



DUNCANVILLE COMMUNITY AND ECONOMIC
DEVELOPMENT CORPORATION (DCEDC)
REGULAR MEETING
ZOOM CONFERENCING
MONDAY, DECEMBER 14, 2020 @ 7:30 PM
or immediately following the 6:00 PM Joint Meeting
with the Duncanville City Council

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

AGENDA

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCING

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by the 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 conferencing at 7:30 PM on Monday, December 14, 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 conferencing. There will be no public access to a physical location.

To submit public comments, email cwilliams@duncanville.com and title the email “Public Comment” – December 14, 2020. All public comments submitted by 4:00 PM on Monday, December 14, 2020 will be provided to the Duncanville Community and Economic Development Corporation (DCEDC) members and entered into the record for the December 14, 2020 Duncanville Community and Economic Development Corporation (DCEDC) Meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_RBHC9fovQa2LCX6Ksz1_bA

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

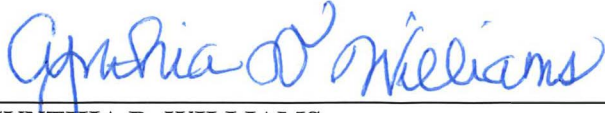
INVOCATION

1. CITIZEN'S PUBLIC FORUM.
2. CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE REGULAR MEETING HELD ON SEPTEMBER 28, 2020.
3. CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE SPECIAL CALLED MEETING HELD ON OCTOBER 12, 2020.
4. HOLD ELECTIONS FOR THE PRESIDENT AND VICE PRESIDENT DCEDC OFFICES.
5. RECEIVE AND DISCUSS CITY SALES AND USE TAX COMPARISON SUMMARY.
6. RECEIVE AND CONSIDER APPROVAL OF THE DCEDC OCTOBER AND NOVEMBER MONTHLY BUDGET REPORTS.
7. RECEIVE AND DISCUSS THE MAIN STATION DUNCANVILLE, LTD'S MONTHLY FINANCIALS, AS WELL AS DUNCANVILLE REAL ESTATE UPDATES.
8. HOLD A PUBLIC HEARING REGARDING THE PROPOSED 2020 – 2021 DCEDC COMMUNITY ENHANCEMENT PROGRAM (CEP).
9. CONSIDER APPROVAL OF THE UPDATED 2020 – 2021 DCEDC COMMUNITY ENHANCEMENT PROGRAM (CEP).
10. DISCUSS AND CONSIDER HIRING SPECIAL LEGAL COUNSEL TO REPRESENT THE DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPMENT CORPORATION (DCEDC) IN FUTURE REAL ESTATE TRANSACTIONS.
11. RECEIVE AND DISCUSS CONDUCT OF DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPMENT CORPORATION (DCEDC) BOARD MEMBERS.
12. 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 PROPERTY LOCATED AT 100 S. MAIN ST., DUNCANVILLE, TX 75116.
13. RECONVENE INTO OPEN SESSION.
14. TAKE ANY NECESSARY OR APPROPRIATE ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION
15. RECEIVE DIRECTOR'S REPORTS.
 - BUSINESS ACTIVITY UPDATES.
 - CERTIFICATE OF OCCUPANCY – APPLICATIONS RECEIVED – MONTHLY (EDC) MONTH OF NOVEMBER 2020 (ATTACHED).
 - CERTIFICATE OF OCCUPANCY – CERTIFICATES ISSUED – MONTHLY (EDC) MONTH OF NOVEMBER 2020 (ATTACHED).

ADJOURNMENT

POSTED BY THURSDAY
DECEMBER 10, 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 licenciatario con una arma de mano llevada abiertamente), una persona con licencia bajo el subcapítulo h, capítulo 411, código de gobierno (ley de licencias para portar armas), no pueden entrar a la sala de reuniones con una arma de mano que se practica abiertamente.



AGENDA BACKGROUND

ITEM NO. 1

MEETING DATE: Monday, December 14, 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, December 14, 2020

TITLE: Consider Approval of the DCEDC Minutes for the Regular Meeting Held on September 28, 2020.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: Copies of the draft minutes of the DCEDC Regular Meeting held on September 28, 2020.

ATTACHMENT(S): Draft DCEDC Minutes of the Regular Meeting held on September 28, 2020.

**THE DUNCANVILLE COMMUNITY AND ECONOMIC
DEVELOPMENT CORPORATION (DCEDC) BOARD
MINUTES
REGULAR MEETING
SEPTEMBER 28, 2020**

A regular meeting of the Duncanville Community and Economic Development Corporation (DCEDC) Board of Directors was held on Monday, September 28, 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
Tammi Abney	Board Member

Board Members Not in Attendance:

All Board Members were in attendance.

City Council Members Present: Joe Veracruz; Councilmember District 1, and Johnette Jameson; Councilmember District 5

Guests Present: Tracy Shook; Owner of Take Out Burgers, Lonnie Johnson; President at Aston Mixed Use Holdings, Sharalyn Payne, Keith Black, and Hatsumi Kuzuu; Partners with Mr. Lonnie Johnson

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 6:15 PM.

INVOCATION

Mr. Broughton 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 REGULAR MEETING HELD ON AUGUST 3, 2020.

Mr. Govan made a motion to approve the minutes for the DCEDC regular meeting held on August 3, 2020, seconded by Mr. Galbraith; the motion passed unanimously.

ITEM NO. 3 *CONSIDER APPROVAL OF THE DCEDC MINUTES FOR THE SPECIAL CALLED MEETING/STRATEGIC PLANNING SESSION HELD ON SEPTEMBER 14, 2020.*

Mr. Grace made a motion to approve the minutes for the DCEDC special called meeting/strategic planning session held on September 14, 2020, seconded by Ms. Abney; the motion passed unanimously.

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

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

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

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

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

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

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

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

ITEM NO. 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.*

President Dial opened the Public Hearing at 6:33 PM. No one spoke during the Public Hearing. Ms. Abney made a motion to close the Public Hearing, seconded by Mr. Grace; the Public Hearing closed at 6:36 PM.

ITEM NO. 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.*

Mr. Shook thanked the Board for giving him an opportunity tonight. He is the current owner of Take Out Burgers, which opened September 1, 2019. Mr. Shook has had the pleasure of doing business in Duncanville for the past 26 years. He has owned Shook's Car Wash, Helping Hands, and HAV-R Charburger. He used to be the owner of all three; Charburger being the longest running one of 17 years. He and his staff have run into some issues with people not being able to find them. He did not realize how big of an issue it was until he got involved on a committee during the COVID-19 to discuss what

could help businesses out and realized that many people were not able to find them. Take Out Burgers is in the Tom Thumb Shopping Center. The location has a sign on the front of the building, which is the south side. But on the north side, they get a lot of traffic and people cannot locate the building. The new sign would be identical to the sign on the front of the building. If approved by the EDC it will help us to increase their volume. He reported that he and his staff spend a lot of time each day trying to guide people to their location. Take Out Burgers is hiding by the credit union. Therefore, if you are at the Tom Thumb Shopping Center, it looks like there is only the credit union. He is requesting a sign grant for \$3,475.00.

The Board had further questions/discussion.

ITEM NO. 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.

Ms. Payne reported that the Partners are here tonight to answer outstanding questions from the Board based upon their presentation from the DCEDC Regular Meeting which took place on August 3, 2020. She stated that they sent Staff some supplemental materials to address those questions.

Ms. James reported that there were some questions from last time about the renderings, whether the bank had approved the financing request or not, the role of the Chef, and what their specific plans were in terms of moving forward.

The Board had further questions/discussion.

ITEM NO. 11 RECEIVE AND DISCUSS CONDUCT OF DUNCANVILLE COMMUNITY AND ECONOMIC DEVELOPEMNT CORPORATION (DCEDC) BOARD MEMBERS.

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

ITEM NO. 12 DISCUSS THE DESIRED USAGE OF THE RAILROAD FLATS PROPERTY.

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

ITEM NO. 13 DISCUSS AND UPDATE THE DCEDC POLICY STATEMENT AND GUIDELINES FOR GRANTS.

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

The Board took a 10-minute break.

ITEM NO. 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.

The DCEDC began Executive Session at 8:38 PM.

ITEM NO. 15 RECONVENE INTO OPEN SESSION.

The DCEDC reconvened into Open Session at 10:35 PM.

ITEM NO. 16 TAKE ANY NECESSARY OR APPROPRIATE ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION.

There was no action taken by the Board.

ITEM NO. 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.***

Due to the late hour, it was the consensus of the Board to Table this Agenda Item until the next DCEDC Regular Meeting.

The Board had further questions/discussion, and agreed that the next DCEDC meeting, which will be a Special Called Meeting will take place on Monday, October 12, 2020 at 6:00 PM.

ADJOURNMENT

The DCEDC September 28, 2020, Regular Meeting adjourned at 10:41 PM.

APPROVED:

**STEVE DIAL
PRESIDENT**

ATTEST:

**CYNTHIA D. WILLIAMS
ECONOMIC DEVELOPMENT COORDINATOR**



AGENDA BACKGROUND

ITEM NO. 3

MEETING DATE: Monday, December 14, 2020

TITLE: Consider Approval of the DCEDC Minutes for the Special Called Meeting Held on October 12, 2020.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: Copies of the draft minutes of the Special Called Meeting Held on October 12, 2020.

ATTACHMENT(S): Draft DCEDC Minutes of the Special Called Meeting Held on October 12, 2020.

**THE DUNCANVILLE COMMUNITY AND ECONOMIC
DEVELOPMENT CORPORATION (DCEDC) BOARD
MINUTES
SPECIAL CALLED MEETING
OCTOBER 12, 2020**

A special called meeting of the Duncanville Community and Economic Development Corporation (DCEDC) Board of Directors was held on Monday, October 12, 2020, at 6:00 PM in the Northside Room of the D.L. Hopkins, Jr. Senior Center, located at 206 James Collins Blvd., Duncanville, TX 75116, and via Zoom Video Conferencing.

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

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 6:10 PM.

INVOCATION

Mr. Govan 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 DISCUSS THE DESIRED USAGE OF THE RAILROAD FLATS PROPERTY.

Ms. James reported that this Agenda Item was discussed at the Board's Special Called Meeting/Strategic Planning Session on September 28, 2020. The Board wanted the item brought back tonight for further discussion. She provided information for the Board to consider when determining how they would like the property to develop and the direction they provide to Staff.

For the benefit of the new Board Members, Ms. James provided an overview of the different developers that have showed interest in the property over the last five years and the concerns the Board had with the different proposed projects. President Dial provided the new Board Members with his perspective of the proposed projects the Board had received in the past as well. Ms. James further discussed the issues with the current plat.

Ms. James then informed the Board that she had recently received a call from a previous developer that went in front of the Board. The Board elected not to move forward with further discussion with the interested party until they completed a development strategy for the property.

The Board had further discussion/questions.

The Board established some basic objectives for the property, which needs to be added to the DCEDC Community Enhancement Program (CEP). Staff will combine the list and email it to the Board prior to the next meeting for any needed changes. The Board will consider approving the list of objectives at the next DCEDC meeting.

ITEM NO. 3 DISCUSS AND UPDATE THE DCEDC POLICY STATEMENT AND GUIDELINES FOR GRANTS.

Ms. James reported that this was another item discussed in the Planning Session. She further explained that she had received some questions from a few Board Members on the process used to create the budget, including for these programs. Ms. James briefly reviewed the budget process with the Board and explained that it is similar to how other cities handle their budget processes. She also detailed the changes the Board approved including decreasing the Design Incentive Grants budget while increasing the Demo/Rebuild Program and Façade Grants budgets. She explained these changes were originally proposed to the Board since the requests for Design Incentive Grants were lower and the value for the Demo/Rebuild Program and Façade Grants were higher.

Ms. James updated the Board that the grant guidelines will be an item that Council wants to discuss as well. She reviewed with the Board the sections that pertained just to the DCEDC. She noted that the purpose tonight, was to bring this Item to the Board to discuss and determine any changes that the Board would like to see in the policy.

The Board had further discussion/questions, but they elected not to make any changes to the actual incentives.

ITEM NO. 4 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 PROPERTY LOCATED AT 100 S. MAIN ST., DUNCANVILLE, TX 75116.

The Board began Executive Session at 7:47 PM.

ITEM NO. 5 RECONVENE INTO OPEN SESSION.

The DCEDC reconvened into Open Session at 8:31 PM.

***ITEM NO. 6 TAKE ANY NECESSARY OR APPROPRIATE ACTION AS A RESULT OF
CLOSED EXECUTIVE SESSION.***

Mr. Govan made a motion to authorize the ED Staff to enter into an agreement as to an appraisal of the property located at 100 S. Main St., Duncanville, TX, seconded by Ms. Abney; the motion passed unanimously.

ADJOURNMENT

The DCEDC October 12, 2020, Special Called Meeting adjourned at 8:33 PM.

APPROVED:

**STEVE DIAL
PRESIDENT**

ATTEST:

**CYNTHIA D. WILLIAMS
ECONOMIC DEVELOPMENT COORDINATOR**



AGENDA BACKGROUND

ITEM NO. 4

MEETING DATE: Monday, December 14, 2020

TITLE: Hold Elections for the President and Vice President DCEDC Offices.

PRESENTED BY: Steve Dial, President; DCEDC

BACKGROUND/HISTORY: The President and Vice President Officers are elected in October. These officers hold a one-year term. The Board will decide at the meeting how they want to handle the election process.



AGENDA BACKGROUND

ITEM NO. 5

MEETING DATE: Monday, December 14, 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 - DECEMBER 2020

County/City	Rate	Net Payment	Comparable Payment	% Change	2020 Payments	2019 Payments	% Change
Dallas							
Addison	1.00%	\$1,095,666.75	\$1,269,352.86	-13.68%	\$13,973,914.33	\$15,208,901.19	-8.12%
Balch Springs	2.00%	\$773,388.20	\$725,860.94	6.54%	\$8,640,188.08	\$8,460,930.32	2.11%
Carrollton	1.00%	\$3,167,000.36	\$3,645,853.53	-13.13%	\$38,957,127.32	\$40,266,285.61	-3.25%
Cedar Hill	1.88%	\$1,295,126.31	\$1,281,350.71	1.07%	\$15,922,036.69	\$15,657,380.62	1.69%
Cockrell Hill	1.00%	\$40,026.20	\$38,053.76	5.18%	\$477,280.84	\$418,600.58	14.01%
Coppell	1.75%	\$4,056,593.18	\$3,548,476.23	14.31%	\$42,917,370.76	\$44,179,210.48	-2.85%
Dallas	1.00%	\$25,524,181.04	\$27,836,365.92	-8.30%	\$307,328,802.79	\$315,186,747.07	-2.49%
De Soto	2.00%	\$1,189,030.04	\$1,155,848.95	2.87%	\$15,577,001.91	\$13,965,592.34	11.53%
Duncanville	2.00%	\$830,234.09	\$899,967.44	-7.74%	\$10,204,260.31	\$10,743,161.44	-5.01%
Farmers Branch	1.00%	\$1,498,385.63	\$1,560,848.03	-4.00%	\$17,047,297.17	\$17,460,357.92	-2.36%
Garland	1.00%	\$2,347,908.22	\$2,406,447.93	-2.43%	\$28,873,039.84	\$29,561,151.47	-2.32%
Glenn Heights	1.00%	\$69,466.06	\$63,080.81	10.12%	\$833,750.72	\$723,272.30	15.27%
Highland Park	1.00%	\$385,606.15	\$376,130.42	2.51%	\$4,221,916.23	\$4,337,905.89	-2.67%
Hutchins	2.00%	\$714,757.80	\$275,981.70	158.98%	\$3,382,317.61	\$2,956,377.64	14.40%
Irving	1.00%	\$5,679,878.10	\$6,293,742.42	-9.75%	\$75,152,835.66	\$76,085,295.56	-1.22%
Lancaster	2.00%	\$869,245.71	\$897,607.35	-3.15%	\$10,463,393.57	\$11,011,911.80	-4.98%
Mesquite	2.00%	\$3,552,202.29	\$3,621,949.82	-1.92%	\$45,007,598.20	\$44,679,292.14	0.73%
Richardson	1.00%	\$3,582,211.46	\$3,868,082.28	-7.39%	\$43,232,503.40	\$41,357,585.55	4.53%
Rowlett	1.00%	\$586,533.55	\$570,224.51	2.86%	\$7,222,622.03	\$7,154,059.00	0.95%
Sachse	1.75%	\$286,729.07	\$252,331.14	13.63%	\$3,526,952.90	\$3,046,228.08	15.78%
Seagoville	2.00%	\$317,191.83	\$317,552.52	-0.11%	\$3,916,988.50	\$3,719,082.19	5.32%
Sunnyvale	2.00%	\$309,541.04	\$289,330.45	6.98%	\$3,334,538.09	\$3,319,462.31	0.45%
University Park	1.00%	\$375,733.26	\$422,376.52	-11.04%	\$4,459,672.53	\$4,676,462.41	-4.63%
Wilmer	2.00%	\$641,733.56	\$420,265.01	52.69%	\$5,801,986.53	\$4,749,094.57	22.17%
County Total		\$ 59,188,369.90	\$ 62,037,081.25	-4.59%	\$ 710,475,396.01	\$ 718,924,348.48	-1.18%
Tarrant							
Bedford	2.00%	\$948,099.02	\$995,085.08	-4.72%	\$11,928,528.90	\$11,826,589.06	0.86%
Hurst	1.50%	\$1,185,239.95	\$1,309,765.92	-9.50%	\$15,045,045.25	\$15,903,686.48	-5.39%
Grand Prairie	1.75%	\$5,155,130.28	\$5,149,987.03	0.09%	\$62,559,412.35	\$62,067,612.67	0.79%
Grapevine	1.50%	\$3,032,185.05	\$3,816,471.55	-20.55%	\$37,825,985.82	\$44,669,446.73	-15.32%
Southlake	1.88%	\$2,452,030.46	\$2,412,518.47	1.63%	\$29,330,626.22	\$28,717,969.42	2.13%
Mansfield	2.00%	\$2,275,240.96	\$2,124,111.15	7.11%	\$27,711,168.68	\$25,258,870.67	9.70%
Denton							
Corinth	1.75%	\$254,465.88	\$236,000.13	7.82%	\$3,120,183.53	\$2,902,864.80	7.48%
Ellis							
Midlothian	2.00%	\$879,747.32	\$1,140,225.52	-22.84%	\$12,574,112.44	\$10,309,990.48	21.96%



AGENDA BACKGROUND

ITEM NO. 6

MEETING DATE: Monday, December 14, 2020.

TITLE: Receive and Consider Approval of the DCEDC October and November Monthly Budget Reports.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: Ms. James, will present the DCEDC October and November Monthly Budget Reports to the Board at the meeting.



AGENDA BACKGROUND

ITEM NO. 7

MEETING DATE: Monday, December 14, 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, December 14, 2020

TITLE: Hold A Public Hearing Regarding the Proposed 2020 – 2021 DCEDC Community Enhancement Program (CEP).

BACKGROUND/HISTORY: Per the DCEDC Bylaws, the DCEDC must adopt a yearly community enhancement program that includes the goals and objectives set by the Board for the year along with any budget modifications for the program. A copy of the proposed 2020 – 2021 DCEDC Community Enhancement Program is attached for the Board to review. The goals and objectives listed in the program were established by the Board during its September 14, 2020, Planning Session.



