

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, January 19, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, January 19, 2021, at 5:32 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

COUNCIL ABSENT:

Mayor Barry L. Gordon

**STAFF VIA VIDEO
CONFERENCING:**

IT Director Tracy Beekman
Purchasing Manager Sheila Baker
Assistant Public Works Director Jacqueline Culton
Public Works Director Bryan Greg Ramey
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert E. Hager

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, December 15, 2020, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

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

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, January 19, 2021, email citysecretary@duncanville.com and title the email “Public Comment – January 19th”. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_l8lzvmoaRkSs5e3_2d4dsQ

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

I.1. DISCUSS AGENDA ITEMS

Mayor Pro Tem McBurnett read the item into record, and Interim City Manager Frederiksen reviewed each item. Item 4C - approving a Special Sewer Permit for 1411 South Cockrell Hill Road. Councilmember Jameson questioned why a special sewer permit was needed. Interim City Manager Frederiksen stated the City’s Ordinance requires Commercial Business’ to have Council approval to tap into the City’s sanitary sewer system. Any property uses other than single-family residence within the city limits shall be required to install and tie into an organized sanitary sewage disposal system unless granted as special sewer permit.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. Discuss the Purchasing Initiative Underutilized Business Equity Presentation.

Item requested by Councilmember Cooks and Purchasing Manager Baker presented the item.

Diversity Vendor Policy & Mission

- The Policy seeks to reduce race and gender-based barriers and to foster participation by minority and women-owned businesses in contracting and procurement opportunities with the City of Duncanville ("City").
- The City shall include and involve Minority and Women-Owned Businesses (M/WBE), Small Business Enterprises (SBE), and Historically Underutilized Businesses (HUB) to the greatest extent feasible on the City's construction, procurement and professional services contracts.

Goals & Diversity Vendor Participation

- Increase participation of Diversity Vendors by providing equal opportunity for City construction, goods, services and professional service contracts.
- Maintain a listing for routine City professional services and distribute the lists among City departments for consideration of non-competitive, competitive informal and formal bids.
- Increase the number of those participating in qualifying City contracts and purchases.
- Conduct outreach functions to communicate contracting and procurement opportunities.
- Provide annual reports on contract awards, including total amounts in comparison to the previous participation report.
- Follow all procedures set forth in the Texas Local Government Code Chapter 252, and Duncanville Purchasing Policies and Procedures for fair procurement practices.
- Encourage general contractor and subcontractor relationships.

Incentives for Becoming Certified

- Gain exposure to the City of Duncanville purchasing opportunities, increasing business revenue.
- Additional privileges with their membership with the NCTRCA, which includes attendance at business trainings and seminars.
- Duncanville will be marketed to the Dallas-Fort Worth Metroplex as an economically viable place to do business, and as a City that is friendly to Diversity Vendor participation.

Councilmember Cooks would like to see the Duncanville Chamber of Commerce incorporated to help reach out to local businesses.

I.2.B. Discussion regarding Vacant County Building.

Item requested by Councilmember At-Large Harvey and Interim City Manager Frederiksen stated the City of Duncanville received the deed for the County building and the City is maintaining the property. Interim City Manager Frederiksen proposed having a discussion in the future on both the County Building and EON Building together.

Councilmember At-Large Harvey recommended an assessment and condition of both buildings and to engage a firm to determine the highest and best use of the buildings.

Councilmember Jameson stated Council should consider using one of the buildings for city staff to provide more room for employees.

Interim City Manager Frederiksen stated staff will look at an assessment on both buildings and examine the needs of space with staff.

I.2.C. Discussion regarding Parking on Oriole Boulevard.

Item requested by Councilmember Jameson and Chief Brown and Director of Public Works Ramey presented the item.

- City Ordinance 19-111 – Authority to prohibit parking on narrow streets

- Due to the part of Oriole Boulevard being adjacent to Deerchase Condominiums being > 30' in width, the city traffic engineer cannot unilaterally prohibit parking.
 - Therefore, authority to authorize the prohibition of parking falls to the City Council.
- Several complaints about parking and speeding in this area of Oriole Boulevard have been brought by a citizen who resides at the Deerchase Condominiums.

Chief Robert Brown, Public Works Director Greg Ramey, and Traffic Officer Ben Shipman met with the citizen recently to view and discuss the citizen's concerns.

- Suggestions
 - Have Deerchase HOA cut back hedges, trim tree branches and place a stop sign at the entry/exit.
 - Only other possibility - eliminate parking on Oriole if City Council authorizes to prohibit such.
- Prohibit parking on either side of Oriole Boulevard from East Camp Wisdom Road to Falling Leaves Drive.
- Some signs would need to be set, but would be minimal.
- Would also consider painting curb line with "No Parking" for a short distance from entry/exit of Deerchase Condominiums.

Councilmember Jameson spoke on the amount of traffic and cars parked along Oriole Boulevard; making it difficult for citizens to get into businesses and causing speeding issues. Councilmember Jameson suggested placing no parking signs or no parking between certain hours.

Councilmember Anderson stated he is in favor of street parking and would like Council to look into the future when it comes to the design of the City. Councilmember Anderson would like to have more public input.

Interim City Manager Frederiksen stated staff will bring a proposal for Council for the ingress and egress into Deer Chase providing line of sight to exit and enter safely and allow the opportunity for citizens to speak on.

I.2.D. *Discussion on Trash Receptacles at main intersections in Duncanville.*

Item requested by Councilmember Jameson and Interim City Manager Frederiksen presented the item. The cost of a receptacle is around \$500.00 however, that does not include the cost of upkeep. Councilmember Jameson would like a trial period to get people to start utilizing the trash receptacles.

I.2.E. *Discussion on Vote Center reductions.*

Mayor Pro Tem McBurnett and Councilmember Jameson requested the item and City Secretary Downs presented the item.

The November 3, 2020 Presidential/Joint Election total cost was \$998.79;

- 29 entities participated,
 - 45 Early Voting Locations.
 - 466 Election Day Vote Centers.
- Due to COVID-19, Elections Administrator Pippins-Poole provided a cut in the cost of election equipment.
- Voting Centers will reduce the overall cost however, the Dallas County Election staff will need to collect data over the next two years to determine voting patterns and voter needs.

The December 8, 2020 General Run-Off Election estimated cost was \$11,381.69

- Six (6) entities participated,
 - Twelve (12) Early Voting Locations.
 - Ninety-two (92) Election Day Vote Centers.

Vote Centers in the City of Duncanville:

VC#	LOCATION	Room	ADDRESS	ZIP
V3200	H BOB DANIEL SR INTERMEDIATE SCHOOL	RM 102	1007 SPRINGWOOD DR	75137
V3201	ALEXANDER ELEMENTARY SCHOOL	GYM, RM 807	510 SOFTWOOD DR	75137
V3202	DUNCANVILLE LIBRARY	MTG RM 1-3	201 JAMES COLLINS BLVD	75116
V3203	DUNCANVILLE'S FIRST BAPTIST CHURCH	F101	323 W WHEATLAND RD	75116
V3204	REED MIDDLE SCHOOL	AUDITORIUM, RM 600	530 E FREEMAN ST	75116
V3205	BRANDENBURG INTERMEDIATE SCH-DUISD	CHOIR RM, 501	1903 BLUERIDGE DR	75137
V3206	BYRD MIDDLE SCHOOL	GYM B	1040 W WHEATLAND RD	75116
V3207	ARISE CHURCH	SANCTUARY FOYER	201 W CENTER ST	75116
V3208	CENTRAL ELEM SCHOOL- DUISD	AUDITORIUM, RM 201	302 E FREEMAN ST	75116
V3209	DUNCANVILLE HS PERFORMANCE HALL	FOYER	900 W CAMP WISDOM RD	75116
V3211	FAIRMEADOWS ELEM SCHOOL	GYM, RM 701A	101 E FAIRMEADOWS DR	75116

City Attorney Hager stated the two-year study is to preclude any alleged voter suppression.

The City Secretary will discuss with Dallas County Elections on how to reduce the number of Vote Centers to the following: Byrd, Reed, Fairmeadows, and the Library.

Briefing Session was adjourned at 7:00 p.m.

II. EXECUTIVE SESSION

The Executive Session was called into session at 7:05 p.m. and City Attorney Hager read the item into record.

II.1 “City Council shall convene into closed executive session to seek legal advise from the City Attorney pursuant to Section 551.071 Tex Gov’t Code regarding the following litigation matters and/or potential claims:

- 1. City of Duncanville v. Tommy Winn, Winn Properties filed in County Court at Law of Dallas County;
- 2. Involving an employee EEOC Claim.
- 3. Involving law enforcement, Duncanville Police Department and Dallas County Sheriff’s office. “

The Council closed the Executive Session at 7:29 p.m.

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

The City Council convened into Regular Session in the Council Chambers at 7:32 p.m. with Mayor Pro Tem McBurnett presiding.

The Invocation was delivered by Councilmember At-Large Harvey.

The Pledge of Allegiance and Texas Pledge were led by Mayor Pro Tem McBurnett.

Councilmember Jameson rejoined the meeting at 7:37 p.m.

III.1. REPORTS

III.1.A. Mayor’s Report.
None.

III.1.B. Councilmembers’ Reports
Councilmember Cooks encouraged everyone to attend:
Meet, Connect & Learn
Saturday, January 23, 2021
10:00 a.m. – 11:15 a.m.
via ZOOM

Councilmember Veracruz congratulated Duncanville ISD trustees on their successful coat drive.

Councilmember Jameson spoke on Martin Luther King Jr. and encouraged everyone to follow the practices he suggested.

Mayor Pro Tem McBurnett provided condolences to the family of John Thompson.

III.1.C. *City Manager's Report.*
None.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Video presentation of swearing in of Councilmember District 2 Don McBurnett.*

III.2.B. *Introduction of Joanna Fritz, Republic Services.*
Robyn Mota introduced Joanna Fritz.

III.2.C. *Proclamation recognizing Martin Luther King, Jr. Day, January 18, 2021.*
Councilmember Cooks read the proclamation.

III.2.D. *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"

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

Mayor Pro Tem McBurnett read the item into record.

Roger Sashington, 8740 Cedar Picket Drive, Dallas – spoke on the traffic signal at Clark Road and Summit Park Dr.

Jeremy Koontz – spoke on Armstrong Park.

Patricia Ebert – provided a written comment on the Dallas Morning News article regarding EON.

III.4. CONSENT AGENDA

Mayor Pro Tem McBurnett requested that City Secretary Kristin Downs read the Consent Agenda Items.

III.4.A. *Consider the Minutes for the:*

- ***November 3rd City Council Regular Meeting***
- ***November 5th, 6th, and 7th City Council Special Meeting***
- ***November 9th Joint Meeting with the Planning & Zoning Commission***
- ***November 17th City Council Regular Meeting***
- ***November 20th, 21st, and 24th City Council Special Meeting***
- ***December 1st City Council Regular Meeting***

- *December 7th City Council Special Meeting*
 - *December 14th Joint Meeting with the DCEDC Board*
 - *December 15th City Council Regular Meeting*
- III.4.B. *Consider a Resolution ordering a Joint Election to be held in the City of Duncanville on Saturday, May 1, 2021, for the purpose of electing a Councilmember At-Large for a two (2) year term, one Councilmember from District 1 for a two (2) year term, one Councilmember from District 3 for a two (2) year term and one Councilmember from District 5 for a two (2) year term.*
- III.4.C. *Consider a Resolution approving a Special Sewer Permit for 1411 South Cockrell Hill Road.*
- 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 \$92,026.12.*
- III.4.E. *Consider a Resolution authorizing award of bid IFB 21-0010 to Nova Paintings, LLC, for the Danieldale Pump Station Rehabilitation – Phase 1 Construction Project through the City’s competitive bid process with an estimated expenditure amount not to exceed \$1,146,800.00*
- III.4.F. *Consider a Resolution endorsing the implementation of a continuing pretreatment program as required by 40 CFR 403 for the Trinity River Authority's (TRA) Ten Mile Creek Regional Wastewater System.*
- III.4.G. *Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-008 for Engineering Consulting Services Design of Swan Ridge Dr. Reconstruction and Beaver Creek Dr. and Shady Tree Place Waterline Replacements with Burgess & Niple, Inc., in the proposed amount of \$102,170.00.*

Councilmember Johnette Jameson made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. *Consider an Ordinance revising Chapter 20 “Water, Sewer and Sewage Disposal”, by repealing and replacing Article IV, “General Sewage Disposal Standards”, to provide for updates to regulations governing wastewater discharges into the publicly owned treatment works within the City of Duncanville.*

Assistant Public Works Director Culton presented the item.

Major Proposed Revisions to Chapter 20, Water, Sewer and Sewage Disposal

Sec. 20-54: General Provisions

- **Adds Subsection 20-54 (c), Incorporation of Industrial Waste Regulations by Reference**, provides for users which discharge to the portion of Duncanville's wastewater system which flows to Dallas to adhere to the regulations of the City of Dallas Code of Ordinances, Chapter 49, “Water and Wastewater,” Article IV “Water Quality,” and for the City of Duncanville to adopt the subject Dallas City Code
- **Revises Subsection 20-54 (e), Definitions, to define "Best Management Practices" (BMP)** as schedules of activities, prohibitions of practices, maintenance procedures, and management practices to implement the prohibitions listed in federal rules. BMPs include treatment requirements, operating procedures, etc., to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage in order to protect the POTW
 - The Director may develop BMPs and require industrial users to implement the BMPs if necessary, for POTW protection

- **Revises Subsection 20-54 (e), Definitions, to define "Extrajurisdictional user"** as a user the City has determined requires a permit to discharge to the City's wastewater system, other than a local government, which is located outside the city's jurisdiction.
- **Revises Subsection 20-54 (e), Definitions, Significant Industrial User,** to specify the City may exclude from the classification of Categorical Industrial User those "Non-Significant" Industrial users who discharge no more than 100 gallons per day (gpd) to the City's wastewater system which ultimately flows to the TRA TMCRRWS. Such Industrial users must also meet certain compliance, reporting, certification, and operations criteria.
 - Industrial User sampling and reporting can be reduced
- **Revises Subsection 20-55 (d), Local Limits,** to revise pollutant concentration limits for the City of Dallas. Pollutant limits for Dallas are adopted by reference under Section 20-54 (c)
- **Revises Subsections 20-57 (d)& (e), Wastewater Discharge Permitting: Existing Connections, New Connections** to specify existing industrial users have 90 days (currently 60 days) from the effective date of the ordinance revisions to apply to the City for a new wastewater permit and new industrial users must apply for permit at least 90 days (currently 30 days) prior to discharge date
- **Revises Subsections 20-58 (e), Wastewater Discharge Permit Transfer** to specify industrial users must give the City at least 60 days (currently 30 days) advance notice of its intent to transfer permit
- **Added Subsection 20-58 (h), Regulation of Waste Received from Other Jurisdictions,** to require a municipality which contributes wastewater to the City to enter into an interlocal agreement prior to contributing the wastewater
- **Added Subsection 20-59 (e), Reports of Changed Conditions,** to require each user that discharges to TRA's TMCRRWS to notify the City of any planned significant changes to the user's operations or system which might change wastewater discharge a minimum of 30 days prior to the change
- **Added Subsections 20-63, Administrative Enforcement Remedies, Consent Orders** to provide for the City to enter into Consent Orders, assurance of compliance, or similar documents with any user who is noncompliant. Consent Orders are judicially enforceable.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent. Item passed.

III.5.B. *Election of Mayor Pro Tem for 2020-2021.*

Councilmember Anderson nominated Councilmember Cooks.

Councilmember At-Large Harvey nominated Councilmember Veracruz.

A vote for Councilmember Cooks as Mayor Pro Tem was cast for 6 for, 0 against, with Mayor Barry L. Gordon absent. Item passed.

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

No action.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of November 30, 2020.*

No questions.

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

No questions.

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

Councilmember Cooks requested a breakdown report by Council District.

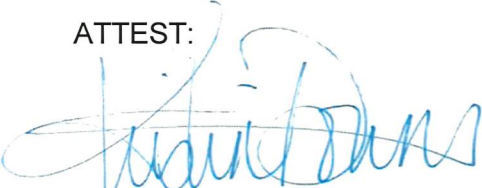
IV. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY