

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, March 3, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, March 3, 2020, at 6:01 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
 Councilmember At-Large Patrick Harvey
 Mayor Pro Tem Don McBurnett
 Councilmember Monte Anderson
 Councilmember Johnette Jameson

COUNCIL ARRIVING AT: Councilmember Joe Veracruz – 6:04 p.m.
 Councilmember Mark D. Cooks – 6:09 p.m.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Hugman reviewed each item. Item 4F – FY2020 WorkPlan; Councilmember Jameson voiced her concerns over the WorkPlan and requested to table the item. Council agreed to table the item until a later City Council Regular meeting date.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Update and discussion regarding the Citizen Satisfaction Survey.*

PIO April Reiling discussed the citizen satisfaction survey. The following was discussed; goals and objectives, an overview of the survey, and considerations. Council requested staff proceed with the RFP selection process; Council would like to see a survey that does not require a lot of time or questions in fear of overburdening the citizens that are taking the survey.

Mayor Gordon recessed the Briefing Session at 6:37 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 6:39 p.m. and City Attorney Hager read the item into record.

II.1 *City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney and special legal counsel concerning pending litigation regarding:*

- ***TMLIRP Claim #LB80416 City of Duncanville v. Veronica Williams***

II.2 *City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located north of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.*

The Council closed the Executive Session at 7:13 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 7:20 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Brian Bowman, Church of Jesus Christ of Latter-Day Saints.

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

III.1. REPORTS

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

Mayor Gordon thanked Hastings Elementary for allowing him to read to their 2nd graders.

Mayor Gordon encouraged all citizens to attend:

Coffee with the Mayor

March 18, 2020

Senior Center

III.1.B. *Councilmembers' Reports*

Councilmember Anderson thanked staff for their work on the sign toppers around the city.

At-Large Councilmember Harvey thanked Merrifield Elementary for allowing him and his wife to be apart of their Black History Month Celebration.

Councilmember Veracruz thanked all citizens who joined the Heart of Duncanville 5K race.

Councilmember Cooks encouraged all citizens to shop locally and thanked At-Large Councilmember Harvey for hosting the April Lunch, Laugh, and Learn.

Councilmember Cooks encouraged all citizens to attend:

Bike Around Duncanville

May 2, 2020

9:00 a.m. – 12:00 p.m.

Starting at the Recreation Center

Mayor Pro Tem McBurnett stated the Pantherettes Basketball team will be competing for the State Championship.

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

None.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Recognition of Keep Duncanville Beautiful Spring 2020 Curb Appeal Residential Properties.*

Keep Duncanville Beautiful Timothy Hamilton presented the following properties:

District 1:

Billy & Lucille Weaver
1360 Green Hills Ct.
Duncanville, TX 75137

District 2: Doyle Davis
335 Brookwood Dr.
Duncanville, TX 75116

District 3: Juan & Rosa Macias
618 Madison Ct.
Duncanville, TX 75137

District 4: James & Edna Bolinger
1602 Stratford Ln.
Duncanville, TX 75137

District 5: Jimmy Protivinsky
1110 Oriole Blvd.
Duncanville, TX 75116

III.2.B. A Proclamation recognizing Severe Weather Awareness Week, March 1-7, 2020 in the City of Duncanville.

Mayor Gordon presented the proclamation to Pat Weaver, Best Southwest Community Emergency Response Team (CERT).

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.

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

John Rakestraw, 502 Villa Creek Drive – spoke on the citizen satisfaction survey.

Lonnie McKnight, 1426 Heather Run Dr. – spoke on the traffic issues and conditions due to the new development on Daniieldale.

City Manager Hugman stated the location Mr. McKnight referred to is the city limits of DeSoto and encouraged Mr. McKnight to attend their City Council meeting and voice his concerns.

III.4. CONSENT AGENDA

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

- III.4.A. Consider the Minutes for the February 2, 2020 Joint Meeting with the Park Board, February 18, 2020 City Council Regular Meeting, February 18, 2020 Special City Council Meeting, and the February 26, 2020 Joint Meeting with the Planning and Zoning Commission.**
- III.4.B. Consider a Resolution authorizing the application for and receipt of a grant from the Texas Division of Emergency Management Hazard Mitigation Grant Program through the Federal Emergency Management Agency in cooperation with the U.S. Department of Homeland Security, funding the acquisition of one emergency generator for the Summit Water Tank Pump Station, with a total grant value of \$200,000.00, of which the Federal share awarded will be \$150,000.00 with the City of Duncanville contributing a 25% cash match in the amount of \$50,000.00.**
- III.4.C. Consider a Resolution authorizing award of Bid #20-014 to Reytech Services, LLC for Water Utility Improvements to install 1,250 linear feet of 12-inch PVC water main along Link Drive (from West Camp Wisdom Road to Jellison Boulevard), through the City's competitive bid process, in an estimated expenditure amount of \$332,783.87.**
- III.4.D. Consider a Resolution authorizing the renewal of a Microsoft Office 365 subscription from CDW-G, through the National IPA purchasing cooperative contract #2018011-01, for the three year contractually discounted price at \$70,539.00 annually with a total three year expenditure of \$211,617.00**
- III.4.E. Consider a Resolution authorizing the exercise of eminent domain by the City Council for properties located at 308 and 232 W. Camp Wisdom Rd., Duncanville, Dallas County Texas providing the necessity for acquisition of title to land and improvements for a Fire Station and other appropriate public purposes.**
- III.4.F. Consider a Resolution adopting the FY2020 WorkPlan.**
Item was tabled.

Councilmember Mark D. Cooks made a motion to approve the items as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Items passed; Item 4F was tabled to a later date.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing (2020-01) and consider an Ordinance to amend the existing General Retail "GR" District zoning to include a Special Use "SUP" Permit for a Day Care Center on Lot 52, Woodland Hills Addition, more commonly known as 1411 S. Cockrell Hill Road, Duncanville.***

Public Works Director Greg Ramey presented the item. The subject property is reflected as part of Opportunity Area 2 on the Future Land Use Map of the Comprehensive Plan and is envisioned as having two primary land use components; high quality interstate/highway commercial development along US 67, and medium or high density residential development, likely standalone but possibly part of a mixed-use development for the remaining infill. The subject property falls within the area most appropriate for commercial or mixed-use developments. The subject property was most recently occupied as a residence which was considered a legal non-conforming use. The residential use was abandoned for over 6 months so it can no longer be used as a residence.

The applicant is seeking approval of a Special Use Permit (SUP) for a day care center to occupy the existing 1,043 s.f. building. Approximately 20-25 children, ages 1 months to 5 years, with curriculum based, age appropriate lesson plans. Hours of operation would be from 6:00am to 6:00pm, Monday through Friday with four (4) licensed employees.

The Zoning Ordinance requires one (1) off-street parking space for every fifteen (15) children, and paved pedestrian loading and unloading area with a circular drive and pass-through lane. The applicant proposes to construct a parking lot with six (6) parking spaces including site circulation at the rear of the property. The applicant is proposing minor renovations to the existing building, primarily interior modifications to meet building, daycare, and fire code requirements. The site must comply with Chapter 16A Sign Guidelines of the Code of Ordinances regarding building and freestanding signage. The site is subject to regulatory provisions of Article XIV-E Landscape Requirements of the Zoning Ordinance. A fifteen (15) foot landscape buffer along S. Cockrell Hill Road with tree plantings, trees planted within the parking area in an island, and shrubs screening the parking from the street. The site is subject to comply with the Tree Preservation Ordinance. The playground area is fenced at the rear of the property.

Properties immediately adjacent to the subject property: north, south and west are zoned within the same General Retail "GR" District. Properties to the south and west are undeveloped and the property to the north is developed with a single-family home. Properties to the east, across S. Cockrell Hill, are zoned Planned Development District and developed with single family homes (Willow Run Subdivision). Properties further north are zoned General Retail and remain mostly undeveloped, except for a vacant event center at 1331 S. Cockrell Hill and a restaurant at the intersection of S. Cockrell Hill and Highway 67.

The subject property is currently zoned General Retail "GR" and can be developed with any permitted use in the General Retail District. Converting the use of the building from residential to non-residential aligns more closely with the intended land uses envisioned for the area. Ideally, the property would redevelop with a retail or mixed-use development through the assemblage of multiple parcels. As an infill lot, there are some limitations to future redevelopment within the existing floodplain/floodway on the property.

Fourteen (14) notices were sent out for this public hearing. No responses have been received.

The Planning and Zoning commission, by vote of 3-2, recommended approval of an ordinance to amend existing district zoning to include a

Specific Use Permit "SUP" to allow a Day Care Center with the following conditions:

1. Property shall be developed in accordance with the site plan and be incorporated into the ordinance.
2. Property shall meet all city, state, and federal regulations for building, and fire codes, and accessibility.
3. Civil plans shall be designed and submitted by a licensed engineer and approved by the City Engineer per the City of Duncanville standards.
4. A fire sprinkler system is required to be installed in the building per the Fire Code.
5. No time limits.

The applicants Clayton and Lemesa Logan stated operational hours would be from 6:00 a.m. – 6:00 p.m. with 20-25 children year-round. They currently have another Day Care Center that has been in operation for 35 plus years.

Mayor Gordon opened the Public Hearing.

In Support:

Erma Griffin
Dana Waters
Meomi Butler
Frank Jackson
Eboni Womack

Leroy Griffin, 804 Newport Way, DeSoto – spoke on his Mr. and Mrs. Logan characters and stated the Day Care Center would be a great asset to the City.

Creshunda Moore – spoke on current Day Care Center and how valuable it was to her and her family.

In Opposition:

No one spoke.

Councilmember Mark D. Cooks made a motion to close the Public Hearing, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Public Hearing was closed at 8:07 p.m.