AGENDA BACKGROUND

ITEM NO. 9

MEETING DATE: Monday, December 14, 2020

TITLE: Consider Approval of the Updated 2020 – 2021 DCEDC Community Enhancement Program (CEP).

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY:

ATTACHMENT(S): The updated 2020 – 2021 DCEDC Community Enhancement Program (CEP) is attached for the Board's review and discussion.

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.

Short Term Goals and Objectives

(Goal numbers listed below correlate with the goals and Objectives established by the Board during its 2017 Planning Session, page numbers refer to Duncanville Comprehensive Plan: Destination Duncanville.)

1.0 Identify, prioritize, and pursue projects that can be funded through grants and public-private partnerships.

Objectives:

- A. **730 E. IH-20 (DCEDC Property)** (Opportunity Area #7, pp. 66,67)
 - Demo property
- B. **Railroad Flats Property** (Opportunity Area #10; Downtown District, pp. 72,73, See Attachment “A” for Property Strategy)
 - Continue to listen to proposals
 - Establish a consensus for development of property
- C. **Chammeyville Property** (Opportunity Area #1, pp. 54,55)
 - Hire a real estate agent to market property
- D. **Ladd Property** (Opportunity Area, pp. 68.69)
 - Hire a real estate agent to market property

2.0 Promote a Commercial Demo Rebuild Program.

Objectives: Priorities include

- A. Market to the different builder associations
- B. Work with the Chamber of Commerce to promote the program through its membership
- C. Work with Code Enforcement to promote program

3.0 Development of a commuter rail service study. (pp. 160)

Objectives: Help/ensure the rail study takes place

- A. Provide necessary assistance to the City in support of rail service
- B. Represent Duncanville as needed in any rail discussions
- C. Collaborate with interested cities, stakeholders, and providers

4.0 Market the current Design Incentive Grant Program to the target areas by providing the businesses in the area with an incentive information packet.

Objectives: Priority areas include all commercial areas

- A. Review current Design Incentive Grant Program and review budget for those grants
- B. Focus on distressed properties in the commercial areas

5.0 Develop an incubator space for restaurants.

Objectives:

- A. Research other restaurant incubator models
- B. Identify possible buildings

6.0 Contract with a retail strategy firm.

Objectives: Attract more restaurants and entertainment

- A. Identify and hire firm
- B. Attract more restaurants and more entertainment

Long Term Goals and Objectives

(Goal numbers listed below correlate with the goals and Objectives established by the Board during its 2017 Planning Session, page numbers refer to Duncanville Comprehensive Plan: Destination Duncanville.)

1.0 Identify, prioritize, and pursue projects that can be funded through grants and public-private partnerships.

Objectives:

- A. **730 E. IH-20 (DCEDC Property)** (Opportunity Area #7, pp. 66,67)
 - Select a developer and develop the property
- B. **Railroad Flats Property** (Opportunity Area #10; Downtown District, pp. 72,73, See Attachment “A” for Property Strategy)
 - Select a developer and develop the property
- C. **Chammeyville Property** (Opportunity Area #1, pp. 54,55)
 - Develop the property with a quality restaurant or business with enhanced landscaping
- D. **Ladd Property** (Opportunity Area, pp. 68.69)
 - Attract a developer to develop the property
 - Hire a landscape architect to master plan the landscaping of the property

3.0 Development of a commuter rail service study. (pp. 160)

Objectives: Help/ensure the rail study takes place

- A. Provide necessary assistance to the City in support of rail service
- B. Represent Duncanville as needed in any rail discussions
- C. Collaborate with interested cities, stakeholders, and providers
- D. Consider partnering with the City of Duncanville for funding a long-term rail study for Duncanville

4.0 Market the current Design Incentive Grant Program to the target areas by providing the businesses in the area with an incentive information packet.

Objectives: Priority areas include all commercial areas

- A. Continue revitalization efforts with focus on distressed shopping centers
- B. Work with Public Works and Planning to address zoning barriers
- C. Partner with TIF for redevelopment and revitalization efforts in TIF District

5.0 Identify and prioritize shopping centers that are opportune sites for redevelopment and revitalization. (pp. 61)

Objectives:

- A. Establish an incubator space through EDC funding and/or public-private partnerships
- B. Establish a public-private partnership to manage the space

7.0 Enhance Fieldhouse Property.

Objectives:

- A. Provide assistance to Parks as needed to evaluate the opportunity of adding a mixed-use development, parking garage, and restaurant to the property
- B. Recruit a restaurant with a public/private partnership

Attachment “A”

DCEDC’s Railroad Flats Property Strategy

End-user Target Market:

- Entrepreneurs
- Mixed Income (with or without children)

Desired Type of Project:

- Live-work product (retail/professional space below and residential above)
- Mixed-use product (retail/professional/restaurant/ below with residential units above)
- Upscale 2 or 3 story building
- Units no larger than 3 bedrooms

Architectural Desired Look:

- Urban sustainable design compatible with Main Station
- Urban edge with minimal to zero lot line
- Masonry Exterior (iron and wood looking tile accents where possible)
- Awnings on retail area (if appropriate)

Project Attributes:

- Property Walkability / Connectivity to Downtown - sidewalks on the perimeter of property as well as those needed throughout the property / pedestrian friendly
- Parking issues addressed. Vehicle parking screened from public way like Main Station
- Quality green space for occupants that is regularly maintained and updated / landscaping / play area for children
- Bike Racks & Benches where possible
- Decorative sidewalk lighting



AGENDA BACKGROUND

ITEM NO. 10

MEETING DATE: Monday, December 14, 2020

TITLE: Discuss and Consider Hiring Special Legal Counsel to Represent the Duncanville Community and Economic Development Corporation (DCEDC) in Future Real Estate Transactions.

PRESENTED BY: Jessica James, Director of Economic Development

BACKGROUND/HISTORY: The DCEDC owns properties in Duncanville and is considering hiring a special legal council to assist them in potential real estate transactions.



AGENDA BACKGROUND

ITEM NO. 11

MEETING DATE: Monday, December 14, 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): The DCEDC's Commitment Statement and the City of Duncanville Boards and Commissions Handbook 2020 will be provided to the Board via email for review and discussion at the meeting for further review and discussion.

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.

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- | | |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
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| 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

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.

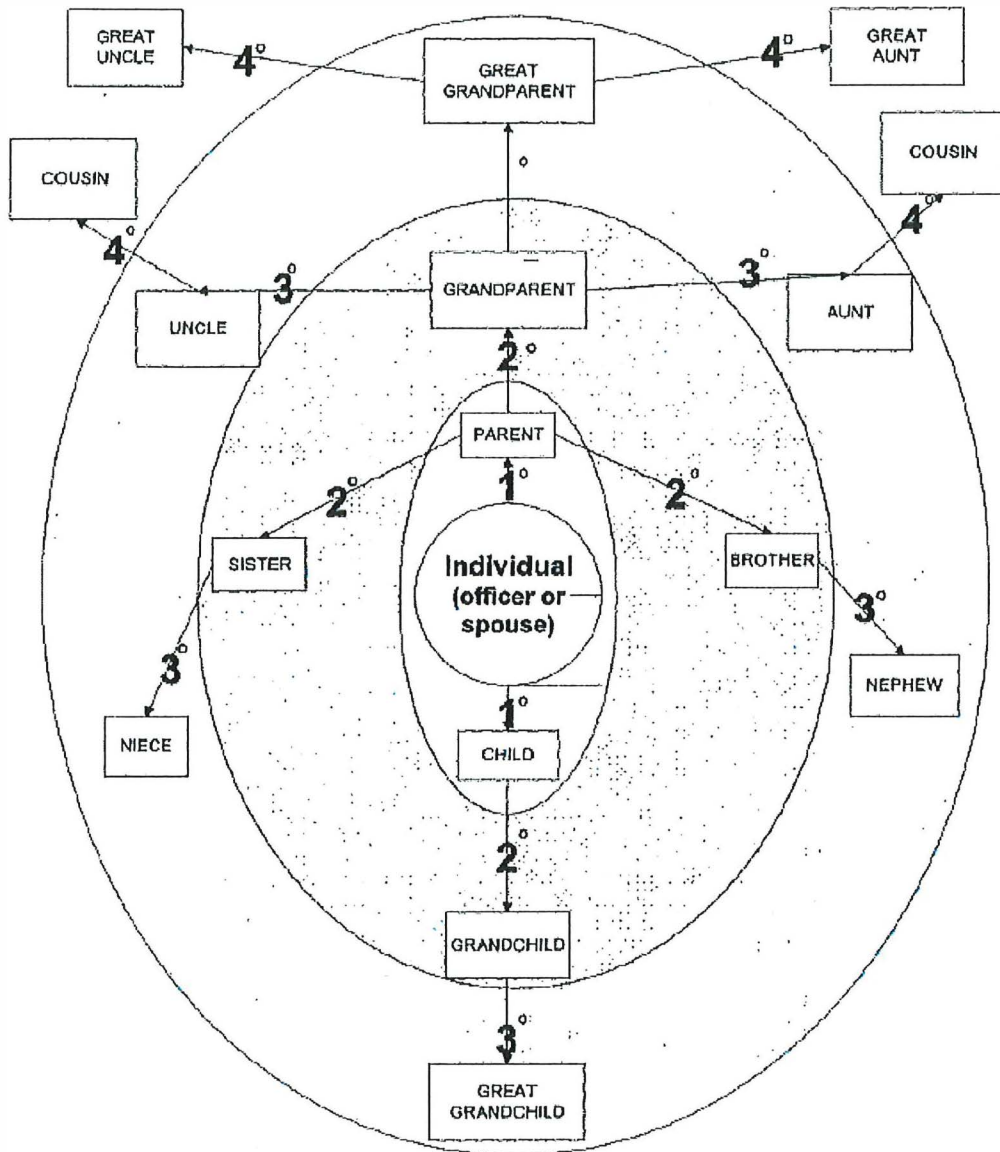
(Ord. No. 2113, § 1, 5-4-10)

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, December 14, 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 PROPERTY LOCATED AT 100 S. MAIN ST., DUNCANVILLE, TX 75116.



AGENDA BACKGROUND

ITEM NO. 13

MEETING DATE: Monday, December 14, 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. 14

MEETING DATE: Monday, December 14, 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. 15

MEETING DATE: Monday, December 14, 2020

TITLE: Receive Director's Reports.

- Business Activity Updates.
 - Certificate of Occupancy – Applications Received – Monthly (EDC) Month of November 2020 (Attached).
 - Certificate of Occupancy – Certificates Issued – Monthly (EDC) Month of November 2020 (Attached).

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 November, 2020

Project Description	Short Address	Tenant Name / Contact	Square Footage	Applicant Name	Reason for Application
Kemp's Logistics & Transport - logistics dispatching, clerical work and customer service - - - NO COMMERCIAL VEHICLES ALLOWED TO BE PARKED ON PROPERTY	247 W Camp Wisdom Rd.	Kemp's Logistics & Transport Phone: (214) 212-6481 ckemplogistics@gmail.com		Cyrus Kemp	New Occupancy
Texas Barber Tutoring Services - educational and tutoring services for barber students, tutoring for exams and practical demonstrations for barbers	210 S Cedar Ridge Dr. Suite # 204 Bldg. B	Texas Barber Tutoring Services Phone: (469) 360-4161		Lakisha Igboh	New Occupancy
Mechanical Comfort Systems Inc - sales, installation and service of hvac equipment, office with storage, heating and air conditioning contractor	218 Woodhaven Blvd.	Mechanical Comfort Systems Inc Phone: (214) 202-7618 rrojas@mcs-services.com		Roel Rojas	New Occupancy
Office/warehouse for home rehab company ***have the tenant to update the square footage on the application when they return to the office. The square footage is listed in the lease and this information was entered into the system.***	658 Big Stone Gap Rd.	Legacy Financial Group/Urban Home Development Phone: (817) 615-7014		Elmo J McCullough	New Occupancy
Papa John's - Pizza restaurant	110 N Cedar Ridge Dr.	Papa John's Duncanville Phone: (817) 300-7407 papadfwtx@gmail.com		Mamun Mehdi	Change of Ownership
Automated Laundry Solutions DBA Kwik Wash	466 E Wheatland Rd.	Automated Laundry Solutions dba Kwik Wash Phone: (469) 583-5690 washcorp11@yahoo.com		Mark Landon	Change of Ownership

Love Texas Restoration LLC - office space for water mitigation and construction company for daily operations and warehouse for storage of equipment	802 Gemini Ave. Suite # D	Love Texas Restoration LLC Phone: (214) 435-7575 tosha@texasrestoration.guru	Tosha Love	New Occupancy
Beauty salon	418 W Camp Wisdom Rd. Suite # B	Snatched Hair Studios Phone: (469) 487-5087 jaleesacrow@hotmail.com	Jaleesa Crow	New Occupancy
Staffing agency - have applicant to add phone number to application when they return to the office.	1530 S Clark Rd.	Arrow Personnel, LLC Phone: (817) 803-3287 rick@arrowpersonnel.com	Arrow Personnel, LLC	New Occupancy
Martial arts school/training - have applicant list "shared" in space that asks for number of parking spaces	320 & 324 E Camp Wisdom Rd.	American Karate Academy of Duncanville LLC Phone: (469) 759-6737 akaofduncanville@yahoo.com	Robert Wilcox	Business Expansion
Boutique - clothing, shoes, and accessories	700 S Cockrell Hill Rd. Suite # 118	Butterfly Effect dba Posh Antics LLC Phone: (214) 632-7712 anitradoll@gmail.com	Anitra Doll	New Occupancy
Financial advisory, tax filing, and office space	261 W Camp Wisdom Rd. Suite # B	Wilson Tax Investments LLC Phone: (214) 263-7570 wilsoncapitalinvestment@gmail.com	Jeffrey Wilson	New Occupancy
All American Foundation Repair & Drainage LLC - foundation repair company, operations and storage	802 Mercury Ave.	All American Foundation Repair & Drainage LLC Phone: (214) 769-9430 protectyourdream@aol.com	David Hall	
Office consultation - medication management (healthcare)	402 W Wheatland Rd. Suite # 140 & 150	At Ease Psychiatry Phone: (214) 991-5936 info@easepsychiatry.com	Nwamaka Emeruem	Business Expansion
MPS Mount Pleasant LLC - Primary Healthcare Services (no major surgeries, no anesthesia)	1447 Acton Ave.	MPS Mount Pleasant LLC Phone: (512) 560-2573 medicalpresentationsite@gmail.com	Kelly Carter	New Occupancy
Direct Auto Repair DC	810 Mercury	Direct Auto Repair DC LLC	Christopher	New

LLC - Auto Repair
Shop

Ave.
Suite # B

Phone: (214) 893-9420
info@directautorepairdc.com

Guillen

Occupancy

TOTALS:

Total Projects:

16



**City of Duncanville's
Certificate of Occupancy -
Certificates Issued - WEEKLY
(EDC)**

Month of November, 2020

Project Description	CO Issue Date	Short Address	Tenant Name / Contact	Square Footage	1. Applicant Name	Reason for Application	Square Footage
Home Health Care Agency- office only	11/02/2020	423 W Wheatland Rd. Suite # 102	US Universal Health Care Services, LLC Phone: (682) 557-9972 usuhs@yahoo.com		Anthony Iyamah	New Occupancy Change of Location	1120
manufacturing cabinets	11/02/2020	515 Big Stone Gap Rd.	Cabinetworks Group Duncanville Phone: (972) 725-4221		Robert Wilson	Change of Name	854000
gas station/convenience store	11/25/2020	1703 S Main St.	Rossi Petro LLC dba Rossi Mart Phone: (214) 680-7828 alrasan98@yahoo.com		Ali Assi	Change of Ownership	2000
Beauty Salon (Lashes, v-steaming, styling hair - no washing).	11/02/2020	716 N Main St. Suite # C	The Body Fairy Phone: (972) 503-5812 beautifulvada@yahoo.com		Cavada Woods	New Occupancy	1000
Freeway Insurance Services America LLC - Sale of insurance and insurance related products	11/02/2020	335 E Camp Wisdom Rd.	Freeway Insurance Services America LLC Phone: (972) 348-5896 Cell: 2149143049 judy.lovelady@confiegroup.com		Judy Lovelady	New Occupancy	1125
barbershop	11/02/2020	405 E Camp Wisdom Rd.	Certified Harlines Matters (Faded) Phone: (469) 335-4700 samuela36@gmail.com		Samuel Arnold	New Occupancy	1774
Employment/Staffing Service	11/02/2020	138 W Camp Wisdom Rd.	KP Staffing Phone: (682) 429-5361 david@kpstaffing.com		David Schild	Change of Name	1601
True Beauty Boutique - boutique (selling clothes, purses, etc.)	11/02/2020	407 N Cedar Ridge Dr. Suite # # 320	True Beauty Boutique Phone: (469) 388-5210 alexisjanaeyoung@yahoo.com		Alexis Young	New Occupancy	1426
WPSTX TV - Television Broadcast Station	11/02/2020	1423 N Duncanville Rd. Suite # A	WPSTX TV Phone: (214) 486-9198 veynellw@gmail.com		Veynell Warren	New Occupancy	3552
Fast food taco shop	11/02/2020	502 E Camp Wisdom Rd. Suite # B	Taqueria Dos Gordos Phone: (469) 816-1893			Change of Ownership	700

Soiree Pampering Room - Lash Extensions Salon	11/02/2020	1538 S Clark Rd.	Soiree Pampering Room Phone: (469) 260-0008 drpollack86@gmail.com	New Occupancy	1250
Fuentes Auto Repair - replace parts, body work	11/24/2020	706 E Red Bird Ln. Suite # 115	Fuentes Auto Repair Phone: (718) 414-5574 victorfargueta80@gmail.com	New Occupancy	1000
Bank of America - banking/walk up ATM	11/02/2020	111 S Cedar Ridge Dr. Suite # 138	Bank of America Phone: (214) 738-2043 cramirez@balfourbeattyus.com	New Occupancy	387.5
Wholesale house - sell wholesale items to businesses that offer customized items. Items will be sold online and the facility will be used as a storage. (T-shirts, sublimation papers, cups, heat transfer vinyl material)	11/24/2020	662 Big Stone Gap Rd.	Black Line Wear, LLC Phone: (214) 893-3648 curryjohn25@yahoo.com	New Occupancy	1410
Coconut Dental Duncanville PLLC DBA Coconut Dental - Dentist Office	11/25/2020	1459 Acton Ave.	Coconut Dental Duncanville PLLC DBA Coconut Dental Phone: (214) 603-2171 coconutdentaldvc@gmail.com	Change of Ownership Change of Name	1639
Crossover Health Medical Group APC - medical office	11/25/2020	215 W Camp Wisdom Rd. Suite # 11	Crossover Health Medical Group APC Phone: (408) 457-4455 leticia.elisea@crossoverhealth.com	New Occupancy	1906
Pop Up DFW - general merchandise retail store (clothing)	11/25/2020	511 E Camp Wisdom Rd. Suite # A	Pop Up DFW Phone: (214) 729-6158 info@popupdfw.com	New Occupancy	2035

Certificate of Occupancy

Total Square Footage 0.00 (Avg.: 0.00)

TOTALS: Total Projects: 17

CO's Issued: 17