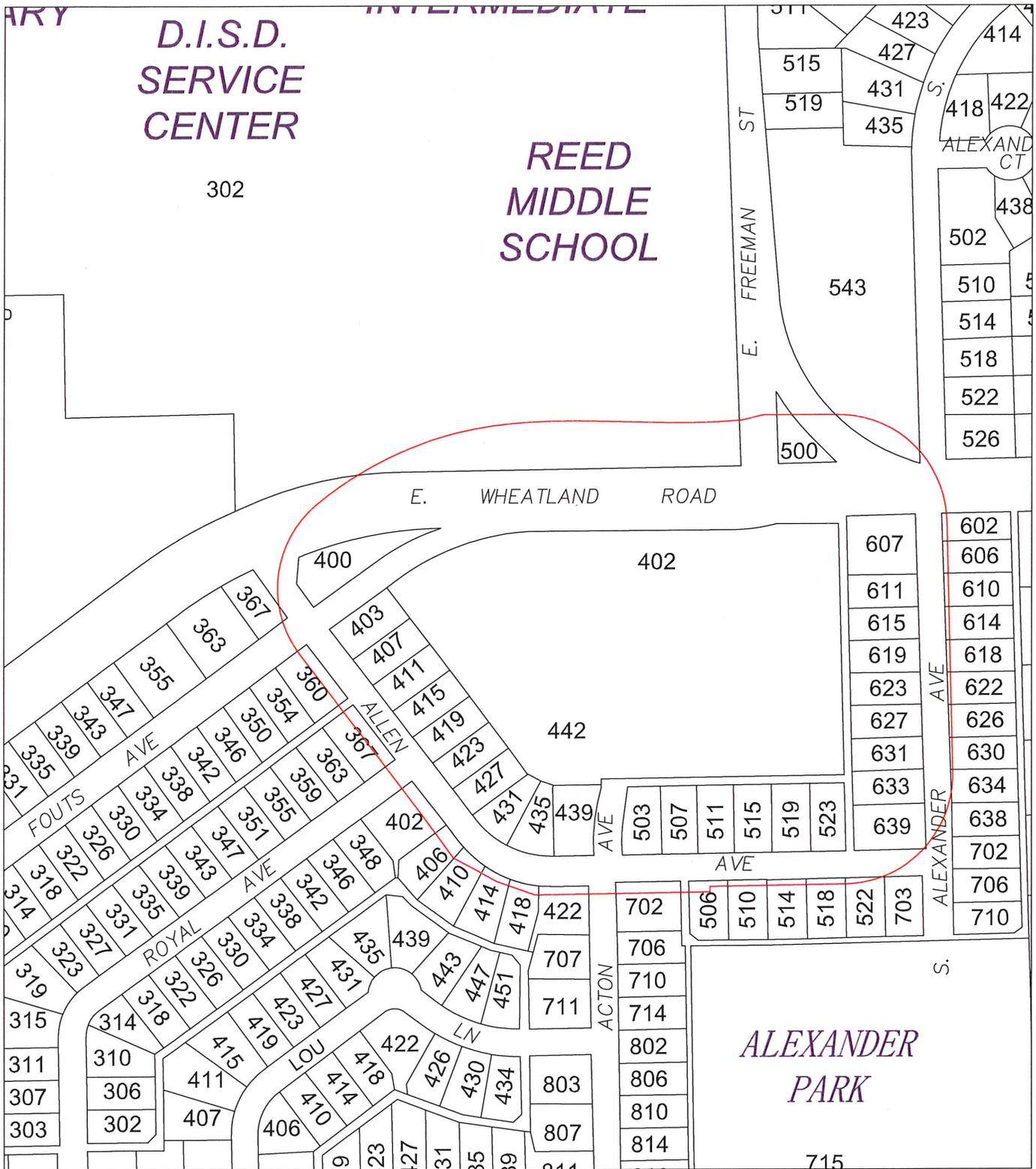
4).

Printed Name: _____

Address: _____

Signature: _____

Date: _____



Proposed Zoning Change

Case # 2016-20

200 ft Buffer

402 E. Wheatland Rd.

ELIZA INVESTMENTS LP
3401 W AIRPORT FW STE 101
IRVING TEXAS 75062
602 E WHEATLAND RD

CAMPBELL JOHN C TRUST
2613 LAKE RIDGE RD
GLENN HEIGHTS TEXAS 751541826
606 S ALEXANDER AVE

TOBIAS GRACIELA &
610 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372520
610 S ALEXANDER AVE

COREY JOHN E JR & SUSAN
614 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372520
614 S ALEXANDER AVE

LEE LON G
618 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372520
618 S ALEXANDER AVE

TURNER CLARENCE L
622 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372520
622 S ALEXANDER AVE

DILLARD EITH FAYE SUMMERS
626 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372520
626 S ALEXANDER AVE

HINES LARRY W LIFE ESTATE
630 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372520
630 S ALEXANDER AVE

STRANGE ROBERT L
1727 W PLEASANT RUN RD
DESOTO TEXAS 751152721
634 S ALEXANDER AVE

GUINN WANDA L & TOMMY DON
607 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372519
607 S ALEXANDER AVE

VALADEZ MIGUEL
611 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372519
611 S ALEXANDER AVE

LEE THELMA M
615 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372519
615 S ALEXANDER AVE

WISE LILLIAN
7 FALL AVE
SAVANNAH GEORGIA 314051215
619 S ALEXANDER AVE

MILAM ROYCE H & LUCRETIA L
623 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372519
623 S ALEXANDER AVE

RUSSELL JASON
1649 SHADY CREEK CIR
LUCAS TEXAS 750028808
627 S ALEXANDER AVE

AVILA DAVID O
631 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372519
631 S ALEXANDER AVE

