

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, January 18, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, January 18, 2022, at 5:05 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz

COUNCIL ARRIVING AT: Councilmember Mark D. Cooks – 5:15 p.m.
Councilmember Greg Contreras – 5:58 p.m.

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, January 18, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

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

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, January 18, 2021, email citysecretary@duncanville.com and title the email. “Public Comment – January 18th. You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

Register in advance for this webinar:

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

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

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

I. WORK SESSION / BRIEFING

Mayor Gordon recessed Briefing Session at 5:07 p.m.

II. EXECUTIVE SESSION

- II.1**
- a. ***City Council shall convene into closed executive session to consult with the City Attorney pursuant to the to Section 551.071 of the Texas Government Code concerning a claim and/or threaten litigation involving real property located at 608 HWY 67, Duncanville, TX 75137***
 - b. ***City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney regarding pending litigation to wit: City of Duncanville v. EON Reality, Cause No. DC-21-00095 filed in the District Court 134th Judicial District Dallas, Texas.***
 - c. ***Pamela McAllister v. City of Duncanville, Cause No. DC-21-06105 in the 116th District Court, Dallas County, Texas.***
 - d. ***Prater Electric, LLC v. City of Duncanville, Cause No. DC-20-03938 in the L-193rd Judicial District, Dallas County Texas.***

- e. ***City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Govt Code to seek legal advice from the City Attorney regarding short term rentals, specific use permit and registration ordinance.***

The Executive Session was called into session at 5:08 p.m. and City Attorney Hager read the item into record.

Executive Session was recessed at 5:09 p.m.

Executive Session reconvened at 5:10 p.m.

The Council closed the Executive Session at 5:44 p.m.

Mayor Gordon reconvened Briefing Session at 5:47 p.m.

II.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Item 4A - authorizing execution of City of Grand Prairie Contract #21186, an Interlocal Cooperative Agreement, with Curtco, Inc. for Pavement Crack and Joint Sealing Services for the prices set forth in City of Grand Prairie Contract #21186, with an estimated expenditure amount of \$225,000.00. Pavement crack sealing is part of the City's annual pavement maintenance program. Crack sealing keeps water from getting into the pavement subgrade and deteriorating the road. Item 4B - authorizing the purchase of a backhoe from South Star JCB through Sourcewell Contract #040319-JCB in the expenditure amount of \$111,850.00. This loader/backhoe purchase will replace a 17-year-old loader/backhoe that is at the end of lifecycle. It has 1764 hours and has engine problems. The Utilities Division uses the loader/backhoe for waterline repair projects. Item 4C - authorizing the purchase of pavement lifting services from Nortex Concrete Lift and Stabilization, Inc., located in Fort Worth through the City of Grand Prairie Contract #21259 for the unit prices bid, with an estimated expenditure amount of \$100,000.00. Pavement Lifting is part of the City's annual pavement maintenance program. Pavement lifting is used on concrete roads to raise pavement sections that settle and restore a smooth driving surface.

II.2. BRIEFINGS / PRESENTATIONS

II.2.A. Briefing on the Political Sign Ordinance.

City Planner Thibodeaux presented the item.

Recently, the Texas Legislature reviewed municipal regulation of political signs.

- Specifically, the legislature sought to limit municipal authority to prohibit, approve, limit or charge a special fee for removing political signs on private real property.
- To be protected, the sign must contain "primarily a political message" and not be temporary and generally available for rent or purchase to carry commercial advertising or other messages not primarily political in nature.
- The current language does not limit a municipality's regulation of a sign that has an effective area greater than 36 feet, more than 8 feet high, illuminated or has moving elements or the ability to control the use of real property where it holds an easement or other encumbrance for a public purpose.
- To review timing and placement of political signs in Duncanville.
- To compare the current ordinance to what surrounding cities have.
- To identify potential conflicts.
- To seek direction from Council regarding preferred updates and modifications.

Existing Language

- Political signs are permitted in "polling areas."
- Contains illustrative figures where signs placed within Right of Ways (ROWS) within the designated areas.

- Signs in polling areas may not be over 3-feet in height and 8-feet in area and must be removed within 72 hours after election.
- Political signs on private property may not exceed 8-feet in height and not be over 36 square feet.

What's regulated by the State?

Size

- Political signs are limited to 8-feet in height and 36 square feet in area.

Place

- Signs cannot be located within ROW, unless with permission.
- On private property with permission of the property owner.

Time

- No state regulations.

Staff will work with the City Attorney to bring back an Ordinance to Council.

Mayor Gordon adjourned the Briefing Session at 6:23 p.m.

III. **REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. or immediately following the 5:00 pm Work Session/Briefing)**

The City Council convened into Regular Session in the Council Chambers at 6:33 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem Harvey.

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

III.1. **REPORTS**

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

Mayor Gordon invited all citizens to attend:
Coffee with the Mayor
Senior Center
January 26, 2022
8:30 a.m.

Mayor Gordon offered his condolences on the passing of Gerald "Jerry" Sliger and had a moment of silence.

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

Councilmember Cooks invited all citizens to attend:
Meet, Connect & Learn
Senior Center and via ZOOM
January 22, 2022
9:00 a.m. – 10:30 a.m.
Guest: Dr. Marc Smith

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

City Manager Ferrell-Benavides spoke on the Parks and Recreation department hosting a membership drive in January. Come in any day, Monday through Saturday, and you can purchase a one-year membership for the price of six months. The offer is good for new members and renewing members.

The annual Daddy-Daughter Dance is scheduled for Saturday, February 19th, from 6 p.m. to 9 p.m.

III.2. **PROCLAMATIONS AND PRESENTATIONS**

III.2.A. ***Proclamation recognizing Martin Luther King, Jr. Day, January 17, 2022.***

Councilmember Cooks read the proclamation.

III.2.B. ***A Proclamation recognizing the month of January as Firefighter Cancer Awareness Month.***

Councilmember Veracruz read the proclamation.

III.3. CITIZENS' INPUT

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

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

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, January 18, 2021, email citysecretary@duncanville.com and title the email. “Public Comment – January 18th. You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

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

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

K. Turner – submitted a comment on the Ladd Property.

Mari Vega – submitted a comment on the Ladd Property.

Mac Browning, 442 E. Cherry St. – spoke on Item 5A.

Erika Browning, 442 E. Cherry St. – spoke on Item 5B.

III.4. CONSENT AGENDA

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

III.4.A. *Consider a Resolution authorizing execution of City of Grand Prairie Contract #21186, an Interlocal Cooperative Agreement, with Curtco, Inc. for Pavement Crack and Joint Sealing Services for the prices set forth in City of Grand Prairie Contract #21186, with an estimated expenditure amount of \$225,000.00.*

III.4.B. *Consider a Resolution authorizing the purchase of a backhoe from South Star JCB through Sourcewell Contract #040319-JCB in the expenditure amount of \$111,850.00.*

III.4.C. *Consider a Resolution authorizing the purchase of pavement lifting services from Nortex Concrete Lift and Stabilization, Inc., located in Fort Worth through the City of Grand Prairie Contract 21259 for the unit prices bid, with an estimated expenditure amount of \$100,000.00.*

III.4.D. *Consider a Resolution authorizing a purchase agreement with Tyler Technologies Inc., for Annual Software Support and Maintenance for the City ERP System, using Sourcewell Cooperative Contract #090320-TTI in an amount up to \$96,077.23.*

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. *Consider an Ordinance authorizing and establishing regulations for the enforcement of Municipal Code of Ordinances and other Codes and*

Ordinances of the City; authorizing designated Non-Peace Enforcement Officer (Code Enforcement Officer, Inspector, Animal Control Officer) or Licensed Peace Officer of the City to issue citations for violations of the Municipal Code of Ordinances and other Codes and Ordinances of the City.

Item 5A was moved to Executive Session.

III.5.B. Consider a Resolution approving the allocation recommendations of the American Rescue Plan Act Funding for Coronavirus State and Local Fiscal Recovery Funds in accordance with U.S. Department of Treasury guidelines.

Budget Analyst Otey presented the item and stated that the AMI item on the Staff Report was removed and inputted as a clerical error.

American Rescue Plan Act (ARPA)

- The \$1.9 trillion act was signed into law on March 11, 2021
- \$360 billion reserved for state and local aid to mitigate the fiscal effects stemming from the public health emergency.
 - o \$65.1 billion dedicated to cities
- City of Duncanville to receive \$9.6 million
 - o Received through Texas Dept of Emergency Management
- Based on a CDBG allotment formula
- Payment received in 2021 (first half) and 2022 (second half)
- Funds must be committed by December 31, 2024
- Funds must be completely spent by December 31, 2026
- Guidance for eligible uses issued by the Treasury

ARPA Eligible Uses

Respond to COVID-19 or its economic impacts

Provide premium pay for eligible essential workers

Replace revenue lost due to COVID-19

Invest in water, sewer, and broadband infrastructure

ARPA Allocation Recommendations

Employee Premium Pay	Small Business Grants	Generators & Ventilation
• \$1,300,000 • Tiered approach • Two disbursements • April 1, 2020 – March 31, 2021 • April 1, 2021 – March 31, 2022	• \$350,000 • Non-Profits may also be considered	• \$1,695,000 • Add or replace emergency generators • Replace ventilation systems at Fieldhouse & 103 E. Wheatland Rd.

Digital Literacy & Youth Leadership	Public Safety and General needs
• \$70,000 • Digital Literacy Training • Future Leaders of Duncanville	• \$300,000 • Replace 5 Library Carrels • Cellular Pump Station Units • SCADA server room upgrades • Fire/EMS cleaning systems • Body Cameras & Vests – Neighborhood Services, Health, Fire Marshal

- Unallocated amount - \$885,000
- Re-evaluate needs at a future date

Economic Development Garcia spoke on Small Business grants.

Council voiced their comments and concerns.

City Manager Ferrell-Benavides stated the contracts would come back to City Council for approval. Anything that is over \$50,000.00 does require approval from Council.

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

III.5.C. ***Consider a Resolution casting the City Council of the City of Duncanville's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District (DCAD).***
Mayor Gordon presented the item.

- On September 7, 2021, the Duncanville City Council voted to nominate Michael Hurtt to the Board of Directors for DCAD. Michael Hurtt, former Mayor of Desoto, currently serves on the Board of Directors of DCAD.
- On December 7, 2021, the Duncanville City Council voted Michael Hurtt to the Board of Directors for DCAD.

The Election process requires a Runoff.

- Michael Hurtt of DeSoto received 13 votes;
- Brett Franks of Sachse received 4 votes;
- Shante L. Allen of Glenn Heights received 3 votes;
- Diane Cartwright of Irving received 1 vote; and
- Steve Nichols of Hutchins received 1 vote.

Since there was not a single candidate to receive 16 votes (majority of the 30 votes eligible), a runoff election is necessary between the top two finishers.

The City of Duncanville must cast a vote for one of the following nominees:

- Mr. Michael Hurtt
- Mr. Brett Franks

The deadline for casting a vote is January 31, 2022.

Councilmember Don McBurnett made a motion to nominate Michael Hurtt, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against. Item passed.

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

Executive Session Items 1A, 1B, 1C, 1D, and 1E - No action taken.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Police Department Quarterly Report.*

Chief of Police LiVigni presented the item.

III.6.B. *Receive the Fire Department Quarterly Report.*

Assistant Fire Chief Chase presented the item.

Mayor Gordon recessed Regular Session at 8:25 p.m. for Council to go into Executive Session.

Executive Session was called at 8:26 p.m.

Executive Session was closed at 8:49 p.m.

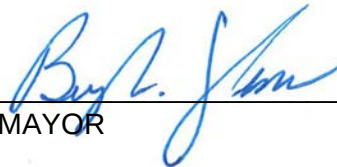
Mayor Gordon reconvened Regular Session at 8:50 p.m.

Action on Item 5A – Mayor Gordon asked the City Manager to take the item back to staff for reconsideration.

IV. ADJOURNMENT

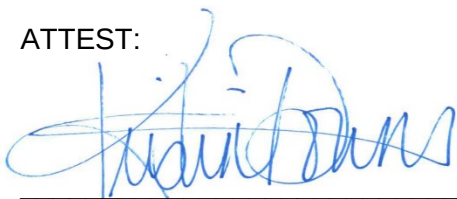
The meeting was adjourned at 8:51 p.m.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY