



DUNCANVILLE COMMUNITY AND ECONOMIC
DEVELOPMENT CORPORATION (DCEDC)
REGULAR MEETING
BRIEFING ROOM, CITY HALL
203 E. WHEATLAND RD., DUNCANVILLE, TX 75116
SEPTEMBER 28, 2020 @ 6:00 PM

DCEDC MISSION STATEMENT
*TO SERVE AS A CATALYST FOR SUSTAINABLE COMMUNITY DEVELOPMENT
AND ECONOMIC OPPORTUNITY.*

AGENDA

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the Duncanville Community and Economic Development Corporation (DCEDC) for the City of Duncanville, Texas will conduct a Duncanville Community and Economic Development Corporation (DCEDC) Regular Meeting by video conference at 6:00 PM on Monday, September 28, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by video conference. There will be no public access to a physical location.

To submit public comments, email cwilliams@duncanville.com and title the email “Public Comment” – September 28, 2020. All public comments submitted by 4:00 PM on Monday, September 28, 2020 will be provided to the Duncanville Community and Economic Development Corporation (DCEDC) members and entered into the record for the September 28, 2020 Duncanville Community and Economic Development Corporation (DCEDC) Meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_KL9zpT5jTsazGcldWjyYpw

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

CALL TO ORDER

INVOCATION

1. CITIZEN'S PUBLIC FORUM.
2. CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE REGULAR MEETING HELD ON AUGUST 3, 2020.
3. CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE SPECIAL CALLED MEETING/STRATEGIC PLANNING SESSION HELD ON SEPTEMBER 14, 2020.
4. RECEIVE AND DISCUSS CITY SALES AND USE TAX COMPARISON SUMMARY.
5. RECEIVE AND CONSIDER APPROVAL OF THE DCEDC MONTHLY BUDGET REPORT.
6. RECEIVE AND DISCUSS THE DUNCANVILLE FIELDHOUSE SPORTS FACILITY FINANCIAL STATUS REPORT.
7. RECEIVE AND DISCUSS THE MAIN STATION DUNCANVILLE, LTD'S MONTHLY FINANCIALS, AS WELL AS DUNCANVILLE REAL ESTATE UPDATES.
8. HOLD PUBLIC HEARING TO RECEIVE COMMENTS ON A REQUEST FROM TRACY SHOOK WITH TAKE OUT BURGERS FOR A SIGNAGE GRANT FOR THE PROPERTY LOCATED AT 795 W. WHEATLAND RD. IN THE AMOUNT OF \$3,475.00.
9. RECEIVE AND CONSIDER A PRESENTATION AND REQUEST FROM TRACY SHOOK WITH TAKE OUT BURGERS FOR A SIGNAGE GRANT FOR THE PROPERTY LOCATED AT 795 W. WHEATLAND RD. IN THE AMOUNT OF \$3,475.00.
10. RECEIVE AN UPDATE FROM LONNIE JOHNSON FOR THE KENNEDY'S ON THE HILL DEVELOPMENT PROJECT LOCATED AT 1331 S. COCKRELL HILL RD., DUNCANVILLE, TX 75137.
11. RECEIVE AND DISCUSS CONDUCT OF DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPEMNT CORPORATION (DCEDC) BOARD MEMBERS.
12. DISCUSS THE DESIRED USAGE OF THE RAILROAD FLATS PROPERTY.
13. DISCUSS AND UPDATE THE DCEDC POLICY STATEMENT AND GUIDELINES FOR GRANTS.
14. EXECUTIVE SESSION.

In accordance with the Texas Government Code, the DCEDC shall convene into closed executive session pursuant to Section 551.072 – Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property.

- DISCUSS THE SALE OF THE PROPERTY LOCATED AT 100 S. MAIN ST., DUNCANVILLE, TX 75116.

In accordance with the Texas Government Code, the DCEDC shall convene into closed executive session pursuant to Section 551.087 (2) - Deliberation Regarding Economic Development Negotiations, to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- DISCUSS ECONOMIC DEVELOPMENT INCENTIVE REQUEST FOR TAKE OUT BURGERS.
- DISCUSS ECONOMIC DEVELOPMENT INCENTIVE REQUEST FOR LONNIE JOHNSON'S KENNEDY'S ON THE HILL PROJECT.

15. RECONVENE INTO OPEN SESSION.

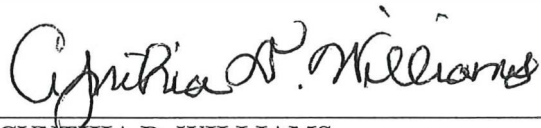
16. TAKE ANY NECESSARY OR APPROPRIATE ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION.

17. RECEIVE DIRECTOR'S REPORTS.

- BUSINESS ACTIVITY UPDATES.
 - CERTIFICATE OF OCCUPANCY – APPLICATIONS RECEIVED – MONTHLY (EDC) MONTH OF AUGUST 2020 (ATTACHED).
 - CERTIFICATE OF OCCUPANCY – CERTIFICATES ISSUED – MONTHLY (EDC) MONTH OF AUGUST 2020 (ATTACHED).
- IMPORTANT DATES/UPCOMING EVENTS:
 - DUNCANVILLE CITY COUNCIL AND P&Z JOINT MEETING (TO DISCUSS ZONING ORDINANCE UPDATE); OCTOBER 5, 2020, 6:00 PM VIA ZOOM CONFERENCING.
 - DUNCANVILLE CITY COUNCIL AND P&Z JOINT MEETING (TO DISCUSS ZONING ORDINANCE UPDATE); OCTOBER 19, 2020, 6:00 PM VIA ZOOM CONFERENCING.
 - DUNCANVILLE CITY COUNCIL AND DCEDC JOINT MEETING AND DCEDC REGULAR MEETING; OCTOBER 22, 2020, 6:00 PM, LIBRARY MEETING ROOMS.

ADJOURNMENT

POSTED BY THURSDAY,
SEPTEMBER 24, 2020 BY 5:00 PM



CYNTHIA D. WILLIAMS
ECONOMIC DEVELOPMENT COORDINATOR

Members of the City Council, including a possible quorum, might be present in the audience and some of the City Council members might make comments or participate in the discussion as audience members. There will be no deliberation, vote, or action by the City Council.

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

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 licenciario 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.



AGENDA BACKGROUND

ITEM NO. 1

MEETING DATE: Monday, September 28, 2020

TITLE: Citizen's Public Forum.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: The Duncanville Community and Economic Development Corporation Bylaws provide there be a Public Forum as part of the regular meetings. The purpose of the Public Forum is to allow public comments to be made by citizens regarding Board matters. The format of the Public Forum is subject to the President's discretion. When recognized to speak, the citizen is asked to please state his/her name and address for the record. Comments will be limited to two minutes per speaker.

Citizens wishing to speak on a Public Hearing Agenda item shall not address the Board during the Public Forum. Time is allowed for proponents and opponents to speak on a public hearing item during the set Public Hearing.



AGENDA BACKGROUND

ITEM NO. 2

MEETING DATE: Monday, September 28, 2020

TITLE: Consider Approval of the DCEDC Minutes for the Regular Meeting Held on August 3, 2020.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: Copies of the draft minutes of the DCEDC Regular Meeting held on August 3, 2020.

ATTACHMENT(S): Draft DCEDC Minutes of the Regular Meeting held on August 3, 2020.

**THE DUNCANVILLE COMMUNITY AND ECONOMIC
DEVELOPMENT CORPORATION (DCEDC) BOARD
MINUTES
REGULAR MEETING
AUGUST 3, 2020**

A regular meeting of the Duncanville Community and Economic Development Corporation (DCEDC) Board of Directors was held on Monday, August 3, 2020, at 6:00 PM in the City Hall Briefing Room, located at 203 E. Wheatland Rd., Duncanville, TX 75116, and via Zoom Video Conference.

Board Members in Attendance:

Steve Dial	President
Derwin Broughton; AIA, NCARB	Vice President
Dave Galbraith	Board Member
Kenneth Govan	Board Member
Michael Grace	Board Member
Chan Williams	Board Member

Board Members Not in Attendance:

All Board Members were in attendance with one Board Member vacancy.

City Council Members Present: There were no City Council Members present at this meeting.

Guests Present: Lonnie Johnson; President at Aston Mixed Use Holdings, Sharalyn Payne; Partner with Mr. Lonnie Johnson, Tracey Maynor; CEO at W&B Service Company, Caitlin Partin Marketing Manager at W&B Service Company, and Adam Marr; Chief Financial Officer at W&B Service Company

Staff Present: Jessica James; Director of Economic Development, and Cynthia Williams; Economic Development Coordinator

CALL TO ORDER

The meeting was called to order by President Dial at 6:12 PM.

INVOCATION

Mr. Galbraith offered the Invocation.

ITEM NO. 1 CITIZEN'S PUBLIC FORUM.

President Dial read the Agenda Item into record. Staff did not receive any Public Comments, and no one spoke during Citizen's Public Forum.

ITEM NO. 2 CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE ANNUAL MEETING HELD ON JUNE 22, 2020.

Ms. Chan Williams made a motion to approve the minutes for the DCEDC annual meeting held on June 22, 2020, seconded by Mr. Govan; the motion passed unanimously.

ITEM NO. 3 *CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE REGULAR MEETING HELD ON JUNE 22, 2020.*

Mr. Govan made a motion to approve the minutes for the DCEDC regular meeting held on June 22, 2020, seconded by Ms. Chan Williams; the motion passed unanimously.

ITEM NO. 4 *RECEIVE AND DISCUSS CITY SALES AND USE TAX COMPARISON SUMMARY.*

It was the consensus of the Board to Table this Agenda Item until the next DCEDC meeting.

ITEM NO. 5 *RECEIVE AND CONSIDER APPROVAL OF THE DCEDC MONTHLY BUDGET REPORT.*

Ms. James reported that the EDC collected \$194,744 in sales tax revenues. That brings the EDC YTD collections to \$1,468,767. There is also investment interest income the EDC received for the month of \$524. The Total Revenues collected for the month were \$195,268, and \$1,482,219 YTD.

The EDC had expenses of \$17,324; a portion of that was salaries and insurance. There was \$270 associated with the cost to get the COVID-19 Program grant signs. Also, there was \$545 for the IEDC business membership that was paid. EDC also had a \$6,301 transfer to the General Fund for City supportive services. KDB had expenses of \$230. Beautification's expenses were \$4,517, which included water, plants, and part-time salaries. COVID-19 Business Grants expenses were \$2,900, which accounts for the grants paid to-date. The EDC still has approximately 18 outstanding grants. Staff is trying to meet with these businesses to get them paid. Next month, expenses for COVID-19 should be closer to the \$250,000 that the Board approved.

The Total Expenditures for EDC for the month were \$31,272, which leaves the EDC with a Net Profit of \$163,996 for the month. The Total Expenditures for EDC YTD were \$834,691, which leaves the EDC with a Net Profit of \$647,528 YTD.

The Board had further questions/discussion.

Mr. Broughton made a motion to approve the DCEDC Monthly Budget Report, seconded by Mr. Galbraith; the motion passed unanimously.

ITEM NO. 6 *RECEIVE AND DISCUSS THE DUNCANVILLE FIELDHOUSE SPORTS FACILITY FINANCIAL STATUS REPORT.*

It was the consensus of the Board to Table this Agenda Item until the next DCEDC meeting.

ITEM NO. 7 *RECEIVE AND DISCUSS THE MAIN STATION DUNCANVILLE, LTD'S MONTHLY FINANCIALS, AS WELL AS DUNCANVILLE REAL ESTATE UPDATES.*

It was the consensus of the Board to Table this Agenda Item until the next DCEDC meeting.

ITEM NO. 8 *RECEIVE AND CONSIDER A PRESENTATION AND ECONOMIC DEVELOPMENT INCENTIVE REQUEST BY LONNIE JOHNSON FOR THE KENNEDY'S ON THE HILL DEVELOPMENT PROJECT LOCATED AT 1331 S. COCKRELL HILL RD., DUNCANVILLE, TX 75137.*

Ms. James reported that Mr. Johnson purchased the property located on Cockrell Hill Rd. near Pappadeaux Seafood Kitchen. He is interested in repurposing the building into a restaurant. Mr. Johnson will go into more detail regarding the different Phases during his presentation. This project, the restaurant itself, is the first phase of a multi-use development. The restaurant will be called the Kennedy's on the Hill. Mr. Johnson has stated that it will be an upscale full-service restaurant. He is requesting an economic development incentive to repurpose the existing building. He could also potentially come back to the DCEDC as he continues with Phase II and III of the projects to request additional assistance. After the presentation, the Board will have an opportunity to ask questions. In addition, Staff did have an economic development impact analysis study completed on the project. That will be discussed in Executive Session to protect Mr. Johnson's confidential numbers.

Ms. Payne led the presentation. After the presentation, the Board had further questions/discussion. Mr. Johnson is open to a field visit for the DCEDC if the Board would like one. Further discussion and the consideration of this agenda item will be discussed and considered in Executive Session.

ITEM NO. 9 RECEIVE AND CONSIDER W&B SERVICE COMPANY'S REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE AND PURCHASING OF THE PROPERTY LOCATED AT 730 E. IH-20, DUNCANVILLE, TX 75116.

Ms. James reported that Mr. Tracey Maynor would like to discuss again with the Board the property the Board owns at 730 E. IH-20 in Duncanville. He would like to talk to the Board about the expansion of his business and a possible incentive to go along with the expansion.

Mr. Marr led the presentation. Mr. Marr reported that W&B is doing a modern work to relocate all their headquarters and training facilities. All those facilities are currently based in Duncanville. W&B would like to keep those facilities in Duncanville, but have been looking at several alternatives. Mr. Marr reported that W&B has worked with the EDC before on one of those alternatives at least. At this point, W&B has identified an alternative in Dallas that would work very well for them, and they are in the process of negotiating that property. But before going too far, they wanted to come back one more time because their preference is to stay in Duncanville. He stated that they have looked at a lot of different alternatives in Duncanville; however, the only one that they believe will work for them is the former Toyota Property on IH-20.

At this point, Mr. Marr started the presentation, which provided the Board background information on their businesses and their current needs. He also talked about the options they would like to explore and give the Board an idea of what they have planned for that property.

W&B would like to purchase the property from the City, and work with the City on the zoning and any permits needed to see this project through. W&B will also need financial consideration.

The Board had further questions/discussion.

ITEM NO. 10 DISCUSS AND CONSIDER AMENDING THE DCEDC FY 19 – 20 BUDGET TO INCLUDE THE COSTS ASSOCIATED WITH THE DEMOLITION OF THE PROPERTY LOCATED AT 730 IH-20, DUNCANVILLE, TX 75116 IN THE AMOUNT OF \$202,264.

Ms. James reported that the costs itemized with the asbestos abatement and demolition of the property are as follows: Asbestos Abatement is \$28,869, the Asbestos Abatement (monitoring) is \$4,200, the Lead Abatement (monitoring) is \$5,350, and the Demo of Property is \$163,845 for a total of \$202,264. The original amount that the Board approved was \$175,000 for everything. Staff is

asking the Board to consider amending the budget by \$202,264. These funds will come from the Fund Balance, which the Board does have available.

The Board had further questions/discussion.

Mr. Broughton made a motion to amend the DCEDC FY 19 – 20 budget to include the costs associated with the demolition of the property located at 730 IH-20, Duncanville, TX 75116 in the amount of \$202,264, seconded by Mr. Govan; the motion passed 5 for, 1 against (Mr. Galbraith).

ITEM NO. 11 EXECUTIVE SESSION.

In accordance with the Texas Government Code, the DCEDC shall convene into closed executive session pursuant to Section 551.072 – Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property.

- DISCUSS W&B SERVICE COMPANY'S REQUEST TO PURCHASE THE PROPERTY LOCATED AT 730 E. IH-20, DUNCANVILLE, TX 75116.

In accordance with the Texas Government Code, the DCEDC shall convene into closed executive session pursuant to Section 551.087 (2) – Deliberation Regarding Economic Development Negotiations, to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- DISCUSS ECONOMIC DEVELOPMENT INCENTIVE REQUEST FOR LONNIE JOHNSON'S KENNEDY'S ON THE HILL PROJECT.
- DISCUSS ECONOMIC DEVELOPMENT INCENTIVE REQUEST FOR W&B SERVICE COMPANY.
- DISCUSS DCEDC COVID-19 BUSINESS RETENTION ASSISTANCE PROGRAM GRANTS.

The DCEDC began Executive Session at 8:14 PM.

ITEM NO. 12 RECONVENE INTO OPEN SESSION.

The DCEDC reconvened into Open Session at 9:52 PM.

ITEM NO. 13 TAKE ANY NECESSARY OR APPROPRIATE ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION.

Mr. Broughton made a motion to amend D 'Ville the Hair Studio's DCEDC COVID-19 Business Retention Assistance Program award from \$3,000 to \$1,000 as the business does not own their building and this will be consistent with the other DCEDC COVID-19 grants the Board has awarded. The motion was seconded by Mr. Govan; the motion passed unanimously.

ITEM NO. 14 RECEIVE DIRECTOR'S REPORTS.

- ***BUSINESS ACTIVITY UPDATES.***

Ms. James discussed the Business and Events Activities for the previous month, which included new businesses, business expansions, and the list of Certificates of Occupancy. The Board had further questions and discussion.

- ***CERTIFICATE OF OCCUPANCY – APPLICATIONS RECEIVED – MONTHLY (EDC) MONTH OF JUNE 2020 (ATTACHED).***
- ***CERTIFICATE OF OCCUPANCY – CERTIFICATES ISSUED – MONTHLY (EDC) MONTH OF JUNE 2020 (ATTACHED).***

Ms. James reported that the Board missed its Annual Planning Session due to COVID-19. In the Planning Session, the Board will review the Community Enhancement Program (CEP), which the Board uses as the framework for their Strategic Plan. After further discussion, the Board agreed to have a Planning Session on Monday, September 14, 2020 at 6:00 PM.

The Joint Meeting with City Council for August 24, 2020, has been rescheduled for September 28, 2020. The Board's Regular Meeting will take place on Monday, September 28, 2020, as well, immediately following the Joint Meeting.

The Board's Regular Meeting scheduled for August 24, 2020, will be cancelled unless the Board has any pressing issues. If there are any pressing issues, the Board will discuss those issues at the Planning Session.

Ms. James reported that the Best Southwest Partnership TGIF Breakfast Series will start this Friday via Zoom. Staff has not received any invites. Mr. Govan reported that the Series will start this week, and that two more sponsors were added to the lineup. He reported that the Zoom information will be sent out as soon as available. In the past, the Board has signed up for a table, for the Economic Development one, which is in line for what the Board has approved in the budget, but it is just for that one Zoom meeting. Staff will send the meeting invite information out to the Board once received. The meetings will start at 8:00 AM.

Ms. James also reported that the Board has received a lot of thank you notes from some of the COVID-19 grant award recipients. The Board's assistance has not gone unnoticed.

Staff received a notice from the Police Department in terms of where the camera has been placed. It has been deployed eight times from January 20 – May 30, 2020. It captured a video of a BMB suspect vehicle. Staff believes the Police Department was able to apprehend them; however, from May 30 - July 15, 2020, the Police Department did take it out of service because of the protests taken place. The camera has been very affective and making its circulation around the community. The Police Department is very appreciative to the Board.

ADJOURNMENT

The DCEDC August 3, 2020, Regular Meeting adjourned at 10:33 PM.

APPROVED:

**STEVE DIAL
PRESIDENT**

ATTEST:

**CYNTHIA D. WILLIAMS
ECONOMIC DEVELOPMENT COORDINATOR**



AGENDA BACKGROUND

ITEM NO. 3

MEETING DATE: Monday, September 28, 2020

TITLE: Consider Approval of the DCEDC Minutes for the Special Called Meeting/Strategic Planning Session Held on September 14, 2020.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: Copies of the draft minutes of the Special Called Meeting/Strategic Planning Session Held on September 14, 2020.

ATTACHMENT(S): Draft DCEDC Minutes of the Special Called Meeting/Strategic Planning Session Held on September 14, 2020.

**THE DUNCANVILLE COMMUNITY AND ECONOMIC
DEVELOPMENT CORPORATION (DCEDC) BOARD
MINUTES
SPECIAL CALLED MEETING
STRATEGIC PLANNING SESSION
SEPTEMBER 14, 2020**

A special called meeting/strategic planning session of the Duncanville Community and Economic Development Corporation (DCEDC) Board of Directors was held on Monday, September 14, 2020, at 6:00 PM in the Library Meeting Rooms located at the Duncanville Public Library.

Board Members in Attendance:

Steve Dial	President
Derwin Broughton; AIA, NCARB	Vice President
Dave Galbraith	Board Member
Kenneth Govan	Board Member
Michael Grace	Board Member
Chan Williams	Board Member
Tammi Abney	Board Member

Board Members Not in Attendance:

All Board Members were in attendance.

City Council Members Present: Don McBurnett; Mayor Pro Tem, District 2, and Mark D. Cooks; Councilman, District 4

Staff Present: Jessica James; Director of Economic Development, and Cynthia Williams; Economic Development Coordinator

CALL TO ORDER

The meeting was called to order by President Dial at 6:05 PM.

INVOCATION

Mr. Broughton offered the Invocation.

ITEM NO. 1 CONDUCT A STRATEGIC PLANNING SESSION FOR THE DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPMENT CORPORATION BOARD.

Ms. James read the thank you letter from the Duncanville Outreach Ministry regarding the DCEDC COVID-19 Business Retention Assistance Program grant award, which is in line with the Board's Planning Session. Staff will provide the Board Members with a copy of the letter via email.

In preparation for the planning session, Ms. James provided a status update to the Board on the demolition of the property located at 730 E. I-20, the former Chammeyville property, DCEDC COVID-19 Business Retention Assistance Program grants, Dallas County Emergency Small Business Assistance Program (CARES Act), and City Council's direction on hiring a real estate agent to market City owned properties. She further explained that 77 businesses in Duncanville were awarded \$2.2 million in grant money from the County program. In addition, Ms. James discussed the Austin Retail Live Recruitment

event that Staff attended virtually two weeks ago. She explained that many of the recruitment events that Staff has attended in the past were cancelled this year because of COVID. These events were one of the main recruitment tools Staff uses. She further explained that she would like the Board to consider contracting with a retail strategy firm to provide the DCEDC with a current market gap analysis. The last one completed is two years old. The third-party would also provide a list of restaurant leads for businesses that are currently expanding. This would help take the place of the cancelled recruitment events. Ms. James noted, that if the Board is interested in considering this, she will bring back additional information and options at a future Board meeting.

President Dial started the planning session off by stating that a lot of the goals in the CEP are still applicable, but there is room for improvement. He explained to the Board that everything discussed tonight is open for review and discussion.

Ms. James explained to the new members how the Board previously set their goals in the DCEDC Community Enhancement Program (CEP), but that changed when the Comprehensive Plan was approved in 2017. She further explained that the Board's CEP has correlated with the Comprehensive Plan the last two years. Ms. James also noted that Staff put together some placemarks on key properties in Duncanville in Google Earth for the Board to use tonight if needed. She then provided the Board with a status update on each of their goals.

President Dial led the Board through their planning session as they discussed their previous CEP Goals and Objectives. After discussion and input from each Board Member, the Board provided Staff direction on how they wanted their goals for FY20-21 updated. At the direction of the Board, Staff will bring back further information and costs on a retail strategy firm at a future meeting. In addition, Staff will bring the Board's updated CEP back at the next meeting to review and approve.

ADJOURNMENT

The DCEDC September 14, 2020, Special Called Meeting/Strategic Planning Session adjourned at 8:34 PM.

APPROVED:

**STEVE DIAL
PRESIDENT**

ATTEST:

**CYNTHIA D. WILLIAMS
ECONOMIC DEVELOPMENT COORDINATOR**



AGENDA BACKGROUND

ITEM NO. 4

MEETING DATE: Monday, September 28, 2020.

TITLE: Receive and Discuss City Sales and Use Tax Comparison Summary.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: The City Sales and Use Tax Comparison Summary is attached for the Board's review and discussion.

STATE OF TEXAS
COMPTROLLER OF PUBLIC ACCOUNTS
CITY SALES AND USE TAX COMPARISON SUMMARY - SEPTEMBER 2020

County/City	Rate	Net Payment	Comparable Payment	% Change	2020 Payments	2019 Payments	% Change
Dallas							
Addison	1.00%	\$1,019,597.87	\$1,184,582.97	-13.92%	\$10,676,876.23	\$11,409,817.63	-6.42%
Balch Springs	2.00%	\$756,695.27	\$807,975.48	-6.34%	\$6,296,959.45	\$6,046,839.57	4.13%
Carrollton	1.00%	\$3,196,816.15	\$3,648,736.06	-12.38%	\$28,977,395.97	\$29,399,725.87	-1.43%
Cedar Hill	1.88%	\$1,292,658.98	\$1,225,178.44	5.50%	\$11,794,452.46	\$11,770,223.20	0.20%
Cockrell Hill	1.00%	\$43,101.98	\$37,244.97	15.72%	\$356,293.62	\$315,607.96	12.89%
Coppell	1.75%	\$4,026,519.05	\$3,787,255.79	6.31%	\$31,502,351.73	\$33,735,701.12	-6.62%
Dallas	1.00%	\$24,487,551.26	\$25,639,586.11	-4.49%	\$233,531,557.12	\$240,214,819.18	-2.78%
De Soto	2.00%	\$1,206,471.51	\$1,084,062.26	11.29%	\$11,734,580.09	\$10,532,919.31	11.40%
Duncanville	2.00%	\$774,925.04	\$861,472.41	-10.04%	\$7,530,843.43	\$7,934,088.20	-5.08%
Farmers Branch	1.00%	\$1,319,340.88	\$1,496,994.32	-11.86%	\$12,848,543.03	\$12,957,083.56	-0.83%
Garland	1.00%	\$2,356,201.22	\$2,567,101.79	-8.21%	\$21,507,710.77	\$21,998,586.90	-2.23%
Glenn Heights	1.00%	\$73,439.65	\$60,332.35	21.72%	\$615,196.07	\$526,449.72	16.85%
Highland Park	1.00%	\$304,198.02	\$311,657.28	-2.39%	\$3,088,601.74	\$3,290,995.64	-6.14%
Hutchins	2.00%	\$256,272.48	\$301,059.61	-14.87%	\$2,089,684.06	\$2,149,151.27	-2.76%
Irving	1.00%	\$5,629,995.71	\$6,107,026.00	-7.81%	\$56,960,744.37	\$57,017,821.09	-0.10%
Lancaster	2.00%	\$857,147.63	\$982,709.84	-12.77%	\$7,785,496.70	\$8,330,197.22	-6.53%
Mesquite	2.00%	\$3,459,521.51	\$3,337,072.60	3.66%	\$33,352,916.96	\$33,391,805.53	-0.11%
Richardson	1.00%	\$3,263,234.31	\$3,894,259.91	-16.20%	\$32,431,929.02	\$30,651,755.37	5.80%
Rowlett	1.00%	\$577,796.31	\$572,740.24	0.88%	\$5,330,068.50	\$5,395,908.48	-1.22%
Sachse	1.75%	\$275,319.09	\$239,512.26	14.94%	\$2,601,705.75	\$2,236,164.67	16.34%
Seagoville	2.00%	\$342,392.60	\$299,585.39	14.28%	\$2,956,511.93	\$2,760,221.08	7.11%
Sunnyvale	2.00%	\$297,015.32	\$240,141.10	23.68%	\$2,425,855.38	\$2,440,821.19	-0.61%
University Park	1.00%	\$306,465.19	\$348,883.17	-12.15%	\$3,247,528.78	\$3,428,438.76	-5.27%
Wilmer	2.00%	\$496,762.92	\$369,776.41	34.34%	\$4,104,267.35	\$3,442,086.00	19.23%
County Total		\$56,619,439.95	\$59,404,946.76	-4.69%	\$533,748,070.51	\$541,377,228.52	-1.41%
Tarrant							
Bedford	2.00%	\$936,610.51	\$919,927.33	1.81%	\$8,816,908.30	\$8,765,249.73	0.58%
Hurst	1.50%	\$1,117,515.47	\$1,246,929.23	-10.37%	\$11,267,588.54	\$11,875,714.22	-5.12%
Grand Prairie	1.75%	\$4,985,820.84	\$5,170,482.15	-3.57%	\$46,375,875.05	\$46,491,815.30	-0.24%
Grapevine	1.50%	\$2,793,979.92	\$3,253,349.50	-14.11%	\$28,810,551.48	\$33,169,216.61	-13.14%
Southlake	1.88%	\$2,245,403.05	\$2,224,801.75	0.92%	\$21,878,786.16	\$21,212,629.86	3.14%
Mansfield	2.00%	\$2,197,257.63	\$2,116,168.31	3.83%	\$20,419,439.14	\$18,733,157.96	9.00%
Denton							
Corinth	1.75%	\$228,207.98	\$223,480.35	2.11%	\$2,327,936.89	\$2,125,416.70	9.52%
Ellis							
Midlothian	2.00%	\$992,662.11	\$903,681.52	9.84%	\$9,327,412.20	\$7,141,896.00	30.60%



AGENDA BACKGROUND

ITEM NO. 5

MEETING DATE: Monday, September 28, 2020.

TITLE: Receive and Consider Approval of the DCEDC Monthly Budget Report.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: Ms. James, will present the DCEDC Monthly Budget Report to the Board at the meeting.



AGENDA BACKGROUND

ITEM NO. 6

MEETING DATE: Monday, September 28, 2020

TITLE: Receive and Discuss the Duncanville Fieldhouse Sports Facility Financial Status Report.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: Ms. James, will present the Duncanville Fieldhouse Sports Facility Financial Status Report to the Board at the meeting.



AGENDA BACKGROUND

ITEM NO. 7

MEETING DATE: Monday, September 28, 2020

TITLE: Receive and Discuss the Main Station Duncanville, LTD's Monthly Financials, As Well As Duncanville Real Estate Updates.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: The Main Station Duncanville LTD's Monthly Statement will be provided to the Board at the meeting for review and discussion.



AGENDA BACKGROUND

ITEM NO. 8

MEETING DATE: Monday, September 28, 2020

TITLE: Hold Public Hearing to Receive Comments on A Request from Tracy Shook with Take Out Burgers for A Signage Grant for the Property Located at 795 W. Wheatland Rd. in the Amount of \$3,475.00.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: Additional detailed information will be provided during the Executive Session to review with the Board.



AGENDA BACKGROUND

ITEM NO. 9

MEETING DATE: Monday, September 28, 2020

TITLE: Receive and Consider A Presentation and Request from Tracy Shook with Take Out Burgers for A Signage Grant for the Property Located at 795 W. Wheatland Rd. in the Amount of \$3,475.00.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: Additional detailed information will be provided during the Executive Session to review with the Board.



AGENDA BACKGROUND

ITEM NO. 10

MEETING DATE: Monday, September 28, 2020

TITLE: Receive an Update from Lonnie Johnson for the Kennedy's on the Hill Development Project Located at 1331 S. Cockrell Hill Rd., Duncanville, TX 75137.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: Lonnie Johnson has purchased the property located at 1331 S. Cockrell Hill Rd. in Duncanville to repurpose the building into a restaurant. This project is the first phase of a multi-use development. The restaurant will be called the Kennedy's on the Hill. He has stated that it will be an upscale full-service restaurant.

Mr. Johnson is requesting an economic development incentive to repurpose the existing building. He will also be coming back to the DCEDC as he continues with Phase II and Phase III of the project to request additional assistance. Mr. Johnson has requested to go before the Board and provide the Board with a project update.



AGENDA BACKGROUND

ITEM NO. 11

MEETING DATE: Monday, September 28, 2020

TITLE: Receive and Discuss Conduct of Duncanville Community and Economic Development Corporation (DCEDC) Board Members.

PRESENTED BY: Derwin Broughton, AIA, NCARB; Vice President, DCEDC

BACKGROUND/HISTORY: Vice President Broughton has requested this item to be placed on the Agenda for the Board to review the Code of Ethics in the City of Duncanville Boards and Commissions Handbook and the Corporation's Commitment Statement in the Community Enhancement Program.

ATTACHMENT(S): DCEDC's Commitment Statement and the City of Duncanville Boards and Commissions Handbook 2020

DCEDC Community Enhancement Program

2020 - 2021



Vision Statement: To promote a progressive City with a thriving and diverse business environment, high quality of life, and a strong sense of community.

Mission Statement: To serve as a catalyst for sustainable community development and economic opportunity.

The Corporation is Committed to the Following:

- | | |
|--------------------------|--|
| Ethics: | Qualities of honesty, integrity, fairness and impartiality will govern the conduct of the Board. |
| Judgment: | The decisions made and actions taken will reflect favorably on the Board, City Council, and the City of Duncanville. |
| Responsibility: | Members will carry out their tasks in a professional manner that reflects favorably on the Board, City Council, and the City of Duncanville. |
| Unity of Purpose: | Interaction with citizens, fellow board members, City Council members, and staff will present a cohesive, unified and positive image of the Corporation. |



CITY OF DUNCANVILLE

BOARDS AND COMMISSIONS

HANDBOOK 2020

ROBERT E. HAGER

NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P.
1800 ROSS TOWER
500 N. AKARD
DALLAS, TEXAS 75201

(214) 965-9900
(214) 965-0010 (Facsimile)
E-Mail: rhager@njdhs.com
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Conducting Meetings and Hearing

Robert's Rules of Order

Roberts Rules of Order establish an orderly protocol by which meetings can be conducted. The intent is to insure an orderly and dignified proceeding in which collective decisions can be made efficiently and fairly. Robert's rules are not law; a deviation from the rules will not invalidate a decision. State law suggests that so long as a quorum is present, the meeting was properly posted and conducted as an open meeting, and the minutes clearly reflect that a majority voted in favor of or against a specific issue, then that vote will typically stand. However, virtually all councils, boards and commissions follow at least the rudiments described in the rules. The following is a summary of the basic precepts as well as general advice on the proper conduct of a meeting.

The Chair. The chairperson, as presiding officer, has the primary responsibility for maintaining the dignity of the meeting and seeing to it that the rules of procedure are followed. The chairperson calls the meeting to order and confines the discussion to the agreed order of business. He or she recognizes members for motions and discussions, and allows audience participation at appropriate times. The chairperson sees to it that speakers limit their remarks to the item being considered and, as necessary, calls down people who are out of order.

Presiding effectively at a meeting is an art that no book or person can fully teach. The tactful presiding officer knows how to courteously discourage members who talk too much or too often, and how to encourage shy members who are hesitant to speak at all. He or she can also properly regulate the manner and duration citizens speaking during public hearings. Time limits can be imposed or disregarded where appropriate and verbally aggressive speakers can be calmed.

Motions, Seconds and Votes. The basic process for decision-making is straightforward and involves discussion, a motion, a second, and a vote. The chair entertains a motion from a member. The chair should only entertain or call for a motion and should not make a motion him/herself. The chair then calls for a second if one is not volunteered. If no second is made, the motion dies for lack of a second and the chair then calls for another motion. If none is made, then the chair should entertain additional discussion on the matter. If no further motion is made, then the chair simply moves on to the next agenda item. Once a motion and a second have been made, the chair then calls the question.

The vote of each member must be clear. Apart from Robert's Rules, state law requires that the minutes of the meeting accurately reflect the vote of each individual member. And the votes must be observable by those in attendance. In other words, secret ballots are prohibited. Thus, voting can be accomplished by a show of hands, a voice vote, or an electronic display that identifies the vote of each member. However, voting cannot be done, for example, by paper ballots that are turned in to the chair for tallying, unless the chair reads each member's name and vote.

Discussion of a matter under Robert's Rules occurs only after a motion has been made and seconded. However, this is often impractical. Often a member will make a motion only to enable the board to advance to discussion. And members may not see the wisdom in making a motion until the issue has been thoroughly discussed. Thus, discussion often occurs before a motion is made. However, whether discussion should occur before or after the motion/second is a matter of procedure that the chairperson or the board as a whole determines.

Calling the question means nothing more than asking for the members to vote. After a motion has been seconded and following any discussion, the chair calls the question by asking those in favor of the motion to vote, counting those votes, then asking those against to vote and counting those votes. All members must vote in the open. The minutes of the meeting must accurately state the motion and must identify those members who voted in favor of and those who voted against.

Streamlining the Meeting

Even the best planned meetings can deteriorate into endurance contests. Too much talking is the most common cause of lengthy meetings. Talking can assume a variety of forms – bickering, tiresome exchanges of personal opinions among members, endless speeches by citizens, or unnecessarily long and detailed reports by staff. All of these problems can be overcome by tactful action on the part of the chairperson, who has the responsibility to balance effective public participation with efficiency.

There is no substitute for preparation. The simple rule is do your homework. Agenda packets are usually prepared and made available in advance of the meeting. Members who fail to review the packet in advance will be uninformed. An uninformed discussion, as well as asking questions of staff or citizens that could have been answered if the member had simply read the packet, will prolong a meeting and can cause frustration among other members.

Consent Agendas. Agendas need not be cluttered with noncontroversial, recurring items that are included because they require formal approval. Examples include approval of the minutes of previous meetings or plats which do not require a public hearing. These items generate little discussion, but each requires time by requiring a separate motion to approve, a second and a vote. This problem can be overcome by establishing a "consent" agenda category which includes routine items, all of which are approved by a single motion and a vote, without debate.

If a member objects to a consent item -- or requests that it be pulled from the consent agenda -- it is removed from the list and added to the regular agenda at the appropriate spot. If a member questions a consent item, but not so strongly as to require that it be removed from the list, his or her "no" vote or abstention can be entered in the minutes when the consent vote is taken.

Work Sessions. Informal work sessions may be needed from time to time to study certain matters in detail. Regular meetings may not provide enough time. Work sessions are useful when policy questions must be decided, or when a complicated issue comes before the board. However, a "meeting" is defined by the Open Meetings Act as any deliberation among a quorum. Work sessions are in fact meetings, for which an agenda must be posted, even if no formal action will be taken.

Public Hearings

The purpose of a public hearing is to allow any interested person to appear and address the board. It is a means by which citizens can have a fair opportunity to express their opinions so that their views may be considered.

The proper conduct of a public hearing is no less important than for a regular meeting. Each should begin promptly and be conducted in an orderly manner in conformance with established rules of procedure.

At the start of the hearing, the chairperson should clearly state the subject to be discussed. If the subject is controversial, the following order can be followed: proponents' presentation; opponents' presentation; proponents' rebuttal; opponents' rebuttal; questions from the board.

Remember that numbers don't always count. There are some topics which naturally draw large, highly-biased crowds. Vocal minorities often fill public hearings to show widespread support. The size of the crowd does not indicate that the cause is just. The board is appointed to serve all the citizens, and a member must look at the overall picture, not just the view presented by one partisan group.

When a decision is announced, the board need not give the reasons why the decision was reached, although a brief explanation will help prevent the feeling that the outcome of the hearing was decided in advance, and that they wasted their time.

Open Meetings Act, Public Information Act

"Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. The provisions of this chapter shall be liberally construed to implement this policy." §552.001(a), Tex. Gov't Code

The foregoing statute recites the underlying purpose behind the laws relating to open government in Texas. The single most critical factor governing the decision-making process for public entities is the fact that, as units of government, they must be open. Decisions cannot be made informally; there is either formal consideration of a matter in compliance with the Open Meetings Act or there is an illegal meeting. See, *Acker v. Tex. Water Comm'n*, 790 S.W.2d 299 (Tex. 1990). With few exceptions, the process of decision-making is open and public. Typically, any member of the public can make inquiries into these processes; this includes competitors, newspapers and other members of the media, and those who are of a mind to file suit or assert some grievance. Because government in Texas is open, public entities must conduct their operations in broad daylight, subject to critical inspection and review by anyone, regardless of purpose or motive, who has even a basic familiarity with applicable law.

The Texas Open Meetings Act

The essence of the Texas Open Meetings Act¹ is to require governmental bodies to provide advance notice to the general public of the subject of and topics to be discussed at an impending meeting and to grant to the public the right to attend and observe. The fundamental concept behind the Act is to make government, as an instrument of the people, accessible and to make open the workings of government. Every regular, special or called meeting of the governmental body must be open to the public and a notice of the meeting (identifying the topics) must be conspicuously posted (typically on the City's main bulletin board) and on the City's website not less than 72 hours in advance of the meeting.

A "meeting" under the Act is defined broadly to include virtually any deliberation relating to public business or public policy over which a governmental body has supervision or control. A quorum of the membership of the governing body must be present throughout the duration of the meeting. A quorum is a majority of the membership, unless some rule of law establishes a different amount. In the event that members of a governmental body leave before the meeting is formally ended, leaving less than a quorum of the members present, then the meeting must immediately end. For purposes of the Act, a "meeting" does not include the attendance by a quorum of a governmental body at a candidate forum, appearance or debate, as long as formal action is not taken and discussion of public business is merely incidental.

¹ Chapter 551, TEXAS GOV'T CODE

Rulings by the Attorney General indicate that a deliberation among a quorum of a council need not occur in one location or at one point in time. In instances where one member of a council discusses an item of city business with another member, who in turn, communicates the same information to a third, this practice may be regarded as an illegal meeting if this daisy chain of communication occurs among a sufficient number of members so as to constitute a quorum (also known as a "walking quorum"). Members who knowingly conspire to gather in numbers that do not physically constitute a quorum at any one time but who, through successive gatherings, secretly discuss a public matter with a quorum can violate the Act. See, Tex.Op. Atty Gen. GA-326 (May 18, 2005)

The agenda must be posted at least 72 hours in advance of the meeting on the City's website and in a conspicuous place that identifies the topics to be discussed at the meeting. With few exceptions, all meetings are open to the general public. One need not be a resident of the city nor meet any special criteria for attending. Any person present may record or videotape the conduct of the meeting so long as this activity does not unduly disrupt the progress of the meeting.

Recent changes to the Act require governmental bodies to allow members of the public who want to address the body to speak before or during the body's consideration of the item on the agenda. Many governmental bodies typically reserve a portion of their agenda for citizen's comments and allow members of the general public to sign up and speak on any topic relevant to the business of the public entity. Restrictions exist on the level of interaction between members of the governmental body and the person speaking on the general citizen's agenda. Further, governmental bodies may adopt reasonable rules regarding the public's right to address the body, including limitations on the amount of time consumed by any person speaking on a citizen's agenda.

Discussions and deliberations between members of a governmental body must be limited to the items enumerated on the posted agenda. This rule does not apply to a statement of specific factual information given in response to an inquiry by a member of the public or of the governmental body, or a recitation of existing policy in response to the inquiry. In other words, a member of the public may make an inquiry during an open meeting about any subject which is not on the posted agenda. However, the response given, if any, must be limited to a statement of specific factual information or a statement of existing policy. Any discussion or deliberation regarding the subject of the inquiry must be limited to a proposal to place that subject on a future agenda for a future meeting. It must be noted that this provision is inherently vague; all too often, the "discussion" becomes more than merely a recitation of specific factual information. Because of the vague nature of this provision and the difficulty in literal compliance, the standard advice is simply to prohibit any discussion of matters not on a posted agenda, except to the extent that discussion relates to placing the matter on a future agenda.

Governmental bodies may conduct closed meetings (also termed "executive sessions") under certain limited circumstances. A governmental body may deliberate in private during a closed meeting to conduct a private consultation with its attorney but only when the governmental body is seeking the advice of counsel relating to pending or contemplated litigation, a settlement offer, or on a matter in which the attorney-client privileged may be invoked.

Executive sessions are also authorized when deliberating on the appointment, evaluation, duties or discipline of public officers or employees as well as to hear complaints or charges against an officer or employee of the political subdivision.

Thus, for example, city council may interview a job applicant in closed session and may discuss the terms and conditions of the appointment in closed session. However, any vote must be conducted in

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open session. The opportunity to conduct deliberations in closed session only applies to public officers and employees. The Act does not allow a political subdivision to discuss or deliberate in closed session on the hiring of independent contractors. Contract negotiations and deliberations between the governing body and the successful bidder must be conducted in open session where any member of the general public may attend and observe

Governmental bodies may also deliberate in closed session to discuss the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on a position of the governmental body in negotiations with a third person. Closed meetings are also permitted to discuss and deliberate security assessments or deployments relating to information resources technology, network security information, deployment of security personnel, critical infrastructure or security device, and passwords, personal identification numbers access codes or other components of the government body's security system.

The Act also allows governmental bodies to conduct closed sessions to deliberate on commercial or financial information received from business prospects that the governmental body seeks to have locate, remain or expand in or near the jurisdiction of the political subdivision and with which the governmental body is conducting economic development negotiations. A political subdivision may also deliberate on the offer of a financial or other incentive to a business prospect when conducting economic development negotiations. Economic development corporations, non-profit corporations created by municipalities which are charged with the mission of promoting economic, industrial and commercial development within cities, are subject to the provisions of the Open Meetings Act.

If a closed meeting is permitted under the Act, a governmental body must first convene in open session, announce that a closed meeting will be held, and identify which section or provision of the Act the closed meeting is held under. A tape recording or certified agenda must be made of the proceedings of the closed meeting. Governing bodies are required to preserve the agenda or recording for at least two years following the meeting. However, the content of the agenda or recording is not available for public inspection and must be held in confidence.

Compliance with the provisions of the Act is important for public officials for a variety of reasons. First and foremost, violations of certain provisions of the Act may give rise to criminal prosecution. The mere participation in a closed meeting which is not permitted by the Act is a Class B misdemeanor punishable by a jail sentence of not less than one month nor more than six months, a fine of not less than one hundred dollars nor more than five hundred dollars, or both. Similar criminal penalties exist if: 1) a member of a governmental body conspires to avoid the open meeting requirements by meeting in numbers of less than a quorum for the purposes of secret deliberations; 2) a member of a governmental body participates in a closed meeting where no certified agenda or tape recording is being kept of the meeting; or, 3) if any person discloses the certified agenda or tape recording of the closed meeting to any person other than a current member of the governing body. The Act also provides that any action taken by a governmental body in violation of the Open Meetings Act is voidable. The provisions of the Act may also be enforced by mandamus and injunctive relief.

The effect of the Open Meetings Act is that political subdivisions can rarely conduct negotiations or perform decision-making functions in private or in confidence. Briefing sessions conducted between the governing body and the staff of the public entity must be open to the public. The Act only applies to the deliberations of the governing body and not the conduct of its staff.

The Texas Public Information Act

The Texas Public Information Act, originally referred to as the Open Records Act, was first adopted in 1973 and is now codified in chapter 552 of the Texas Government Code. With limited categories of exceptions, the Act requires the disclosure of virtually all information collected, assembled or maintained by or for governmental bodies.

The definition of governmental body under the Act includes county commissioner's courts, school district boards of trustees, city councils, governing boards of special districts, political subdivisions of counties and cities, as well as boards, commissions, agencies and departments of the state of Texas that are directed by one or more elected or appointed members. The Act also applies to entities that are supported in whole or in part by public funds or that spend public funds. This includes a chamber of commerce, volunteer fire departments, housing finance corporations, and economic development corporations. It should be noted that the Act does not apply to records or information kept or maintained by the judicial branch of government; records maintained by the judiciary are, however, subject to disclosure under Rule 12 of the Texas Rules of Judicial Administration.

The Public Information Act applies to recorded information in virtually any medium including paper; film; any magnetic, optical, or solid state device that can store an electronic signal; tape; mylar; linen; silk; and vellum. It includes books, papers, letters, documents, photographs, computer printouts, film, tape, sound recordings, maps and drawings, microfilm and microfiche, and voice, data or video representations held in computer memory. Disclosure is not required for tangible items which do not constitute "information" and some limited exceptions to disclosure exist with regard to personal notes of public officials.

Section 552.022 of the Act enumerates by example eighteen different categories of information deemed to be public by statute. This enumeration includes completed reports, audits and investigations made by or for governmental bodies, broad categories of information contained within personnel files of public employees, information in accounts, vouchers and contracts relating to the receipt or expenditure of public funds, final voting records of members of a governmental body, or working papers, research material and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, rules and statements of policy, administrative staff manuals, and settlement agreements.

The Act sets forth a series of exceptions and describes certain categories of documents or information which may be withheld from public disclosure. Generally, these exceptions include personnel information in which would violate an employee's right to privacy, information relating to settlement negotiations or litigation, information relating to the location or price of property, information determined to be subject to the attorney-client privilege, and certain law enforcement records.

The procedures for disclosure are fairly strict. Any person may request that records be made available for inspection and review or may compel the public entity to produce copies. Public entities are required to designate an officer for public information and, in the absence of such designation, the chief administrative officer becomes by default the person responsible for ensuring disclosure. Typically, this would include city managers, mayors, and department heads. A request for public information need only be in writing and specifically identify the documents or categories of documents sought to be reviewed. The officer for public information is required to "promptly produce public information for inspection, duplication, or both on application by any person to the officer."

The person seeking the inspection or copies of public documents need not explain or give any reason why he/she seeks disclosure. An officer for public information may only make an inquiry of the requestor to establish proper identification or to clarify the request. As noted, the requested information must be made available for inspection and copying promptly unless the information is in active use or in storage. If the information cannot be produced promptly, then the public entity is required to provide written certification of its active use or storage and must identify a date and hour within a reasonable time when the information will be made available.

If the public entity believes that the requested information fits within an exempted category, it must forward a copy of the request, a statement of the reasons why the public entity believes the documents are exempt, and copies of the actual documents sought to be disclosed, to the Texas Attorney General's Office for review. The Attorney General has statutory authority to review the information submitted and to rule on whether the information must be disclosed or may be withheld from production. If the public entity fails to forward this information to the Attorney General within ten (10) working days of the receipt of the request, then the information is deemed to be public and must be disclosed. If the Attorney General renders an opinion that certain records are public and must be disclosed, the only remedy available to public entities to contest this ruling is to file suit in Travis County within ten days of the opinion, seeking a judicial declaration that the records are not public. And even if the Attorney General renders an opinion that determines that certain records may be withheld, this determination does not prevent a requestor from filing suit in a local county seeking a writ of mandamus to compel the public entity to disclose the records. Although Attorney General opinions are persuasive, they are not controlling or binding on courts.

If a public entity fails to provide the disclosures required by the Public Information Act, the person making the request may sue for mandamus relief to compel the production of the information. Attorney's fees may be awarded to the prevailing party in such a suit.

Conflicts of Interest

Ethics is often defined as a principle of right or good conduct; a system of moral principles or values; the specific moral choices made by an individual in his relationship with others. Chapter 171 of the Texas Local Government Code establishes criminal prohibitions against participation in deliberations where a member has a conflict of interest and, therefore, compliance is critical. Even though a particular situation may not officially fit within the prohibition established by this law, there are other circumstances that may convey an appearance of impropriety and members should in those cases refrain from participation.

Chapter 171, TEXAS LOCAL GOVERNMENT CODE. The purpose of Chapter 171 is to prevent public officials of local government from using their positions for hidden personal financial gain. Whenever an official has a substantial interest in any matter pending before the body of which he is a member, the official must: (1) prior to any discussion or vote in the matter, file a sworn affidavit disclosing the nature of his interest, and (2) abstain from participating in the discussion and vote on the matter, if a special economic benefit will result.

A person has a substantial interest in a business entity if:

- (1) The person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
- (2) Funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity has a substantial interest under this section.

1 st Degree by
Consanguinity:

Parents
Children
Brothers & Sisters

1st Degree by
Affinity:

Spouse
Spouse's Parents
Spouse's Children
Spouses' Brothers &
Sisters
Stepparents
Stepchildren

Examples

1. Plan Commissioner who is employed by or receives more than 10% of his or her gross income from a business entity has a statutory conflict if a contract with the business entity is considered by the Council.
2. Plan Commissioner who is employed by or receives more than 10% of his or her gross income from a business entity or who owns 10% or more of the stock or \$15,000 more of the value of a

business entity may not deliberate and/or participate in a vote affecting that entity.

3. A Plan Commissioner who received a campaign contribution from a developer who seeks a zoning change or plat approval does not have a conflict.

The Appearance of Impropriety. There are many circumstances that do not meet the definition of a conflict of interest under Chapter 171, but nevertheless, may convey an appearance of impropriety. For example, participation in discussion and voting on a matter that involves a close friend, a business associate or competitor, or a neighbor will convey an appearance that the member is not being fair. Although all officials have a duty to participate and a duty to vote, there are times when common sense and respect for the City outweighs this obligation. If a member believes that his/her participation may convey an appearance of impropriety, the member should exercise good judgment and should abstain from participation and voting.

Golden Rules for Boards and Commissions

1. Avoid personal attacks.
2. Treat all similarly.
3. Avoid pandering to citizens - it only confuses the process.
4. Frame comments in objective terms - avoid discussion of personal likes and dislikes
5. Keep accurate minutes of meetings.
6. Don't take on added maintenance/repair responsibilities for your City.
7. Educate other P & Z Commissioners to their responsibilities.
8. No discrimination (unfair housing claims).
9. When denying a plat, provide a specific basis for the denial on the record.
10. When considering a plat, limit considerations to platting matters.
11. If denying a plat that complies with your subdivision ordinance on public health, safety or welfare grounds, make sure your reasons concern problems that are unique to that particular plat. Avoid very general concerns, such as fear of increased traffic congestion, effect of development upon schools.
12. Keep in mind the amount of discretion you possess: zoning - broad; platting - limited.
13. Do keep an open mind.
14. Do not participate if own property within two hundred (200) feet of the area of the request.
15. Do not bargain or try to extract improvements or other concessions from the application.
16. Do ask questions of the applicant or staff.
17. Do require the applicant to meet the zoning requirements.
18. Do not hear case if notice of public hearing is defective - readvertise.
19. Do rely on traditional zoning considerations in making a decision.
20. Do keep silent - do not need to justify your vote or decision. Zoning is a legislative act. As such presumed valid and court may not go behind your decision as to your thought processes or reasons unless you speak and invite such attack.
21. Grant or deny what is advertised.
22. If necessary blame it on the City attorney.
23. Do approve if plat meets all the City requirements.
24. Do not bargain or attempt to extract improvements or other concessions.
25. If Planning and Zoning denies plat it will not come to council.

26. Applicant can require a certificate of City to state reasons for denial. Plat is precise instrument so denial reason better be precise.
27. If deny plat which meets all City requirements run risk of lawsuit for damages.
28. WHEN IN DOUBT, ASK YOUR CITY ATTORNEY!

USEFUL LINKS

[The following URL addresses and websites are not to be deemed as recommended by the City of Duncanville; this is simply a list of website addresses that users might find to be helpful in doing independent research.]

<http://www.ci.duncanville.tx.us/>

<http://www.texas.gov>

[Official website of the State of Texas]

<http://www.legis.state.tx.us/Home.aspx>

[Texas Legislature online]

<http://www.statutes.legis.state.tx.us/>

[Access to all Texas laws]

<http://www.texasattorneygeneral.gov/>

[The Texas Attorney General's website]

<http://www.municode.com/Library/TX>

[library of numerous cities' ordinances/codes]

<http://codes.franklinlegal.net/codes-flp/>

[library of numerous cities' ordinances/codes]

<http://www.nctcog.org/>

[North Central Texas Council of Gov'ts]

<https://www.tml.org>

[Texas Municipal League]

APPENDIX

ARTICLE III. - CODE OF ETHICS

Footnotes:

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Editor's note— Ord. No. 2113, § 1, adopted May 4, 2010, repealed the former Art. III, §§ 2-51—2-63, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from Ord. No. 1416, § 1, adopted June 19, 1995; Ord. No. 1947, § 2, adopted Oct. 18, 2005.

DIVISION 1. - GENERALLY

Sec. 2-51. - Policy.

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that officers and employees be independent, impartial and responsible only to the people of the city; that no officer or employee shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of his/her duties in the public interest; that public office will not be used for personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a code of ethics for all officers and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers and employees of the city shall at all times strive to avoid even the appearance of impropriety.

(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-52. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings subscribed to them in this section, except where the context clearly indicates a different meaning:

City council means the legislative and governing body of the city consisting of the mayor and councilmembers.

Employee means any person employed by the city, including those individuals on a part-time basis, but shall not mean any independent contractor hired by the city.

Officer or public official, hereinafter referred to as "officer", means any member of the city council and any appointed member of a board, commission, or committee set up by ordinance, charter, state law or otherwise, appointed by the city council.

Relative means any person related to an officer or employee within the second degree by consanguinity or affinity. (See Figure 1)

Substantial interest means (i) the ownership of ten percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten percent or more, or \$15,000.00 or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than \$15,000.00 does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of \$2,500.00 or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership, or any equitable or beneficial interest as a beneficiary of a trust.) An officer is considered to have a substantial interest under this code of ethics if a relative has a substantial interest under this code of ethics.

(Ord. No. 2113, § 1, 5-4-10)

Cross reference— Rules of construction generally, § 1-3.

Sec. 2-53. - Adoption of state statute.

Section 171.001 et. seq., of the Local Government Code of the State of Texas, as amended, being the statute which regulates conflicts of interest of officers of municipalities in the state, is hereby adopted and made a part of this code of ethics for all purposes with the proviso that in the case of conflict between the provisions of this code of ethics and the state statute, then in that event the more restrictive provision shall govern.

(Ord. No. 2113, § 1, 5-4-10)

DIVISION 2. - CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICERS

Sec. 2-54. - Standards of conduct.

(a) No city councilmember shall represent or appear in behalf of private interests of others before any agency of the city or any city board, commission or committee, nor shall he/she represent any private interest of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation or municipal court proceeding to which the city might be party.

(b) No officer of the city shall:

(1) Have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, material, supplies, or service, except on behalf of the city as an officer; financial interest of a relative shall constitute an interest of the officer;

The "financial interest" contemplated under this paragraph and under [Section 10.02](#) of the City Charter requires that the officer receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:

- a. An ownership in the entity transacting business with the city where the ownership interest is less than one percent; or
- b. Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is not affected by the entity's transaction with the city.

(2) Participate in a vote or decision on any matter in which the officer has a substantial interest.

(3) Represent or appear in behalf of the private interests of others before the board, commission or committee of which he/she is a member, or before the city council or other board on an appeal from such board, commission or committee concerning such matter.

(4) No councilmember shall accept directly or indirectly, any gift, favor, privilege or employment from any person that might reasonable tend to influence him in the discharge of his official duties or grant in the discharge of his official duties any improper favor, service or thing of value. Voting on professional, employment, and purchasing contracts is included but not limited to being deemed the discharge of official duties. The prohibition against gifts shall not apply to:

- a. A lawful campaign contribution;
- b. An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
- c. Meals, lodging, and transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
- d. Complimentary copies of trade publications and other related materials;

- e. Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - f. Any gift which would have been offered or given to the person if such person was not an officer of the city;
 - g. An occasional item with a value less than \$50.00;
 - h. T-shirts, caps and other similar promotional material;
 - i. Meals, lodging, and transportation in connection with a seminar or conference at which the officer is providing services;
 - j. Gifts on account of kinship or a personal, professional, or business relationship independent of the officer's status;
 - k. Complimentary attendance at political or charitable fund raising events;
 - l. Meals, lodging, transportation and entertainment furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public events;
 - m. Loan(s) made in accordance with the ordinary course of the lender's business; and
 - n. An occasional meal, breakfast, lunch, or dinner, where public business is discussed.
- (5) Use his/her official position to secure special privileges, benefits, or exemptions for himself/herself or others.
- (6) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group. This shall not prevent the granting of fringe benefits to city employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (7) Directly or indirectly use any information, or disclose confidential information, gained solely by reason of his/her official position for his/her own personal gain or benefit or for the private interest of others.

(8) Engage in any outside activities which will conflict with, or will be incompatible with his/her position as an officer of the city.

(9) Accept employment incompatible with the full and proper discharge of his duties and responsibilities with the city, or which might impair his independent judgment in the performance of his public duty.

(10) Receive any fee or compensation for his/her services as an officer of the city from any source other than the city, except as may otherwise be provided by law. This shall not prohibit his/her performing the same or other services for a private organization that he/she performs for the city if there is no conflict with his/her duties and responsibilities.

(11) Be prohibited from participating in any political process solely in his or her individual capacity as a private citizen.

(12) Knowingly perform or refuse to perform any act to deliberately thwart the execution of the city ordinances, rules or regulations, or the achievement of official city programs.

(13) Use city supplies, equipment, personnel, property or facilities for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy.

(14) Engage in any conduct damaging to the city.

Sec. 2-55. - Additional standards of conduct.

(a) No member of the city council, planning and zoning commission, or board of adjustments shall participate in, or vote on, any land use matter (e.g. zoning, variances, plats, permits) in which such officer has a substantial interest in any real property within 200 feet of the real property, the subject of the land use matter.

(b) In the event that any matter comes before the city council involving directly or indirectly the interest of a present business client/customer of any city councilmember or the interest of a person or entity who has been a business client/customer of any councilmember within the prior 12 months and funds received by the councilmember, or the entity for which he/she is employed, from the past/present business client/customer amount to the sum of \$10,000.00 or more in gross income during such 12-month period and such fact is known to the councilmember, then that councilmember shall disclose the existence of such interest to the other

councilmembers and thereafter abstain from voting in the matter and refrain from attempting to influence the vote of any other councilmember.

(c) No member of the city council or board of directors of the Duncanville Community and Economic Development Corporation who is an officer of or on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the city council.

(d) No councilmember shall meet with any employee, employees, or group of employees of the city for political purposes while such employee is on duty. No councilmember shall meet, for political purposes, with any professional services contracted by the city.

(e) No candidate for the office of mayor or city council shall neither accept any political contribution from any individual in excess of \$1,000.00 nor in any amount from a corporation. Nothing contained in this subsection shall preclude a candidate from self-funding an election for mayor and/or city council in accordance with state law.

(f) No councilmember shall disclose to anyone other than another member of the city council the substance, contents or subject discussed or deliberated upon during a closed or executive session of the city council.

(g) Use of public resources. Members shall not use public resources which are not available to the public in general (e.g., city staff time, equipment, supplies, professional services, or facilities) for private gain or for personal purposes not otherwise authorized by law.

(h) No attorney-client relationship. Members shall not seek to establish an attorney-client relationship with the city attorney, including his or her staff and attorneys contracted to work on behalf of the city. The city attorney represents the city and not individual members. Members who consult with the city attorney outside of an executive session may not have the expectation that an attorney-client relationship with the attorney has been established.

(i) Abuse of official capacity. No city councilmember shall obtain a benefit, or harm or defraud another person, by misusing government property, services, personnel, or any other thing of value belonging to the government that has come into the councilmember's custody or possession by virtue of their office or employment.

(Ord. No. 2113, § 1, 5-4-10; Ord. No. 2280, § 1, 8-2-16; Ord. No. 2333, § 1, 2-20-18)

Sec. 2-56. - Disclosure of interest.

Any officer, whether elected or appointed, who has a substantial interest in any matter pending before the city, shall disclose such interest to the other members of the city council, committee, commission or board, of which he/she is a member, and shall refrain from further discussion of the matter, shall not be physically present when the subject is discussed in executive session, and shall not vote on or participate further herein in any manner.

(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-57. - Disclosure of real property interest.

On or before taking office and within 30 days of any substantial change in its content, every councilmember shall file in writing a disclosure of the existence and location of any real property in the city in which the councilmember has any financial interest, including any interest of one percent or more in any entity which has a financial interest in real property in the city. The disclosure shall include the identity and location of all real property within the city in which the councilmember has acquired or conveyed any interest since the filing of the last similar report required by this section. If a councilmember has an interest in an entity that will not disclose to the councilmember whether or not the entity has a financial interest in real property in the city, the councilmember may satisfy his/her disclosure requirement under this section by stating such fact in writing to the city secretary. The members of the city council holding office as of the effective date of this section shall file such disclosure within 30 days of the effective date hereof as provided by this section.

(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-58. - Complaints against officers—Procedures.

All complaints or allegations of a violation of this code of ethics against an officer shall be made in writing, sworn to before a notary public, and filed of record with the city secretary. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated. A general complaint lacking detail and anonymous complaints will not be considered.

The city secretary shall provide a copy of the complaint to the affected officer and the city council, and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine factual and legal sufficiency. The city attorney will provide the city council with a written report within 14 days after receipt, unless an extension has been granted by the majority of the nonimplicated councilmembers. If the city attorney determines that a criminal violation may exist, the matter will be referred to the appropriate law enforcement agency. If the city council determines that the complaint does not allege a violation or there is insufficient evidence of the alleged violation, the matter will be considered concluded. If the city council determines that the complaint alleges a violation of the code of ethics and there is sufficient evidence of a prima facie violation the city council will conduct a hearing. An officer who is the subject of a code of ethics complaint has a right to be represented by counsel, to call and examine witnesses,

and present evidence. The city council, upon completion of a hearing, will render a decision whether a violation occurred or setting forth any requirements for voluntary compliance.

(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-59. - Violations—Officers.

The city council may take any one or more of the following actions in an open meeting concerning a complaint:

- (1) Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith.
- (2) Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the officer of any steps to be taken to avoid future violations.
- (3) Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification.
- (4) Issue a reprimand when a violation has been committed knowingly or intentionally.
- (5) Remove from office an officer, other than a councilmember, for a serious or repeated violation of this code of ethics. Removal shall be in compliance with the Charter and state law.
- (6) Pass a resolution of censure and/or a recommendation of recall when the city council finds that a serious or repeated violation of this code of ethics has been committed intentionally by a member of the city council.

(Ord. No. 2113, § 1, 5-4-10)

DIVISION 3. - CODE OF ETHICS FOR EMPLOYEES

Sec. 2-60. - Standards of conduct—Employees.

No employee of the city shall:

- (1) Have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, material, supplies, or service, except on behalf of the city as an employee; financial interest of a relative shall constitute an interest of the employee;

The "financial interest" contemplated under this paragraph and under Section 10.02 of the City Charter requires that the employee receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:

- a. An ownership in the entity transacting business with the city where the ownership interest is less than one percent; or
 - b. Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is not affected by the entity's transaction with the city.
- (2) Participate in a decision on any matter in which the employee has a substantial interest.
- (3) Represent or appear in behalf of private interests of others before any agency of the city or any city board, commission or committee, nor shall he/she represent any private interest of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation or municipal court proceeding to which the city might be party.
- (4) Accept directly or indirectly, any gift, favor, privilege or employment from any person that might reasonably tend to influence him/her in the discharge of his/her official duties, or grant in the discharge of his/her official duties any improper favor, service or thing of value. The prohibition against gifts shall not apply to:
 - a. An honorarium in consideration for services unless the employee would not have been asked to provide the services but for the employee's position;
 - b. Meals, lodging, and transportation in connection with services rendered by the employee at a conference, seminar or similar event that is more than merely perfunctory;
 - c. Complimentary copies of trade publications and other related materials;
 - d. Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - e. Any gift which would have been offered or given to the person if such person was not an employee of the city;
 - f. An occasional item with a value less than \$50.00;
 - g. T-shirts, caps and other similar promotional material;
 - h. Meals, lodging, and transportation in connection with a seminar or conference at which the employee is providing services;
 - i. Gifts on account of kinship or a personal, professional, or business relationship independent of the employee's status;
 - j. Complimentary attendance at political or charitable fund raising events;
 - k. Meals, lodging, transportation and entertainment furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public events;
 - l. Loan(s) made in accordance with the ordinary course of the lender's business; and

- m. An occasional meal, breakfast, lunch, or dinner, where public business is discussed.
- (5) Use his/her official position to secure special privileges, benefits, or exemptions for himself/herself or others.
 - (6) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group. This shall not prevent the granting of fringe benefits to city employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.
 - (7) Directly or indirectly use any information or disclose confidential information gained solely by reason of his/her employment for his/her own personal gain or benefit or for the private interest of others.
 - (8) Engage in any outside activities which will conflict with, or will be incompatible with the duties assigned to him/her in his/her employment with the city, or in which his/her employment in the city will give him/her an advantage over others engaged in a similar business, vocation, or activity.
 - (9) Accept other employment incompatible with the full and proper discharge of his/her duties and responsibilities with the city, or which might impair his/her independent judgment in the performance of his/her public duty.
 - (10) Receive any fee or compensation for his/her services as an employee of the city from any source other than the city, except as may otherwise be provided by law. This shall not prohibit his/her performing the same or other services for a private organization that he/she performs for the city if there is no conflict with his/her duties and responsibilities.
 - (11) Use the influence or prestige of his/her position or title as an employee of the city for or against any candidate for any elective office of the city, but shall at all times maintain the nonpartisan policy of the city, provided that all employees are encouraged to register and vote as they may choose in all local, state and national elections.
 - (12) Be prohibited from participating in any political process solely in his or her individual capacity as a private citizen.
 - (13) Knowingly perform or refuse to perform any act to deliberately thwart the execution of the city ordinances, rules or regulations, or the achievement of official city programs.
 - (14) Use city supplies, equipment, personnel, property or facilities for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy.
 - (15) Engage in any conduct damaging to the city.

(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-61. - Disclosure of interest.

Any employee who has a substantial interest in any matter pending before the city, shall disclose such interest to his/her supervisor and shall refrain from further discussion of the matter, shall not be physically present when the subject is discussed in executive session, and shall not participate further herein in any manner.

(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-62. - Complaints against employees—Procedures.

All complaints or allegations of a violation of this code of ethics against an employee of the city shall be made in writing, sworn to before a notary public, and filed with the city secretary, who will forward the complaint to the city manager. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated.

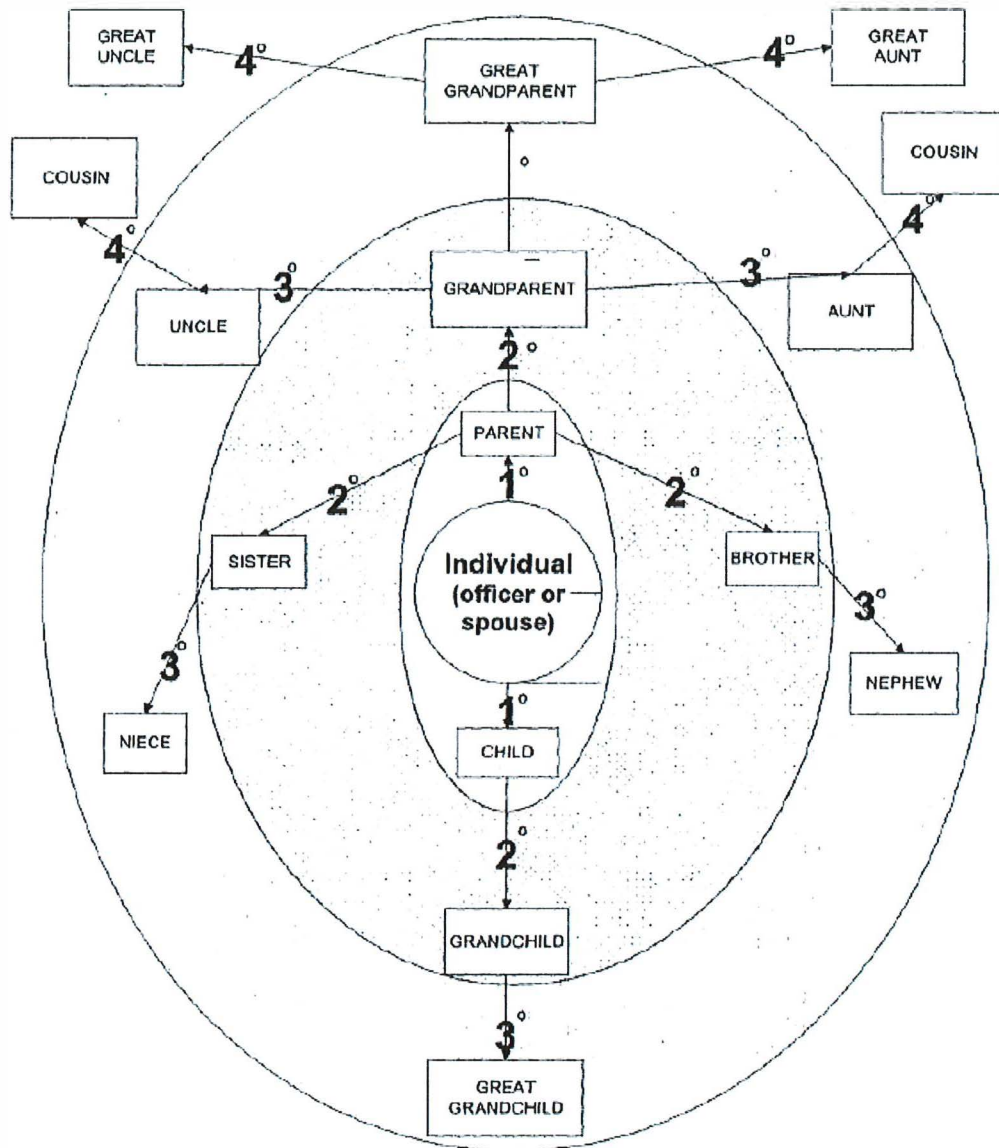
(Ord. No. 2113, § 1, 5-4-10)

Sec. 2-63. - Violations—Employees.

- (a) The failure of any employee to comply with this article or the violation of one or more of the standards of conduct set forth in this article, which apply to such person, shall constitute grounds for expulsion, reprimand, removal from office, or discharge. Disciplinary action of an employee and appeals therefrom shall be in conformance with procedures established by the City Charter, state law, and personnel rules and regulations. Where no specific appeal procedure is otherwise prescribed as to employees, the appeal shall be to the city manager.
- (b) If the city manager determines that a person has violated section 2-53, the city manager may direct the city attorney to initiate whatever legal action is necessary to seek enforcement of its provisions.

(Ord. No. 2113, § 1, 5-4-10)

Figure 1 - [Degrees of Relationship Chart]



Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

Public Officers: Traps for the Unwary • Office of the Attorney General

(Ord. No. 2113, § 1, 5-4-10)



AGENDA BACKGROUND

ITEM NO. 12

MEETING DATE: Monday, September 28, 2020

TITLE: Discuss the Desired Usage of the Railroad Flats Property.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: The Board identified this property in the Community Enhancement Program and requested it be placed on the next agenda as an item for discussion.



AGENDA BACKGROUND

ITEM NO. 13

MEETING DATE: Monday, September 28, 2020

TITLE: Discuss and Update the DCEDC Policy Statement and Guidelines for Grants.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: The Board requested this item to be placed on the agenda to discuss the current DCEDC grants as a result of discussions held during the Planning Session.

ATTACHMENT(S): City of Duncanville Policy Statement and Guidelines for Economic Development Grants and Tax Abatements

**CITY OF DUNCANVILLE
POLICY STATEMENT AND GUIDELINES
FOR
ECONOMIC DEVELOPMENT GRANTS
AND TAX ABATEMENTS**

I. GENERAL PURPOSE AND OBJECTIVES

The City of Duncanville is committed to the promotion and retention of high-quality development in all parts of the City; and particularly for the enhancement of the Main Street Corridor, Camp Wisdom Rd., Cedar Ridge Dr., IH-20 Service Road Commercial Area, and US Hwy 67. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, the City of Duncanville will, on a case-by-case basis, give consideration to providing grants and tax abatements as an incentive for economic development in Duncanville. It is the policy of the City of Duncanville that said consideration will be provided in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that neither the City of Duncanville nor the Duncanville Community and Economic Development Corporation (DCEDC) is under any obligation to provide a grant or tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

II. DEFINITIONS

- A. "Abatement" means the full or partial exemption of ad valorem taxes for eligible properties in a reinvestment zone designated as such for economic development purposes.
- B. "Agreement" means a contractual agreement between a property owner and a taxing jurisdiction for the purpose of tax abatement.
- C. "Base Year Value" means the assessed value of the applicant's property located in a designated reinvestment zone, on January 1 of the agreement year, plus the agreed upon value of property improvements made after January 1, but before execution of the agreement.
- D. "Economic Life" means the number of years a property improvement is expected to be in service in a facility.
- E. "Expansion" means the addition of buildings, structures, fixed machinery, or equipment to be in service in a facility.
- F. "Facility" means property improvements completed or in the process of construction, which together comprise an integral whole.

- G. "Modernization" means the replacement and upgrading of existing facilities, which increases the productive input or output, updates the technology, or substantially lowers the unit cost of operation, and extends the economic life of the facility. Modernization may result from the construction, alteration, or installation of buildings, structures, fixed machinery, or equipment. It shall not be for the purpose of reconditioning, repairing, refurbishing, or completion of deferred maintenance.
- H. "New facility" means a property previously undeveloped that is placed into service by means other than expansion or modernization.
- I. "Reinvestment Zone" is an area designated as such for the purpose of tax abatement as authorized by Texas Property Tax Code (V.T.C.A. TX '312.001 et seq).
- J. "Full Time Job" means employment is presumed to be at least 35 hours per week.
- K. "Cash Grant" is money given through a contractual performance or 380 agreement from the DCEDC or City to new, expanding, and relocating companies, which are planning to make a new investment in Duncanville.
- L. "Incentive" is any payment or concession used to stimulate business expansion, modernization, redevelopment, or attraction of new businesses.
- M. "Sales and Use Tax" means the City's 1.5% and the DCEDC's 0.5% sales and use tax.
- N. "Sales Tax Receipts" means the City's and DCEDC's receipts from the State of Texas from the collection of sales and use tax by Duncanville businesses.
- O. "Capital Cost" means fixed, one-time expenses incurred on the purchase of land, buildings, construction, and equipment used in the production of goods or in the rendering of services.

III. AUTHORIZATION

Any request for a grant or tax abatement shall be reviewed and approved by the City Council. Duncanville Community and Economic Development Corporation (DCEDC) will make recommendations to the City Council when appropriate as set forth in the following document.

IV. EVALUATION CRITERIA

DCEDC's recommendations and the City Council's approval shall be based upon, but not necessarily limited to, a subjective evaluation of the following criteria, which each applicant will be requested to address in a narrative format.

Employment Impact

- How many jobs will be brought to Duncanville?
- What types of jobs will be created?
- What will the total annual payroll be?
- What will be the average salaries of the employees and management?

Fiscal Impact

- How much real and personal property value will be added to the tax rolls?
- How much direct sales tax and hotel occupancy tax will be generated?
- How will this project affect existing businesses and/or office facilities?
- What infrastructure construction would be required?
- What is the total annual operating budget of the facility?

Community Impact

- What effect will the project have on the local housing market?
- What environmental impact, if any, will be created by the project?
- How compatible is the project with the City's comprehensive plan?
- How compatible is the project with the Main Street Vision?
- Does the project follow sustainable development principles?

Additional DCEDC Considerations

- What funds are available to the DCEDC for the current year as well as future years?
- Does the project support the mission of the DCEDC?
- What other future projects are being proposed?

V. TYPES OF INCENTIVES

It is the policy of the City of Duncanville and DCEDC to provide economic development incentives on a case-by-case basis. The design of a total incentive package is intended to allow maximum flexibility in addressing the unique aspects of each applicant while enabling the City to better respond to the changing demands and needs of the community. The City and the DCEDC will consider providing any type of economic development incentives not prohibited by state or federal law including, but not limited to, tax abatements, cash in-lieu-of tax abatements, sales tax rebates, infrastructure grants, waiver of development fees, façade and architectural improvement grants, grants for environmental remediation, and commercial and residential demo/rebuild grants. Tax abatement and economic development incentives will be provided by contract with the applicant and shall be subject to procedural and other requirements set forth in such

contract as well as applicable federal, state and local law. Nothing in these guidelines shall imply or suggest that neither the City nor the DCEDC is under any obligation to provide tax abatements or any economic development incentive to any applicant. All applicants will be considered on a case by case basis.

VI. VALUE OF INCENTIVES

After review of the application, for tax abatements and/or other economic development incentives, the City Council will determine whether it is in the best interests of the City of Duncanville to provide the incentive to the applicant. The City Council and/or DCEDC may consider criteria other than that set forth in these guidelines, including but not limited to, such matters as the relative degree to which the project/applicant furthers the goals and objectives of the community or meets or compliments a special need identified by the City or the DCEDC.

A. Tax Abatements

The subjective criteria outlined in Section IV will be used by the City Council in determining whether or not it is in the best interest of the city to offer a tax abatement to a particular applicant. Specific considerations will include the degree to which the individual project furthers the goals and objectives of the community, as well as the relative impact of the project.

Tax abatements will be available for both new facilities and structures and for expansion or modernization of existing facilities and structures per the table below.

Once a determination has been made that tax abatement should be offered, the eligible property and term of the abatement will be guided by referencing the following table; however, the following table is not controlling. The City Council has full power to determine eligibility and length of abatements on a case-by-case basis depending on the full circumstances.

TAX ABATEMENT TABLE

CAPITAL COST	OR	NEW FULL TIME JOBS CREATED	PERCENT OF ABATEMENT	MAXIMUM YEARS OF ABATEMENT
\$250,000-\$999,000		0-10	Up to 25%	1
\$1,000,000-\$2,500,000		11-20	Up to 50 %	3
\$2,500,001-\$5,000,000		21-40	Up to 55%	5
\$5,000,001-\$10,000,000		41-60	Up to 65%	5
\$10,000,001-\$25,000,000		61-80	Up to 70%	7
Over \$25,000,000		81-100	Up to 75%	10

B. Sales Tax Grants

For new Duncanville businesses or business expansions, the City and/or the DCEDC may contract with an applicant to provide an economic development incentive consisting of annual grants based on a percentage of the sales and use tax receipts received by the City and the DCEDC from the sale of taxable items. The City is authorized by Section 380.001, Local Government Code to provide such grants. The DCEDC is authorized by the Development Corporation Act to provide such grants.

The applicant by contract will be required to provide a sales tax certificate setting forth the applicant's collection of sales and use tax for the sale of taxable items at the applicant's Duncanville business for the previous ending twelve calendar month period, together with such supporting documentation as required by the City and the DCEDC.

Once a determination has been made that a sales tax grant should be offered, the sales tax grant shall be guided by referencing the following table; however, the following table is not controlling. The DCEDC will make a recommendation for a sales tax grant to City Council. The City Council will have final approval of the grant.

Sales tax grants are for a maximum period of five (5) years in an amount equal to a percentage of the received applicant's Duncanville sales tax receipts in accordance with the schedule below, provided there is a minimum of \$1 Million Dollars in taxable sales for each twelve calendar month ending period. The City and DCEDC may grant an option to renew the contract for an additional five (5) year period. Sales tax grants are paid in annual installments within ninety (90) days after the end of each twelve calendar month period following the issuance of the certificate of occupancy for the facility, or other commencement date if no certificate of occupancy is required.

Taxable Sales	Percentage of Sales Tax Receipts
1 Million Dollars	20%
2 Million Dollars	25%
3 Million Dollars	30%
4 Million Dollars	35%
5 Million Dollars	40%
6 Million Dollars	45%
7 Million Dollars	50%
8 Million Dollars or more	55%

C. Cost Participation in Infrastructure and Waiver of Development Fees

The City and/or the DCEDC may, by contract, agree to participate in the cost of the extension, construction, or reconstruction of public infrastructure necessary for the development of a project. In addition, the City may approve the waiver of permit and development fees. Grants will be screened by the incentive application submitted and a return on investment analysis.

D. Economic Development Cash Grants

The City and/or the DCEDC may, by contract, make available cash grants to new, expanding, and relocating companies which are planning to make a new investment in Duncanville. Grants will be screened by the incentive application submitted and a return on investment analysis. These grants may be used for facility renovation, site preparation, engineering studies, or any other use needed by a new, expanding or relocating business.

E. Freeport Exemption Incentive

The City Of Duncanville has not adopted the Freeport Exemption as provided by the Texas Constitution, Article VIII, Section 1-j and section 11.251 of the Tax Code. The City instead adopted a model form of the agreement. The City may grant a new business that relocates to the City of Duncanville an equivalent of the Freeport Exemption for its property if the business receives a Freeport Exemption from Dallas County and/or the Duncanville Independent School District. Under the form model, the City contracts with the applicant to provide an annual grant in the amount equal to the ad valorem taxes that the recipient would have received if the City had adopted the Freeport Exemption for the tax year. The City may condition the incentive upon the creation of employment, construction of improvements, certain development, continued operations for a stated period, or other public considerations.

F. Design Incentive Program

The Design Incentive Program was established to encourage redevelopment of maturing business corridors by providing financial resources to small business owners for exterior property improvements. The Program consists of four different grants including paint, signage, landscaping, and façade. In order to qualify for any one of these grants, a business owner or building owner must meet the general participation program requirements as well as the individual grant requirements. The DCEDC will evaluate each application and make recommendations to the City Council. The City Council will make the final approval on all grants.

General Participation Requirements

1. Applicant's buildings must be subject to property taxes.
2. Non-profit entities and residential property do not qualify.
3. All applications must be submitted with three bids and one bid must be from a Duncanville business if service is offered locally.
4. Applications must be submitted and approved by the DCEDC and City Council before projects are started.
5. The approved project must be completed within six (6) months of City Council approval date, or the applicant will be required to present a project update to the DCEDC Board.
6. All projects must comply with all local ordinances and state and federal laws.
7. All applications must include rendering, swatches, and/or samples.

Paint Grants

The Paint Grants were established to assist small business owners with refurbishing the exterior of a commercial building in need of fresh paint. The following details outline the grant specifics.

1. Grants may be approved for up to 70% of the lowest of the three bids, up to \$5,000.
2. Reimbursement will be made to the applicant up to 70% of the actual cost not to exceed the original amount approved.
3. Eligible costs include: Supplies, cost to appropriately prepare surfaces of the building, and labor costs.
4. Only buildings that have been previously painted and need to be repainted qualify for a grant unless special circumstances arise, and then the DCEDC will evaluate the application on a case-by-case basis.
5. New construction projects are not eligible.
6. Buildings can only qualify every seven (7) years for a paint grant unless special circumstances arise and then the DCEDC will evaluate the application on a case-by-case basis.

Signage Grants

Signage Grants were established to assist small existing business owners with the costs associated with replacing and updating nonconforming signs to the City's current standards, or new signs for existing businesses that have been at the current location for a minimum of one (1) year, or for new businesses that have been in business outside the city limits for a minimum of three (3) years.

1. Grants may be approved for up to 70% of the lowest of the three bids, up to \$5,000.
2. Reimbursement will be made to the applicant up to 70% of the actual cost not to exceed the original amount approved.
3. Eligible costs include: Sign, labor costs, sign permit fee.

Landscape Grants

Landscape Grants were established to broaden the City's focus on curb appeal and encompass Duncanville's business corridors.

1. Grants may be approved for up to 70% of the lowest of the three bids up to \$6,000.
2. Reimbursement will be made to the applicant up to 70% of the actual cost not to exceed the original amount approved.
3. Eligible costs include: Materials, labor costs, permit/tap fees.
4. Plants must be non-annuals.
5. Drought tolerant and/or Texas native plants are encouraged.
6. Properties can only qualify every seven (7) years for a landscaping grant unless special circumstances arise and then the DCEDC will evaluate the application on a case-by-case basis.

Façade and Architectural Improvement Grants

The DCEDC will consider all Façade and Architectural Improvement Grants on a case-by-case basis.

G. Commercial and Residential Demo / Rebuild Program

The Commercial and Residential Demo / Rebuild Program was established to encourage redevelopment of distressed commercial and residential properties by providing financial resources to property owners to demo existing structures and replace them with a higher quality and higher valued one. To qualify for either of these grants, a building owner or homeowner must meet the general participation program requirements as well as the individual grant requirements. The DCEDC will evaluate each commercial application and make recommendations to the City Council. The City Manager or designee will evaluate each residential application and make recommendations to the City Council. The City Council will make the final approval on all grants.

General Participation Requirements

1. Applicant's buildings or homes must be subject to property taxes and applicant must be current on all taxes.
2. All incentive recipients will be required to enter into an agreement to participate in the program.
3. Applicant must agree to demolish the existing residential or commercial structure and build back a structure of greater value at the same location.
4. Non-profit entities do not qualify.
5. All applications must be submitted with three bids for demolition and construction and one bid must be from a Duncanville business if service is offered locally.
6. Applications must be submitted and approved by the DCEDC and City Council before projects are started.
7. Residential and Commercial structures must be built back in accordance with the agreement signed with the City or the incentive will be forfeited.
8. All projects must comply with all local ordinances and state and federal laws.
9. All applications must include renderings, quotes, swatches, and/or samples.

Commercial Incentives

The Duncanville Community and Economic Development Corporation will consider all Commercial Incentives on a case-by-case basis. Each incentive will be project specific. The City Council will make the final approval of all incentives.

Residential Incentives

Residential Categories:

- A. Residential Structures with an assessed value of \$100,000 or less:
 - Actual Cost up to \$15,000 Demolition Incentive – each approved incentive will pay 50% of the incentive after the residential structure has been demolished and a completion of demolition certificate has been issued by the City of Duncanville Building Inspections Department and the remaining 50% will be paid upon the City of Duncanville issuing a green tag for the new single-family home.
 - The City may pay five (5) annual consecutive economic development incentive grants equal to 100% of the difference between the City property taxes assessed and paid on the new single-family home and the City property taxes assessed and paid on the original demolished residential structure (base year). This does not include the value of the land or any other property improvements.
- B. Residential Structures with an assessed value of more than \$100,000:
 - Actual Cost up to \$20,000 Demolition Incentive – each approved incentive will pay 50% of the incentive after the residential structure has been demolished and a completion of demolition certificate has been issued by the City of Duncanville Building Inspections Department and the remaining 50% will be paid upon the City of Duncanville issuing a green tag for the new single-family home.
 - The City may pay five (5) annual consecutive economic development incentive grants equal to 100% of the difference between the City property taxes assessed and paid on the new single-family home and the City property taxes assessed and paid on the original demolished residential structure (base year). This does not include the value of the land or any other property improvements.
- C. The City may consider incentives under this program if the applicant intends to purchase adjacent residential properties, demolish both residential structures, re-plat the two lots into a single lot and construct a single-family home on the single lot. In such event, the City incentive

will include the cost to re-plat the lots as well as the Demolition Incentives (as listed above) for each residential structure. No other incentives will be provided.

- D. The City may consider incentives under this program if the applicant intends to demolish an existing apartment complex, townhome, or duplex and build a high-density residential structure or structures with occupancy similar or less as the existing. (ex. townhomes, duplexes, apartment complexes)

Application Requirements:

- Applicant will be required to fill out and submit appropriate application to the Economic Development Department. A staff review committee will evaluate the application to ensure the project is eligible for consideration. Once determined that the project will meet all requirements and codes, the project will be presented to City Council for consideration to receive an incentive grant.
- A site plan must be submitted with the application detailing the size and location of the proposed residential structure.
- The proposed value of the residential structure must be included with the application.
- Elevations will be required of the residential structure when submitting the grant request to City Council.

Program Requirements:

- The existing residential structure must be demolished and receive a completion of demolition certificate within 90 days of receiving the City of Duncanville demolition permit to be eligible for the demolition incentive. The debris must be removed from the site within three (3) days of structure being demolished.
- The new single-family home must be completed and receive a City of Duncanville green tag within six (6) months of receiving the building permit to be eligible for the demolition incentive.
- All City Ordinances and State Laws must be followed to be eligible for the grants during the construction process and the grant period or the grant will be forfeited.

- Developers and builders must transfer ownership to an individual that will occupy the single-family home before the second year of the incentive grant is to be paid to continue to receive the remainder of the five-year grant. The remainder of the grant will only be paid based on the City property taxes paid by the current owner.
- Property owners must be current on all taxes to qualify and stay current on taxes throughout the incentive time to receive the full grant.
- The annual incentive will be paid on August 1 of the calendar year based on the Dallas County Appraisal District assessed value of the residential structure.

Multi-Family Incentives

The City Council will consider all Multi-Family requests on a case-by-case basis. Each incentive will be project specific.

VII. NO INCENTIVES ARE AVAILABLE FOR PROJECTS THAT HAVE ALREADY STARTED

VIII. APPLICATION PROCEDURE

Any person, organization, or corporation desiring the City or DCEDC consider providing tax abatements or other incentives to encourage location or expansion of operations within the city limits of Duncanville shall be required to comply with the following procedural guidelines. Nothing within these guidelines shall imply or suggest that City or DCEDC is under any obligation to provide a tax abatement or incentive in any amount or value to any applicant.

Preliminary Application Steps

1. Applicant shall complete the attached "Economic Development Incentive Application."
2. Applicant shall answer all application questions and provide additional information in a letter format.
3. Applicant shall prepare a plat showing the precise location of the property, all roadways within 500 feet of this site, and all existing land uses and zoning within 500 feet of the site.
4. If the property is described by metes and bounds, a complete legal description must be provided.

5. Applicant must complete the entire application and submit it to the Director of Economic Development, City of Duncanville, P.O. Box 380280, Duncanville, TX 75138-0280, or deliver it to 203 E. Wheatland, Duncanville, TX 75138.

Application Review Steps

1. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
2. The application will be distributed to the appropriate City departments for internal review and comments. Additional information may be requested as needed.
3. Once the Economic Development Department receives all needed information and it is determined the project qualifies for the consideration of an incentive, copies of the completed application and staff comments will be provided to the City Council and the DCEDC as specified in this policy.

Consideration of the Application

1. The DCEDC may consider making a recommendation to the City Council for the consideration of Sales Tax Grants as outlined in this policy.
2. The City Council of Duncanville may consider a resolution calling a public hearing to consider the establishment of a tax reinvestment zone.
3. The Duncanville City Council may hold the public hearing and determine whether the project is “feasible and practical and would be of benefit to the land to be included in the zone and to the municipality”.
4. The Duncanville City Council may consider adoption of an ordinance designating the area description of the proposed project as a commercial/industrial tax abatement zone.
5. The Duncanville City Council may consider adoption of a resolution approving the terms and conditions of a contract between the City and the applicant as outlined in this policy.
6. The governing bodies of Duncanville Independent School District, Dallas County, and Dallas County Community College may consider participation in the tax abatement agreement between the City of Duncanville and the applicant.
7. Information provided to the City Council in connection with an application or request for tax abatement is confidential and not subject to public disclosure until the tax abatement agreement is executed.

8. If the tax abatement agreement is approved by the four taxing units, the City of Duncanville will send copies of said agreement to the Texas Department of Commerce and to the State Property Tax Board each April.

Adopted:

DCEDC 2/18/19

City Council 2/19/19



AGENDA BACKGROUND

ITEM NO. 14

MEETING DATE: Monday, September 28, 2020

TITLE: Executive Session.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY:

In accordance with the Texas Government Code, the DCEDC shall convene into closed executive session pursuant to Section 551.072 – Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property.

- DISCUSS THE SALE OF THE PROPERTY LOCATED AT 100 S. MAIN ST., DUNCANVILLE, TX 75116.

In accordance with the Texas Government Code, the DCEDC shall convene into closed executive session pursuant to Section 551.087 (2) - Deliberation Regarding Economic Development Negotiations, to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- DISCUSS ECONOMIC DEVELOPMENT INCENTIVE REQUEST FOR TAKE OUT BURGERS.
- DISCUSS ECONOMIC DEVELOPMENT INCENTIVE REQUEST FOR LONNIE JOHNSON'S KENNEDY'S ON THE HILL PROJECT.



AGENDA BACKGROUND

ITEM NO. 15

MEETING DATE: Monday, September 28, 2020

TITLE: Reconvene into Open Session.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: After closed session, the Board shall reconvene into an open session prior to adjournment and shall make specific disclosures of actions that were taken in closed session.



AGENDA BACKGROUND

ITEM NO. 16

MEETING DATE: Monday, September 28, 2020

TITLE: Take Any Necessary or Appropriate Action as A Result of Closed Executive Session.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: The Board will take any necessary action in Open Session because of Executive Session.



AGENDA BACKGROUND

ITEM NO. 17

MEETING DATE: Monday, September 28, 2020

TITLE: Receive Director's Reports

- Business Activity Updates.
 - Certificate of Occupancy – Applications Received – Monthly (EDC) Month of August 2020 (Attached).
 - Certificate of Occupancy – Certificates Issued – Monthly (EDC) Month of August 2020 (Attached).
- Important Dates/Upcoming Events:
 - Duncanville City Council and DCEDC Joint Meeting and DCEDC Regular Meeting; October 22, 2020, 6:00 PM, Library Meeting Rooms.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: Ms. James will present the DCEDC Business and Events Activity Updates to the Board at the meeting. The Business and Events Activity Updates are presented monthly to provide progress reports, development updates, and business updates.

Staff and the Board will discuss important dates/upcoming events.



City of Duncanville's
**Certificate of Occupancy -
 Applications Received - WEEKLY
 (EDC)**
 Month of August, 2020

Project Description	Short Address	Tenant Name / Contact	Square Footage	Applicant Name	Reason for Application
King Solutions Firm LLC - holistic therapy for weight loss	150 E Hwy 67 Suite # B-248	KNG Solutions Firm LLC Phone: (469) 480-3447 kgarrett@24kbodysculpting.com	1,778	Kiara Garrett	New Occupancy
Monster Tire Shop - tire and battery sales, installation, fix flats	1402 N Main St.	Monster Tire Shop Phone: (214) 586-9371 fjavisanchez83@gmail.com	800	Francisco Javier Sanchez Diaz	Business Expansion
Hamilton Counseling and Consulting PLLC - counseling and mental health office	777 E Wheatland Rd. Suite # 104	Hamilton Counseling and Consulting PLLC Phone: (214) 927-6953	1,100	Cheryl Y. Hamilton	New Occupancy
Hamilton Counseling and Consulting PLLC - counseling and mental health office	777 E Wheatland Rd. Suite # 101	Hamilton Counseling and Consulting, PLLC Phone: (214) 927-6953 chamilton@hamilton-cc.com	3,400	Cheryl Y. Hamilton	Change of Name
residential mortgage loans	407 N Cedar Ridge Dr. Suite # # 235	Geneva Financial LLC Phone: (972) 296-2856 bmote@moteandassociates.com	767	Felicia Key-Foster	Change of Location Change of Name
Jerrian's Auto Sales	633 E Hwy 67 Suite # A	Jerrian's Auto Sales Phone: (678) 468-2919 jerrian730@gmail.com	1,000	Jerrian Jones	New Occupancy
Braiding salon and hair washing	603 E Hwy 67 Suite # 111	Oge Braiding Salon Phone: (972) 365-2623 mabeldestiny@gmail.com	600	Mabel Ekele	Change of Location
Dry Cleaners	700 S Cockrell Hill Rd. Suite # # 134	lonas Phone: (972) 481-0697 ldllwilliams@yahoo.com	1,400	Billy Williams	New Occupancy
Thomas Fleet Sales LLC - used auto truck equipment, boat/RV dealers **Predevelopment meeting scheduled 8/27/2020	1215 Crestlane Dr.	Thomas Fleet Sales LLC Phone: (214) 769-7286 thomasfleetbuyers@yahoo.com		Kevin Thomas	New Occupancy
RootMama - informational meetings with clients regarding pregnancy wellness, parenting, etc.	402 W Wheatland Rd. Suite # 170C	RootMama Phone: (682) 587-7668 info@rootmama.org	144	Felicia Montgomery	Change of Location
coffee shop	110 E Hwy 67	Starbucks Phone: licenseservices@starbucks.com	2,337	Cindy Silva	New Occupancy

storage- vocational school moving out	1219 Crestdell Dr. Suite # A	Innovation Institute	2,000	Harold Anderson	New Occupancy
automotive repair	1219 Crestdell Dr. Suite # B & C	TROY BYRD Phone: (469) 463-0960	4,000	Troy Byrd	New Occupancy
general auto repair	1223 Crestdell Dr.	Mechanical Excellence	2,000	Harold Anderson	New Occupancy
Prestige Pavers LLC - office/material storage for customers to see	608 E Hwy 67	Prestige Pavers LLC Phone: (817) 715-6181 prestigepaversllc@gmail.com	3,000	Jennifer Pihlstrom	New Occupancy
Interior Design & Showroom	735 Mercury Ave.	The Beehive Design Studio Phone: (972) 693-5481 bee@thebeehivedesign.com	2,100	Bernetta Sowels	New Occupancy
selling insurance an administrative office for a car hauling business	515 N Cedar Ridge Dr. Suite # 7-I	Austin Insurance Agency Phone: (214) 772-3495	350	Shomega Austin & Larry Austin	New Occupancy
Beauty Salon (Lashes, v-steaming, styling hair - no washing).	716 N Main St. Suite # C	The Body Fairy Phone: (972) 503-5812 beautifulvada@yahoo.com	1,000	Cavada Woods	New Occupancy
financial services-accounting, taxes, life insurance	1107 S MAIN ST	VACANT	1,224	James Tenison	New Business
Big Tex Industrial LLC - sales of used construction Equipment, surplus manufacturing equipment	1313 Crestlane Dr.	Big Tex Industrial Phone: (214) 675-3305 angelowithbigtex@yahoo.com	4,484	Angelo Thompson	New Occupancy
TOTALS:	Square Footage:	33,484.00	(Avg.: 1,762.32)		
	Total Projects:	20			



City of Duncanville's
**Certificate of Occupancy -
 Certificates Issued - WEEKLY
 (EDC)**
 Month of August, 2020

Project Description	CO Issue Date	Short Address	Tenant Name / Contact	Square Footage	Applicant Name	Reason for Application	Square Footage
Subway Fast Food Restaurant (change of ownership)	08/24/2020	107 N Cedar Ridge Dr. Suite # 136	Subway Phone: (832) 904-4432 waseemdaredia@gmail.com	1,140	Waseem Daredia	Change of Ownership	1140
Top 10 Nails	08/20/2020	111 S Cedar Ridge Dr. Suite # 111A	Top 10 Nails Phone: (682) 472-9376	1,200	Thuy Nguyen	Change of Ownership	1200
Retail sales/Full body disinfectant station, may start selling the hand sanitizer and solution at a later date	08/20/2020	1030 Explorer St.	Safe Pass IDS of Texas, LLC Phone: (214) 317-0919	5,195	Christopher D. Anderson	New Occupancy	5195
beauty salon	08/20/2020	415 E Camp Wisdom	D' Liz Estudio Phone: (214) 985-9298	1,275	Alma Perez Negron	New Occupancy	1275
The Complete Boutique - Ladies Boutique	08/20/2020	111 S Cedar Ridge Dr. Suite # 114	The Complete Boutique Phone: (214) 232-8969 lindah@airmail.net	1,820	Linda Hendrix	Change of Location	1820

Certificate of Occupancy

Total Square Footage **10,630.00** (Avg.: 2,126.00)

TOTALS: Square Footage: **10,630.00** (Avg.: 2,126.00)

Total Projects: **5**

CO's Issued: **5**