PEREZ JESUS G
633 S ALEXANDER AVE
DUNCANVILLE TEXAS 751372519
633 S ALEXANDER AVE

DCJ REALTY LLC
3408 SILVERWOOD LN
DALLAS TEXAS 752332614
639 S ALEXANDER AVE

PENA REBECCA & GENE PENA
7460 HAVENRIDGE LN
KAUFMAN TEXAS 751427151
523 ALLEN AVE

MONTGOMERY TERESA K
519 ALLEN AVE
DUNCANVILLE TEXAS 751372504
519 ALLEN AVE

WIBBING JULIE D & WIBBING KARL W
515 ALLEN AVE
DUNCANVILLE TEXAS 751372504
515 ALLEN AVE

CAHILL GLORIA
511 ALLEN AVE
DUNCANVILLE TEXAS 751372504
511 ALLEN AVE

MCANALLY BRENDA
507 ALLEN AVE
DUNCANVILLE TEXAS 751372504
507 ALLEN AVE

ACUNA GABRIEL M & YARA G E
503 ALLEN AVE
DUNCANVILLE TEXAS 751372504
503 ALLEN AVE

BERMUDEZ EDUARDO PANTOJA &
VERONICA FERNANDEZ CASTILLO
230 MT LOOKOUT ST
DALLAS TEXAS 752113332
439 ALLEN AVE

MUNOZ JUAN & HORTENCIA
1219 CASA GRANDE PL
DUNCANVILLE TEXAS 751162917
435 ALLEN AVE

SMITH SHANNON A
431 ALLEN AVE
DUNCANVILLE TEXAS 751372401
431 ALLEN AVE

ALLEN SHANNON F
427 ALLEN AVE
DUNCANVILLE TEXAS 751372401
427 ALLEN AVE

ENGLAND BETTY J
423 ALLEN AVE
DUNCANVILLE TEXAS 751372401
423 ALLEN AVE

BERG PRESTON WADE
419 ALLEN AVE
DUNCANVILLE TEXAS 751372401
419 ALLEN AVE

MORALES ANA KAREN
415 ALLEN AVE
DUNCANVILLE TEXAS 751372401
415 ALLEN AVE

JYLC LP
1015 E WINTERGREEN RD
DUNCANVILLE TEXAS 751374619
411 ALLEN AVE

B&D HOUSING LLC
995 W HWY 287 BYPASS
WAXAHACHIE TEXAS 751655167
407 ALLEN AVE

BARKAT SALMA
403 ALLEN AVE
DUNCANVILLE TEXAS 751372401
403 ALLEN AVE

POOL LINDA ANN
522 ALLEN AVE
DUNCANVILLE TEXAS 751372505
522 ALLEN AVE

MILNER MARY VIRGINIA
518 ALLEN AVE
DUNCANVILLE TEXAS 751372505
518 ALLEN AVE

RICE DALTON GENE TR & VIRGINIA RICE TR
514 ALLEN AVE
DUNCANVILLE TEXAS 751372505
514 ALLEN AVE

RAWLINSON GERALD
510 ALLEN AVE
DUNCANVILLE TEXAS 751372505
510 ALLEN AVE

HARBER WILLIAM T
506 ALLEN AVE
DUNCANVILLE TEXAS 751372505
506 ALLEN AVE

TURNER MARY L & WILLIE L THOMAS
702 ACTON AVE
DUNCANVILLE TEXAS 751372502
702 ACTON AVE

POLK LAVELL KEITH
422 ALLEN AVE
DUNCANVILLE TEXAS 751372402
422 ALLEN AVE

BACA JESUS
418 ALLEN AVE
DUNCANVILLE TEXAS 751372402
418 ALLEN AVE

PELLUM KATHY S
414 ALLEN AVE
DUNCANVILLE TEXAS 751372402
414 ALLEN AVE

BEJARNO RAUL
410 ALLEN AVE
DUNCANVILLE TEXAS 751372402
410 ALLEN AVE

406 ALLEN AVE

MORENO ROBERTO & LINDSEY
402 ALLEN AVE
DUNCANVILLE TEXAS 751372402
402 ALLEN AVE

FAIN RICKEY M
1755 CR 2013
WALNUT SPRINGS TEXAS 766900000
360 FOUTS AVE

GARCIA FREDERICK F & LIZETT
1501 ROCKY CREEK CIR
CEDAR HILL TEXAS 751041343
367 ROYAL AVE

FAIN RICKEY M
1755 CR 2013
WALNUT SPRINGS TEXAS 766900000
367 FOUTS AVE

PRESBYTERIAN CHURCH OF DUNCANVILLE
543 E FREEMAN ST
DUNCANVILLE TEXAS 751164820
543 E FREEMAN ST

DUNCANVILLE I S D
710 S CEDAR RIDGE DR
DUNCANVILLE TEXAS 751372204
530 E FREEMAN ST

CENTURY PIONEER LLC
PO BOX 863975
PLANO TEXAS 750863975
402 E WHEATLAND RD

owner

DUNCANVILLE CITY OF
PO BOX 380280
DUNCANVILLE TEXAS 751380280
500 E WHEATLAND RD

WHIDDON RODNEY E
400 E WHEATLAND RD
DUNCANVILLE TEXAS 751164800
400 E WHEATLAND RD

SEP 12 2016

**CITY OF DUNCANVILLE
PUBLIC WORKS DEPT.**

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. 2016-20 Shanneca Beck of Remember the Giants, applicant, representing Century Pioneer LLC, owner, is requesting a zoning amendment to change the existing "LR-2" Local Retail-2 zoning to include a **Specific Use Permit** for a **Party/Event Facility (Indoor Only)** in the tenant space identified as 442 East Wheatland Road, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road.

The purpose of the Specific Use permit is to allow the applicant to occupy a 1,400 square foot tenant space with a party/event facility.

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, September 12, 2016, 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 October 12, 2016, 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, October 12, by 5:00 p.m. The City Council public hearing for this case will be held on Tuesday, October 18, 2016.

Please check one:

In favor of granting the zoning renewal.

Not in favor of granting the zoning renewal.

My reasons are as follows:

- 1). *Area needs safe South Dallas located event place*
- 2).
- 3).
- 4).

Printed Name: *Demedra Jones*

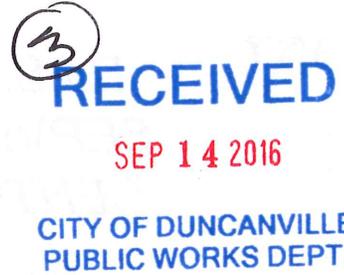
Address: *639 S. Alexander*

Signature: *[Handwritten Signature]*

Date: *9/7/16*

The following form may be filled out and mailed to:

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



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Please check one:

In favor of granting the zoning renewal.

Not in favor of granting the zoning renewal.

My reasons are as follows: *See attachment for #5*

- 1). *We have enough problems with neighborhood parties now. at times getting out of our drive way is next to impossible.*
- 2). *Twice in the last 3-4 years we have had vandals destroy our wood fence next to wheatland Rd. The repair cost was ours.*
- 3). *There are many retired and older citizens of Duncanville living in this area. We do not need party central in the area.*
- 4). *Trash is a constant problem along wheatland Rd. The city always expects the owners to clean up the mess. This would worsen the situation.*

Printed Name: *Tommy D. + Wanda L. Guinn* Address: *607 South Alexander Ave.*

Signature: *Tommy D. Guinn* Date: *Duncanville, Texas 75137*

⑤

(#5) This shopping center provides no trash containers outside the stores for trash. as a result trash is all over the parking most of the time. Does the city really see Party Central making this problem better?

(#6) all of the owners next to any alley should take proper care of their portion of any alley. Private property owners are required to do so, and yet not the store owners or the owner/manager of the shopping center. Why? Will the party store resolve this problem?

RECEIVED

SEP 23 2016

CITY OF DUNCANVILLE
PUBLIC WORKS DEPT.

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

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Should you not be in favor of this zoning application, protests must be received at City Hall no later than Wednesday, October 12, by 5:00 p.m. The City Council public hearing for this case will be held on Tuesday, October 18, 2016.

Please check one:

- In favor of granting the zoning renewal.*
- Not in favor of granting the zoning renewal.*

My reasons are as follows:

- 1). *I don't want it across the street from where I live*
- 2). *because of traffic*
- 3). *noise*
- 4).

Printed Name: GERALD RAWLINSON Address: DUNCANVILLE, TX 75137
510 ALLEN AVE.

Signature: Gerald Rawlinson Date: 9-20-16

ORDINANCE 2290

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, TO AMEND THE EXISTING "LR-2" LOCAL RETAIL-2 ZONING ON BLOCK 1, LOT A AND ABANDONED ALLEY, WHEATLAND PLAZA SHOPPING CENTER, MORE COMMONLY KNOWN AS 402 EAST WHEATLAND ROAD, TENANT SPACE 442, TO INCLUDE AN "SU" SPECIFIC USE PERMIT TO ALLOW A PARTY/EVENT FACILITY (INDOOR ONLY) IN THE CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A AND EXHIBIT B, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Duncanville, Texas, as heretofore amended, be and the same are hereby amended to amend the existing "LR-2" Local Retail-2, to allow for a Specific Use permit for an Indoor Party/Event Facility, on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, Tenant Space 442, in the City of Duncanville, Dallas County, Texas (the "Property").

SECTION 2. That the above-described Property shall be used and developed only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Duncanville, as heretofore amended, and as amended hereto, subject to the following special conditions:

- A. Property shall be developed in accordance with the floor plan and be incorporated into the ordinance.

- B. Property shall meet all city, state, and federal regulations for building and fire codes and accessibility.
- C. All seating arrangements shall be in accordance with the requirements of the Fire Marshal for aisle widths and exiting. The Fire Marshal will inspect the property and provide the applicant a list of items that will need to be in place prior to the issuance of a certificate of occupancy.
- D. The occupancy load for the party/event center shall be limited to approximately forty-five (45) people. Final occupancy, as determined by the Building Official, will be determined through applicable permitting.
- E. The party/event facility shall provide fifteen (15) parking spaces, according to Appendix A, Article XIV-D, Off-Street Parking and Loading Requirements.
- F. Sound attenuation (sound proofing) methods shall be employed for events with amplified sound.
- G. No alcoholic beverages shall be allowed or served at any event.
- H. Hours of operation for events shall be from 8:00 a.m. to 9:00 p.m. Sunday through Thursday and from 8:00 am to 12:00 a.m. Friday and Saturday.
- I. The Specific Use permit shall be granted for an initial one (1) year period with three (3) additional one (1) year automatic renewal options.

SECTION 3. That all provisions of the ordinances of the City of Duncanville in conflict with the provisions of this ordinance be and the same are hereby repealed and all ordinances not so in conflict shall remain in full force and effect.

SECTION 4. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be

unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE,
TEXAS, ON THE 18TH DAY OF OCTOBER, 2016.**

APPROVED:

DAVID L. GREEN, MAYOR

ATTEST:

MARY E. JONES, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY

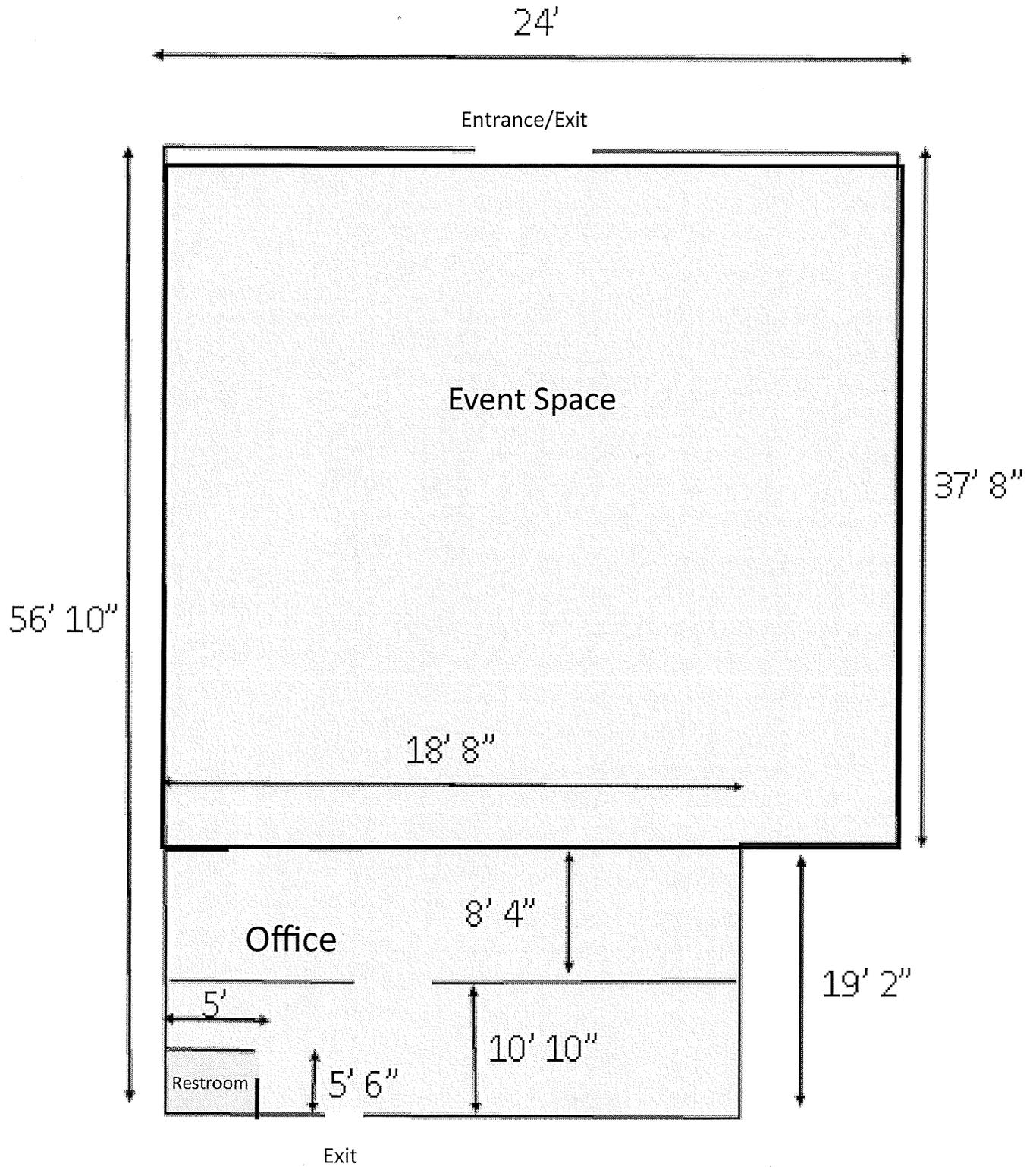
EXHIBIT "A"

LEGAL DESCRIPTION

Being a 0.032 acre portion of Lot A, Block 1, Wheatland Plaza Shopping Center, an addition to the City of Duncanville, Texas, and all of tract 11A or an alley abandonment by City of Duncanville, Ordinance No. 1701, as recorded in Volume 72063, Page 911, Dallas County Plat Records, Dallas County, more commonly known as 442 E. Wheatland Road.

EXHIBIT "B"

Site Plan 442 E Wheatland Rd





STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-5D

TITLE:

Consider an Ordinance of the City of Duncanville, Texas, authorizing the issuance of “City of Duncanville, Texas, General Obligation Refunding Bonds (DCEDC), Series 2016A,” specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, and the approval and distribution of an Official Statement pertaining thereto; and, providing an effective date.

STAFF REPRESENTATIVE:

Richard Summerlin, Finance Director

BACKGROUND/HISTORY:

The City of Duncanville issued bonds dated May 16, 2006 in the amount of \$4,425,000 for the Villages Park Project, lighting and sign park improvements, Harrington/Silvercreek Park improvements and Pyburn Park improvements for 15 years with final maturity in 2021. Due to a favorable interest rate environment, the City proposes to refinance this obligation in order to save money through lower interest costs (estimated currently to be \$86,000). The current remaining principal is \$2,320,000 to be refinanced with the final maturity of the refinancing still for 2021.

POLICY EXPLANATION:

Exercising sound financial stewardship and taking advantage of any favorable opportunities to save costs, this refinancing will save debt service expenditures to the DCEDC, allowing more funds to be used for other economic development initiatives.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends Council approval of an Ordinance of the City of Duncanville, Texas, authorizing the issuance of “City of Duncanville, Texas, General Obligation Refunding Bonds, Series 2016A,” specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, and the approval and distribution of an Official Statement pertaining thereto; and, providing an effective date

ATTACHMENTS:

- Debt Service Comparison
- Ordinance

Preliminary

City of Duncanville

General Obligation Refunding Bonds
Series 2016

Debt Service Comparison

Date	Total P+i	Net New D/S	Old Net D/S	Savings
09/30/2016	-	-	-	-
09/30/2017	497,085.63	497,085.63	515,305.00	18,219.37
09/30/2018	492,678.75	492,678.75	512,805.00	20,126.25
09/30/2019	494,923.75	494,923.75	514,605.00	19,681.25
09/30/2020	492,045.00	492,045.00	510,465.00	18,420.00
09/30/2021	494,042.50	494,042.50	510,312.50	16,270.00
Total	\$2,470,775.63	\$2,470,775.63	\$2,563,492.50	\$92,716.87

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	86,885.37
Net PV Cashflow Savings @ 2.462%(AIC)	86,885.37
Contingency or Rounding Amount	2,174.58
Net Present Value Benefit	\$89,059.95
Net PV Benefit / \$2,320,000 Refunded Principal	3.839%
Net PV Benefit / \$2,375,000 Refunding Principal	3.750%

Refunding Bond Information

Refunding Dated Date	9/15/2016
Refunding Delivery Date	9/15/2016

ORDINANCE NO. 2291

AN ORDINANCE authorizing the issuance of "CITY OF DUNCANVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016A," specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Letter, and providing an effective date.

WHEREAS, the City Council (the "Council") of the City of Duncanville, Texas (the "City"), has heretofore issued, sold and delivered, and there are currently outstanding obligations of the following issue: City of Duncanville, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2006, dated May 15, 2006, scheduled to mature on February 15 in each of the years 2017 through 2021, inclusive and aggregating in the principal amount of \$2,320,000 (hereinafter called the "Refunded Obligations");

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the Council is authorized to issue refunding bonds and deposit the proceeds of the sale thereof directly with the place of payment for the Refunded Obligations, and such deposit, when made in accordance with said statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the Council hereby finds and determines that the Refunded Obligations should be refunded at this time in order to achieve a savings of \$_____ in debt service payments on such indebtedness, and the refunding will further provide a net present value benefit to the City of \$_____; and

WHEREAS, the Council hereby finds and determines that the Refunded Obligations are scheduled to mature, or are subject to being redeemed, not more than twenty (20) years from the date of the refunding bonds herein authorized; now therefor

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. Authorization - Designation - Principal Amount - Purpose. General obligation bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$2,395,000 to be designated and bear the title "CITY OF DUNCANVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016A" (the "Bonds"), for the purpose of providing funds for (1) the discharge and final payment of certain outstanding obligations of the City (identified in the preamble hereof and referred to as the "Refunded Obligations") and (2) to pay the costs of issuance, all in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Chapter 1207 of the Texas Government Code, as amended.

SECTION 2. Fully Registered Obligations - Bond Date - Authorized Denominations - Stated Maturity - Interest Rate. The Bonds shall be issued as fully registered obligations only, shall be dated November 15, 2016 (the "Bond Date"), shall be in denominations of \$100,000 or any integral multiple of \$1,000 in excess thereof, shall become due and payable on February 15, 2021 (the "Stated Maturity").

The Bonds shall bear interest on the unpaid principal amounts from the date of delivery to the initial purchasers at the rate of _____% per annum (calculated on the basis of a 360-day year consisting of twelve 30-day months). Interest on the Bonds shall be payable on February 15 and August 15 in each year until maturity or prior redemption, commencing February 15, 2017.

SECTION 3. Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity or otherwise, shall be payable only to the registered owners or holders of the Bonds (the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of _____, _____, Texas to serve as Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, exchange, and transfer of the Bonds (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying/Agent Registrar Agreement," substantially in the form attached hereto as **Exhibit A**, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor and City Secretary are authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged; and, any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice of the change to be sent to each Holder by United States Mail, first class postage prepaid; and, such notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds, shall be payable at the Stated Maturity only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices, initially in _____, _____, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). The Paying Agent/Registrar shall pay interest on the Bonds only to the Holder whose name appears in the Security Register at the close of business on the Record Date (the last business day of the month next preceding each interest payment date) and shall pay either by: (1) check sent by United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or (2) by such other method, acceptable to the Paying Agent/Registrar, requested by the Holder at the Holder's risk and expense. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed; then, the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to be closed and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be

established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. Redemption.

(a) Optional Redemption. The Bonds shall be subject to redemption prior to maturity, at the option of the City, in whole or in part, on February 15, 20__ or on any date thereafter, at the redemption price of par plus accrued interest to the date of redemption.

(b) Mandatory Redemption. The Bonds shall be subject to mandatory redemption prior to maturity at the price of par plus accrued interest to the mandatory redemption date on the respective dates and in principal amounts as follows:

<u>Redemption Date</u>	<u>Principal Amount (\$)</u>
February 15, 2017	475,000
February 15, 2018	470,000
February 15, 2019	480,000
February 15, 2020	480,000
February 15, 2021	490,000

Approximately forty-five (45) days prior to each mandatory redemption date for the Bonds, the Paying Agent/Registrar shall select by lot the numbers of the Bonds to be redeemed on the next following February 15 from moneys set aside for that purpose in the Interest and Sinking Fund (as hereinafter defined). Any Bond not selected for prior redemption shall be paid on the date of the Stated Maturity.

The principal amount of the Bonds required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Bonds which, at least 50 days prior to the mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions set forth in paragraph (a) of this Section and not theretofore credited against a mandatory redemption requirement.

(c) Exercise of Redemption Option. At least _____ (__) days prior to an optional redemption date for the Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem the Bonds and the date of redemption therefor. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

(d) Notice of Redemption. Not less than _____ (__) days prior to an optional redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, or by such other method as the Paying Agent/Registrar shall deem appropriate and effective, to each Holder of the Bonds to be redeemed in whole at the address of the Holder appearing on the Security

Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

(e) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed, (iii) state the redemption price, (iv) state that the Bonds shall become due and payable on the redemption date specified, and the interest thereon shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender of the Bonds. If a Bond is subject by its terms to prior redemption and has been called for redemption and notice of redemption has been duly given as hereinabove provided, such Bond shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Bond at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

SECTION 5. Registration - Transfer - Exchange of Bonds - Predecessor Bonds.

A Security Register relating to the registration, payment, and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar and at a place within the State of Texas, as provided herein and in accordance with the provisions of an agreement with the Paying Agent/Registrar and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each registered owner of the Bonds issued under and pursuant to the provisions of this Ordinance. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of like kind, of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for transfer of any Bond (other than the Initial Bond authorized in Section 7 hereof) at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds, executed on behalf of, and furnished by, the City of authorized denominations and of like Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bond authorized in Section 7 hereof) may be exchanged for other Bonds of authorized denominations and of like aggregate

principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds, executed on behalf of, and furnished by, the City, to the Holder requesting the exchange.

All Bonds issued in any transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds cancelled by reason of an exchange or transfer pursuant to the provisions of this Section are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 10 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

SECTION 6. Execution - Registration. The Bonds shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officers and the seal of the City on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Bond Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 8C, manually executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, or a certificate of registration substantially in the form provided in Section 8D, manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate upon any Bond duly signed shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered and delivered.

SECTION 7. Initial Bond. The Bonds herein authorized shall be initially issued as a single fully registered bond in the aggregate principal amount shown in Section 1 hereof and numbered T-1. The initial bond (the "Initial Bond") shall be registered in the name of the initial purchaser(s), or the designee thereof. The Initial Bond shall be the Bond submitted to the Office

of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond and exchange it for definitive Bonds of authorized denominations and principal amounts for transfer and delivery to the named Holders at the addresses identified for such purpose; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 8. Forms.

A. Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

The City may provide for the registration of such Bonds in the name of a securities depository, or the nominee thereof. While any Bond is registered in the name of a securities depository or its nominee, references herein and in the Bonds to the Holder or registered owner of such Bonds shall mean the securities depository or its nominee and shall not mean any other person.

B. Form of Bonds.

REGISTERED
NO. [T-1][R-____]

REGISTERED
\$_____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF DUNCANVILLE, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016A

Bond Date:
November 15, 2016

Interest Rate:
_____%

Stated Maturity:
February 15, 2021

Registered Owner:

Principal Amount:

The City of Duncanville (the "City"), a body corporate and municipal corporation in the County of Dallas, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the date of delivery to the initial purchasers) at the per annum rate of interest specified above computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2017, until maturity or prior redemption. Principal of this Bond shall be payable at its Stated Maturity to the Registered Owner hereof upon presentation and surrender to _____, _____, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender at its designated offices, initially in _____, _____, or, with respect to a successor paying agent/registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$2,395,000 to be designated and bear the title "CITY OF DUNCANVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016A" (the "Bonds"), for the purpose of providing funds for (1) the discharge and final payment of certain outstanding obligations of the City (identified in the preamble hereof and referred to as the "Refunded Obligations") and (2) to pay the costs of issuance, all in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended, and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Bonds are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Sinking Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued

interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

<u>Redemption Date</u>	<u>Principal Amount (\$)</u>
February 15, 2017	475,000
February 15, 2018	470,000
February 15, 2019	480,000
February 15, 2020	480,000
February 15, 2021	490,000

The particular Bonds to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Bonds required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Bonds which, at least 50 days prior to the mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.

The Bonds may be redeemed prior to its Stated Maturity, at the option of the City, in whole or in part in principal amounts of \$1,000 or any integral multiple thereof, on February 15, 20____ or on any date at the redemption price of par plus accrued interest thereon to the redemption date.

At least thirty days prior to the date fixed for any redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount hereof redeemed.

With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the redemption price of the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied or sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the

Paying Agent/Registrar, and to all of the provisions of which the registered owner of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the registered owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity, and deemed to be no longer Outstanding; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal hereof at its Stated Maturity and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each registered owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by the levy of a tax as stated above. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Bond Date.

CITY OF DUNCANVILLE, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(City Seal)

C. Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER (
 (
 OF PUBLIC ACCOUNTS (REGISTER NO. _____
 (
 THE STATE OF TEXAS (

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

D. Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered under the provisions of the within mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar in _____, _____ is the Designated Payment/Transfer Office for this Bond.

_____. BANK,
_____, Texas, as Paying Agent/Registrar

Registered this date:

_____ By: _____
Authorized Signature

E. Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____)
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

SECTION 9. Levy of Taxes. To provide for the payment of the "Debt Service Requirements" of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of 2% (whichever amount is the greater), there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding;

full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Bonds shall be kept and maintained by the City at all times while the Bonds are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Bonds shall be deposited to the credit of a "Special 2016A Bond Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

The Mayor, Mayor Pro Tem, City Manager, Director of Finance and City Secretary, any one or more of said officials of the City, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

The City has sufficient current funds available and such funds are hereby appropriated to make the payments to become due on the Bonds on February 15, 2017 and August 15, 2017, and the Mayor, Mayor Pro Tem, City Manager, Director of Finance and City Secretary of the City, individually or jointly, are hereby authorized and directed to transfer and deposit in the Interest and Sinking Fund such amount of current funds which will be sufficient to pay the amounts to become due on the Bonds on February 15, 2017 and August 15, 2017.

SECTION 10. Mutilated - Destroyed - Lost and Stolen Bonds. In case any Bond shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond, or in lieu of and in substitution for such destroyed, lost or stolen Bond, only upon the approval of the City and after (a) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Bond, and of the authenticity of the ownership thereof and (b) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

SECTION 11. Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other

obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. The provisions of this paragraph are subject to the applicable unclaimed property law of the State of Texas.

The term "Government Securities," as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

SECTION 12. Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission in this Ordinance. Additionally, with the consent of Holders holding a

majority in aggregate principal amount of the Bonds then Outstanding, the City may amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all the Holders of Outstanding Bonds no amendment, addition, or rescission shall: (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

The term "Outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 11 hereof; and
- (3) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 10 hereof.

SECTION 13. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms shall have the following meanings:

"*Closing Date*" means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

"*Code*" means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

"*Computation Date*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Gross Proceeds*" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

"*Investment*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Nonpurpose Investment*" means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

"*Rebate Amount*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Obligations), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with

such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Interest and Sinking Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the

Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Bonds Not Hedge Bonds.

(1) At the time the original bonds refunded by the Bonds were issued, the City reasonably expected to spend at least 85% of the spendable proceeds of such obligations within three (3) years after such obligations were issued.

(2) Not more than 50% of the proceeds of the original obligations refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(k) Current Refunding. The Bonds are being issued to pay and discharge in full the Refunded Obligations and such payment of the Refunded Obligations will occur within ninety (90) days after the issuance of the Bonds.

(l) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager and Director of Finance, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(m) Qualified Tax-Exempt Obligations. In accordance with the provisions of paragraph (3) of subsection (b) of Section 265 of the Code, the City hereby designates the Bonds to be "qualified tax-exempt obligations" in that the Bonds are not "private activity bonds" as defined in the Code and the reasonably anticipated amount of "qualified tax-

exempt obligations” to be issued by the City (including all subordinate entities of the City) for the calendar year 2016 will not exceed \$10,000,000.

SECTION 14. Sale of Bonds - Purchase Letter Approval. The Bonds are hereby sold to _____ (“Purchaser”) in accordance with the Purchase Letter, dated as of October 18, 2016, attached hereto as **Exhibit B** and incorporated herein by reference as a part of this Ordinance, which sale of the Notes to said Purchaser is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Bonds to the Purchaser shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Mayor or Mayor Pro Tem is hereby authorized and directed to execute said Purchase Letter for and on behalf of the City and as the act and deed of this Council, and in regard to the approval and execution of the Purchase Letter, the Council hereby finds, determines, and declares that the representations, warranties, and agreements of the City contained in the Purchase Letter are true and correct in all material respects and shall be honored and performed by the City. The Initial Bond shall be registered in the name of the Purchaser.

SECTION 15. Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

SECTION 16. Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance) shall be deposited with the paying agent/registrant for the Refunded Obligations for the redemption of the Refunded Obligations on November 29, 2016. The proceeds of sale of the Bonds not so deposited with the paying agent/registrant for the Refunded Obligations for the refunding of the Refunded Obligations shall be disbursed for payment of costs of issuance, or deposited in the Interest and Sinking Fund for the Bonds. Such proceeds of sale may be invested in authorized investments and any investment earnings realized may be deposited in the Interest and Sinking Fund as shall be determined by the City Council of the City.

SECTION 17. Redemption of Refunded Obligations.

(a) The Refunded Obligations shall be redeemed and the same are hereby called for redemption on November 29, 2016, at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of this Ordinance, together with a suggested form of notice of redemption to be sent to bondholders, with Regions Bank (the current paying agent/registrant for the Refunded Obligations), in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being attached hereto as **Exhibit C** and incorporated herein by reference as a part of this Ordinance for all purposes.

(b) The redemption of the Refunded Obligations described above being associated with the refunding of such Refunded Obligations, the approval, authorization and arrangements herein given and provided for the redemption of such Refunded Obligations on the redemption date designated therefor and in the manner provided shall be irrevocable upon the issuance and delivery of the Bonds; and the City Secretary is hereby authorized and directed to make all arrangements necessary to notify the holders of such Refunded

Obligations of the City's decision to redeem such Refunded Obligations on the date and in the manner herein provided and in accordance with the ordinance authorizing the issuance of such Refunded Obligations and this Ordinance.

SECTION 18. Notices to Holders - Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given; and, such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 19. Cancellation. All Bonds surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it; and, if surrendered to the City, such Bonds shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be returned to the City.

SECTION 20. Legal Opinion. The Purchaser's obligation to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Bond Counsel to the City, approving the Bonds as to their validity, with said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion is hereby authorized to be printed on or attached to the definitive Bonds.

SECTION 21. CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. However, it is expressly provided that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance and shall have no effect the legality of such bonds. Furthermore, neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 22. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Director of Finance and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the City Manager, Mayor, Director of Finance or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the

documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 23. Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance. This Ordinance in its entirety is intended to be and is for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

SECTION 24. Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict; and, the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 25. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 26. Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 27. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 28. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid; and, the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 29. Incorporation of Findings and Determinations. The findings and determinations of the Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 30. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 31. Effective Date. This Ordinance shall take effect and be in force from and after its passage and approval in accordance with the provisions of Texas Government Code, Section 1201.028, as amended.

[remainder of page intentionally left blank]

PASSED AND ADOPTED, October 18, 2016.

CITY OF DUNCANVILLE, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B
PURCHASE LETTER

EXHIBIT B

NOTICE OF REDEMPTION

**CITY OF DUNCANVILLE, TEXAS
TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE
CERTIFICATES OF OBLIGATION
SERIES 2006
Dated May 15, 2006**

NOTICE IS HEREBY GIVEN that all of the certificates of obligations of the above series maturing on and after February 15, 2017, and aggregating in the principal amount of \$2,230,000, have been called for redemption on November 29, 2016 at the redemption price of par and accrued interest to the date of redemption, such certificates of obligation being identified as follows:

<u>Year of Maturity</u>	<u>Principal Amount Outstanding/Being Refunded</u>	<u>CUSIP Number</u>
2017	\$ 430,000	
2018	445,000	
2019	465,000	
2020	480,000	
2021	500,000	

The above-described certificates of obligation shall become due and payable on November 29, 2016, and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said certificates of obligation shall be paid to the registered owners of the certificates of obligation only upon presentation and surrender thereof to Regions Bank at the following address: 201 Milan Parkway, 2nd Floor, Birmingham, AL 35211.

THIS NOTICE is issued and given pursuant to the terms and conditions prescribed for the redemption of said obligations and pursuant to an ordinance by the City Council of the City of Duncanville, Texas.

REGIONS BANK
1717 St. James Place, Suite 500
Houston, Texas 77056



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-5E

TITLE:

Ratify City Manager's appointment of Ms. Lia Polk to the Civil Service Commission to fill a three (3) year term on the Civil Service Commission, to expire October 31, 2019.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **Capstone 1:** Most engaged citizens in America

STAFF REPRESENTATIVE:

Kevin Hugman, City Manager

BACKGROUND/HISTORY:

Chapter 143 of the Texas Local Government Code, establishes the legislation and requirements for Civil Service under which our police and fire operate. Section 143.006 establishes the requirement for a Civil Service Commission, consisting of three members appointed by the municipality's chief executive officer, and confirmed by the governing body of the municipality. The Commission's duties are also established by Chapter 143, but the primary responsibility of the Commission is to serve as an appeal board for fire and police employees who request the Commission act as an impartial third party to review or investigate an action over which they have authority. Oftentimes, this concerns disciplinary action.

Per Section 143.006, the Commission members serve staggered three year terms with the term of one member expiring each year. Persons appointed to the Commission must be:

- of good moral character;
- be a United States citizen;
- be a resident of the municipality and have resided in the municipality for more than three years;
- be over the age of 25 years; and
- not have held public office within the preceding three years.

Ms. Lia Polk is six year resident of Duncanville, most recently serving on the Duncanville Community Multi-Cultural Commission. She is an attorney serving as a public defender in the Child Welfare Division and Juvenile Division of Dallas County. As such, she is familiar with proceedings that resemble those of the Civil Service Commission, and understands the role of the Commission in rendering objective, rational decisions supported by law and policy. She has expressed her willingness and desire to serve on the Civil Service Commission.

POLICY EXPLANATION:

Section 143.006 (b) of the Texas Local Government Code states, "The commission consists of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality." After reviewing applications and experience and interviewing three candidates, and conferring with Police Chief Robert Brown and Fire Chief Sam Rohde, it is my desire to appoint Ms. Lia Polk to serve the three (3) year term to expire October 31, 2019.

FUNDING SOURCE:

Not Applicable.

RECOMMENDATION:

Ratify City Manager's appointment of Ms. Lia Polk to the Civil Service Commission to fill the three (3) year term to expire October 31, 2019.

ATTACHMENTS:

- Attachment – Application and resume of Ms. Lia Polk

DUNCANVILLE

The Perfect Blend of Family, Community and Business.

Boards and Commissions
 P.O. Box 380280
 Duncanville, TX 75138-0280
www.duncanville.com

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

Name	Lia Polk		Home Address	326 Swan Bridge Dr.	
Telephone	[REDACTED]				
Occupation	Hair Styling				
Registered Voter?	Yes	Resident in District #?	2	Resident for # Years in City?	6 yrs.
Please indicate the Board or Commission you have a preference in serving on, by numbering them in order from 1 to 14					
Planning and Zoning Commission	2	Library Advisory Board	6		
Board of Adjustments	3	Duncanville Community Economic Development Corporation Board	1		
Sign and Control Board	4	Keep Duncanville Beautiful Board	7		
Park & Recreation Advisory Board	5	Duncanville Community Multicultural Commission	10		
Animal Control Board	8	Duncanville Neighborhood Vitality Commission	n/a		
Duncanville Virtual Reality Innovation Commission	n/a	Duncanville Social Engagement Partnership	9		
Duncanville Sports Legacy Commission	n/a	Duncanville Senior Advocacy Commission	n/a		
Why are you interested in applying for this specific Board or Commission? This is important to the economic development of our city. Critical decisions are made and should be a part of our diverse community. It is not a committee of only all men. Women should be involved.					
What do you hope to accomplish by serving on this Board or Commission? Meeting the needs of our community, financially & overall.					
What experience do you possess that will be helpful to the mission of this Board or Commission? I am well aware of growth in this city, surrounding suburbs & other states. I lived in Collin County prior to moving to Duncanville.					
How will you engage other citizens to provide to you, perspective on recommendations? Listen to people every where but not inform them of what city or DC does or is doing. Just having an ear that hears in on people's needs and over supply.					
What concerns, if any, do you have about issues facing Duncanville? Having businesses that will stay last & improve our economic growth.					
Are you, or a member of your family, involved in any business transaction with the City of Duncanville? If yes, please explain below. No.					
Have you ever been convicted of a felony? If yes, please explain below. No.					

Signature Lia Polk Date 5-11-16

Please return to mjones@ci.duncanville.tx.us or 203 E. Wheatland Road, Duncanville, TX 75116

LIA POLK
326 SWAN RIDGE DRIVE
DUNCANVILLE, TX 75137



EMPLOYMENT

MARCH 2011-PRESENT

DALLAS COUNTY
ASSISTANT PUBLIC DEFENDER
CHILD WELFARE DIVISION AND JUVENILE DIVISION
ATTORNEY IV

Currently, since 2012, provides services to juveniles out of the 305th Judicial District Court in felony and misdemeanor cases, competency hearings, and detention hearings for all juveniles. Previously, provided a full range of legal services to indigent defendants in the 304th Judicial District Court representing parents in CPS cases and children in Chapter 263 cases. Such services include case evaluation, legal advice, plea offers and representing clients in jury trials, non-jury hearings, plea negotiations and dismissals. Conduct legal research, draft legal documents and interpret laws, rules and regulations.

DECEMBER 2007-MARCH 2011

LIA HAYES
ATTORNEY AT LAW
LAW OFFICES OF LIA HAYES & ASSOCIATES, P.L.L.C.

In the general private practice of law including, but not limited to, criminal, probate, family, civil, and juvenile law. I have participated in contempt hearings, contested hearings, plea and dispositions, mediations, prove-ups, pretrial matters such as discovery etc. I have drafted pleadings, answers, and final orders of the Court. I handle adult and juvenile parole revocation hearings; serve as attorney ad litem in guardianship, juvenile delinquency/CINS and determination of heirship cases; and serve as guardian ad litem in cps cases for children and parents as well as attorney ad litem for parents. I have represented defendants in various criminal matters as well as civil matters. In all matters before each court, I have exhibited professionalism and effective communication with Judges, prosecutors, clients, defense counsel, court personnel, and witnesses.

OCTOBER 2006-NOVEMBER 2007

DALLAS CITY ATTORNEY'S OFFICE
PROSECUTION DIVISION
ASSISTANT CITY ATTORNEY/MUNICIPAL PROSECUTOR

I was assigned to the Prosecution Division. This division is responsible for representing the State of Texas in all criminal matters before the Dallas Municipal Courts. I was primarily responsible for prosecuting all Class C misdemeanors committed within the City of Dallas by adults and juveniles including, traffic offenses, theft, assault, domestic violence, reckless damages, and housing code violations. etc. I had also trained new hires. I was assigned to both civil and criminal courts. On a typical day, I processed a criminal

docket of approximately eighty cases, disposing of each through both plea negotiations and trials as well as processing a civil docket of approximately forty-five cases heard by the Hearing Officer. In trials before the court, I had a conviction rate of 98%.

AUGUST 2005-SEPTEMBER 2006

**LIA HAYES CAMPBELL
ATTORNEY AT LAW**

I practiced the general practice of law including but not limited to, family law, social security law, wills, business formation and contract law as a solo practitioner. I drafted motions and pleadings. I communicated with opposing counsel and entered into agreed motions. I have handled over 50 social security hearings in several states. I have written on the record letters, proffers, reviewed and requested medical records.

OCTOBER 2004-JULY 2005

**AMEGY BANK NATIONAL ASSOCIATION
CONTRACTS DEPARTMENT ATTORNEY**

I reviewed, drafted and negotiated over a 115 transactions in which the bank was the customer to protect the interests of the bank, including but not limited to, software license agreements, confidentiality agreements, HIPAA and GLBA agreements, master service and professional agreements, statements of work. I ensured that the transactions adhered to the bank's standards in compliance with Sarbanes Oxley. I also handled good faith dispute matters and enforcement issues, advised the business units on contractual provisions and issues, and conducted business unit interviews, document review and contract review.

AUGUST 1998-MAY 2001

**FORT BEND INDEPENDENT SCHOOL DISTRICT
SECONDARY SCHOOL TEACHER**

I was a secondary teacher assigned to Hightower High School in Sugar Land, TX. I was responsible for teaching and preparing course outlines for World Geography for grades 9-10. The average class size was approximately 25 students. My duties included teaching the subject based on the State-approved curriculum. Each week I taught a new subject through lectures, visual aids and hands-on assignments. At the end of the week each student was tested over the subject matter. This weekly routine prepared students for the essay portion of the state mandated Texas Assessment of Academic Skills (TAAS) test. Each student was required to be successful on the TAAS test in order to receive their high school diploma. In addition to my regular teaching duties, I also coached the mediation conflict resolution team and the junior varsity cheerleaders. During the three years I taught, over 85% of my students were successful the first time on the English portion of the TAAS test.

EDUCATION

SOUTH TEXAS COLLEGE OF LAW
Juris Doctor, May 2004

UNIVERSITY OF HOUSTON
Bachelor of Science in Political Science, December 1997

LICENSE

Member of the State Bar of Texas since 2004
State Bar No [REDACTED]

INTERNSHIPS/CLERKSHIPS

- 2004 Law Clerk for Judge Jennifer Walker Elrod, 190th Civil District Court, Harris County, Houston, TX (now serving beginning in 2008 on the 5th Circuit Federal Court of Appeals after being appointed)
- 2003 Judicial Intern for Judge Vanessa D. Gilmore, Southern District of Texas, Houston, TX
- 2003 Judicial Intern for Magistrate Judge Marcia A. Crone, Southern District of Texas, Houston, TX (now serving in Beaumont after being appointed as a District Judge in 2004)
- 2002 Summer Associate for Nixon Mims, LLP in Dallas, TX
- 1997 Congressional Intern on Capitol Hill, Office of former Congressman Martin Frost of Dallas
- 1996 Member of Emmett J. Conrad Leadership Program sponsored by State Senator Royce West, interned for State Farm Insurance in Dallas, TX

HONORS/ACTIVITIES

- 2015 Member, Duncanville Community Multicultural Commission
- 2014 Co-Chair of Dallas Bar Association Juvenile Justice Committee
- 2013 Co-Vice Chair of Dallas Bar Association Juvenile Justice Committee
- 2010-2011 Participant of the CPS Collaborative Law Project
- 2009 Participated in the NITA Trial Advocacy Program
- 2009-2011 Member, Collin County Bar Association and Juvenile Section
- 2008-2011 Member, DBA Co-Vice Chair of the Community Involvement Committee, Juvenile Justice Committee of DBA and State Bar of Texas Juvenile Justice Section, J.L. Turner Legal Association Member
- 2007 Judge for the Dallas Bar Association High School Mock Trial Tournament
- 2005-2006 Houston Young Lawyers Association, Treasurer
- 2004-2005 HYL A Chair Law Student Outreach Committee and HYL A Co-Chair Barbara Jordan Project Committee
- 2003-2004 HYL A Law Student Director
- 2004 Regional BLSA, Thurgood Marshall Mock Trial Competition, 1st place and National BLSA, Thurgood Marshall Mock Trial Competition, 5th place
- 2002-2004 STCL Langdell Scholar
- 2002 STCL Leroy Jeffers Moot Court Competition and STCL Intramural Mock Trial Litigation Competition
- 2001 Phi Delta Phi
- 1996-present Member of Delta Sigma Theta Sorority, Inc.



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-6A

TITLE:

Receive the Police Department Quarterly Report and Workplan Update.

FY2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **CAPSTONE: Create high quality neighborhoods and parks**
 - **Goal 4: Maximize city and community resources to improve quality of life in a sustainable manner**

STAFF REPRESENTATIVE:

Chief Robert D. Brown



STAFF REPORT

MEETING DATE: October 18, 2016

AGENDA ITEM: R-6B

TITLE:

Receive an Action Plan for the Duncanville Fieldhouse supported by the Business Plan performed by PROS Consulting and the observations and recommendations of the General Manager.

FY 2015-2016 CITY COUNCIL ORGANIZATIONAL WORKPLAN:

- **CAPSTONE 3:** Be the basketball and sports tourism capital of Texas.

STAFF REPRESENTATIVE:

Craig Brasfield, Fieldhouse General Manager
Bart Stevenson, Director of Parks and Recreation

BACKGROUND/HISTORY:

On July 21, 2015 the City Council received the Fieldhouse Business Plan created by PROS Consulting. Included in the study, the consultant performed a comprehensive review of the Fieldhouse operations and management structure, made several key recommendations regarding the future of the facility, and included a pro forma. Since that time, City Staff has begun implementing those recommendations, such as move from an independent contractor running the facility to employing a full-time General Manager to facilitate the development of stronger working relationships within the city and community. After being employed as the General Manager, Mr. Craig Brasfield studied the Business Plan from PROS Consulting as well as observed and evaluated the current operations of the facility, and is prepared to make additional recommendations to move forward.

POLICY EXPLANATION:

Mr. Brasfield will present an Action Plan to the City Council with his identification of opportunities for the advancement of the Duncanville Fieldhouse. In addition, he will present a proposed FY17 budget for consideration by the Council at an upcoming meeting. The Action Plan will provide a framework for actionable items for inclusion in the City's Work Plan and identify opportunities to fill the gaps of service at the Fieldhouse. Mr. Brasfield also wishes input and suggestions, regarding the Action Plan, from the City Council.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Receive an Action Plan for the Duncanville Fieldhouse, supported by the Business Plan performed by PROS Consulting and the observations and recommendations of the General Manager.

ATTACHMENTS:

N/A