Councilmember Jameson questioned why the Planning and Zoning Commission voted 3 in favor and 2 in opposition. Public Works Director stated President Zylka did not vote in favor because he felt it was not in accordance with the Comprehensive Plan.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Councilmember Monte Anderson seconded the motion. The vote was cast 3 for, 4 against (Councilmember At-Large Patrick Harvey, Councilmember Joe Veracruz, Mayor Pro Tem Don McBurnett, and Councilmember Johnette Jameson). Item failed.

III.5.B. *Conduct a Public Hearing (2020-02) and consider an Ordinance to revoke a Special Use Permit for an assisted living facility (Ordinance No. 2253) and retain the existing Single-Family Residential District "R-1.8" zoning, on Lot 1B, Block L, Irwin Keasler Development Red Bird Unit 1, more commonly known as 1119 Dula Circle.*

Public Works Director Greg Ramey presented the item. The applicant, which is still the current property owner, never occupied the space as an assisted living facility. Per the City Attorney, the SUP should be revoked in order to remove the SUP zoning designation from the property. The property has a base zoning of "R-1.8" Single Family Residential District. This zoning would remain in place and only uses permitted within the "R-1.8" Single Family Residential District shall be allowed. The "SUP" overlay (Ordinance No. 2253) for the assisted living facility use would be removed from the zoning map if approved by the City Council.

Twenty-three (23) notices were sent out for this public hearing. Three responses in favor and one opposition has been received.

Planning & Zoning Commission recommends approval of revocation of a Special Use Permit for an assisted living facility (Ordinance No. 2253) and retaining the existing Single-Family Residential District “R-1.8” zoning, on Lot 1B, Block L, Irwin Keasler Development Red Bird Unit 1, more commonly known as 1119 Dula Circle, in the City of Duncanville, Dallas County, Texas.

Stan Smith, 344 Fouts Ave, represented the applicant and stated the home was a residential care home and encouraged Council to remove the SUP.

Mayor Gordon opened the Public Hearing at 8:17 p.m.

In Support:

No one spoke.

In Opposition:

No one spoke.

Councilmember Johnette Jameson made a motion to close the Public Hearing, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. The Public Hearing was closed at 8:18 p.m.

Councilmember Jameson said that she supports revocation of the SUP; the property has caused a lot of problems over the years.

Councilmember Johnette Jameson made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

- III.5.C. **Take any necessary action as a result of the Executive Session.**
No action taken.

III.6. STAFF AND BOARD REPORTS

- III.6.A. **Receive the FY20 First Quarter Investment Report as of December 31, 2019.**
Finance Director Richard Summerlin presented the item.

	Book Value		Market Value
Investments at 09/30/2019	\$ 61,278,391		\$ 61,278,391
Investment Purchases	18,442,785		18,442,785
Investment Maturities	13,000,000		13,000,000
Investments at 12/31/2019	\$ 66,721,176		\$ 66,721,176

- III.6.B. **Receive the Monthly Financial Report as of January 31, 2020.**
Finance Director Richard Summerlin presented the item. January 2020 is the fourth month in fiscal year 2020. Benchmark revenues and expenditures are 33% of budget. The General Fund ending unreserved fund balance is \$18.8 million, 212 days of operations based on the FY2020 adopted budget or 137 days (\$12.1 million) in excess of the benchmark 75-day reserve. Property taxes are at 83.5% of the budget. Overall, General Fund revenues are at 54.9% of budget while operating expenditures are at 27.0% of budget. The Utility Fund ending unreserved fund balance is \$2.9 million, 55 days of operations based on the adopted budget. Utility and Solid Waste revenues have one month delay due to the billing process; three months of revenue is reflected. The Sanitation Fund has an ending fund balance of \$700 thousand; approximately 63 days of operation.
- III.6.C. **Receive the Economic Development Annual Report.**
The Economic Development Department Quarterly Report was presented before the Economic Development Annual Report.

- III.6.D. **Receive Economic Development Department Quarterly Report.**
Economic Development Director Jessica James presented the item. The following discussion took place; FY20 WorkPlan items, business retention and expansion efforts, market update and highlights, and additional activities.
- III.6.C. **Receive the Economic Development Annual Report.**
Economic Development Director Jessica James presented the item. The following discussion took place; economic development recap, community development recap, status of existing Type B projects, DCEDC meeting highlights, and DCEDC activities.

IV. **ADJOURNMENT**

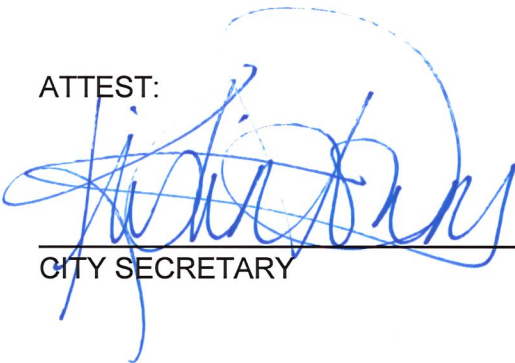
The meeting was adjourned at 8:51 p.m.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY