

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, March 5, 2024

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, March 5, 2024, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:

Mayor Barry L. Gordon
Councilmember At-Large DeMonica Gooden
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry-Brown
Mayor Pro Tem Greg Contreras

COUNCIL ARRIVING AT:

COUNCIL ABSENT:

WORK SESSION / BRIEFING

1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Finch reviewed each item.

2. CITY COUNCIL CALENDAR

City Secretary Chiquita Taylor reviewed the council calendar.

3. BRIEFINGS / PRESENTATIONS

In the interest of time, Mayor Gordon recessed the Briefing Session at 7:00 p.m. and moved the executive session to the end of the regular session.

A. *Council to receive a briefing on the Life School Master Plan. Life School is a tuition free public charter school with campuses across the Dallas area.*

Mayor Gordon recused himself and exited the meeting at 6:23 p.m. Mayor Pro Tem Contreras presided over the meeting.

Presented by Dr. Brent Wilson, superintendent of Life School, and Brian Nelson of HKS Architects. Mr. Nelson gave an overview of the campus's design and site plans. Councilmember Veracruz asked about the school's traffic plan for entry and exit. Mr. Nelson stated that the lanes are wide and the property will have entry and exit lanes. Councilmember Cherry-Brown asked how far the stadium would be from the residential area. Mr. Nelson stated that it would be about 100 feet, and we would be providing a buffer area of trees to shield the neighborhood. There have also been plans to modify the lighting of the stadium so as not to go over into the neighboring area. Mayor Pro Tem Contreras asked if this would include a loudspeaker system. Mr. Nelson stated that yes, there will be further discussion on this.

Mayor Gordon returned to the meeting at 6:39 p.m.

B. *Council to receive an update on the progress of completing the FY22 audit from the Finance Department and McConnell Jones.*

Chief Financial Officer Richard Jackson presented this item along with Chuck Kozlik from McConnell Jones. Mr. Kozlik attended virtually. Mr. Kozlik stated we have made significant progress since the last meeting. We should be completed by this time next week. The expectation is to bring the completed audit to the Audit committee for review. Councilmember McBurnett thanked McConnell Jones and the Finance Department for their work in getting this Audit completed. Mr. McBurnett asked about the cost and if we are on budget

or over budget. Mr. Jackson stated additional expenditures were not included but there would very likely be some additional expenditures.

C. *Presentation by Huitt-Zollars representatives to update the facility condition/needs assessment performed in 2018.*

Mr. Finch gave an overview of the facility needs assessment. A report was done in 2018, and he believes an update to the current document would be needed. The new assessment would not include Police and Fire as they will be done separately. Tony Sosebee of Huitt- Zollars stated the assessment was done on City Hall, the Service Center, the Senior Center, and the Library. We would reevaluate the plan and add any additional needs indicated by staff. Councilmember Contreras asked if there would be some citizen input on the Library and public areas. Mr. Finch stated there will be some citizen engagement later in the process and it will be done internally. The quote for the assessment is \$95,000, to be brought to the council at the next meeting.

EXECUTIVE SESSION

The Executive Session was called into session at 9:27 p.m. and City Attorney Hager read the item into record.

The Council closed the Executive Session at 11:03 p.m.

1. ***City Council shall convene into closed executive session pursuant to Section 551.074, of the Texas Government Code, Personnel, to deliberate the duties of the City Manager under the Home Rule Charter and, pursuant to Section 551.071 of the Texas Government Code, to seek legal advice from the City Attorney on the same topic.***

REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. or immediately following the 6:00 pm Work Session/Briefing)

The City Council convened into Regular Session in the Council Chambers at 7:06 p.m. with Mayor Gordon presiding.

Councilmember Veracruz delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

1. REPORTS

A. *Mayor's Report.*

Nothing to report.

B. *Councilmembers' Reports*

Mayor Pro Tem Contreras commended the police on their quick response to an accident on Wheatland Road. Councilmember Gooden recognized the Duncanville Girls basketball team for their win. She also recognized and thanked the new city manager for a job well done in meeting with the citizens and businesses in the community. Councilmember McBurnett also congratulated the Pantherette girls' basketball team on their state championship win. He also commended the staff on the upcoming events in the community. Councilmember Koontz commended the Police department members on the crime prevention meeting in his district. He also commended the fire department on assisting with the wildfires and gave condolences on the loss of a fire fighter.

C. *City Manager's Report.*

Mr. Finch reported that the District 1 community meeting has been rescheduled for March 22nd at 6:30 p.m. The Ten Mile Creek erosion control protection measures will begin on March 11th. Residents affected will be notified in writing. He commended public safety and the Public Works department on servicing a water main break on February 26th that lasted through the night. Mr. Finch also gave an update on the Parks Department's effort to pick up the debris at the Ladd Preserve.

2. PROCLAMATIONS AND PRESENTATIONS

A. *Presentation of the Keep Duncanville Beautiful Spring 2024 Business Beautification Award Plaque and Proclamation to D-Squared Catering located at 519 E. Hwy 67.*

Presented by Assistant Parks Director Tyler Agee.

B. *Recognition of Keep Duncanville Beautiful Spring 2024 Curb Appeal Residential Properties.*

Mr. Agee announced the 2024 Curb appeal winners.

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”

At this time, two-minute comments will be taken from the audience on any topic. 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. In accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time. Issues may be referred to City Staff for research and possible future action.

To view the live meeting or previous meetings click on the link below.

<https://duncanvilletx.new.swagit.com/views/454/>

To submit a comment via email the following information is required:

- Submit a comment by 4:00 p.m. on _
- Email citysecretary@duncanvilletx.gov
- Email title: Public Comment – _
- First Name, Last Name, and Address

After some discussion, Mayor Gordon decided to no longer mute the citizen comments during the election period as this practice was never codified in the council rules of procedure. He then asked the council if there was any opposition. No one was opposed.

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

Judy Smithey
1806 Cedar Hill Rd.
Beautification of our city

Erica Browning
442 E. Cherry St.
Nature preserve master plan

Cindy Johnson
1420 Windmill Hill Lane
Cedar Hill, TX
Issue obtaining Certificate of Occupancy

Mark Graham
410 Sante Fe Trail
Ladd preserve

Pastor Chris Gutierrez
201 W. Center St.
support of item 4L

Nancy Gutierrez

4. **CONSENT AGENDA**

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

- A. ***Consider the Minutes for the February 20, 2024, City Council Regular Meeting.***
- B. ***Consider a Resolution to enter into a Joint Election Agreement and Election Services contract between Dallas County and other jurisdictions holding an election on May 4, 2024, to be administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.***
- C. ***Consider a Resolution approving a five (5) year annual contract renewal with Mcci, LLC for Laserfiche Cloud Solution for a records management repository, training center, and support services in an amount not to exceed \$156,000 over five years.***
- D. ***Consider a Resolution approving a renewal contract for the City of Duncanville's mass emergency notification system from Everbridge, Inc., through GSA contract GS-35F-0692P in an expenditure amount not-to-exceed \$65,034.75.***

Mayor Pro Tem Contreras asked if the number of people involved in the program had dropped off. Fire Chief Rhode stated that about 127 people have dropped out of the program.
- E. ***Consider a Resolution authorizing a contract for grounds maintenance equipment, parts, and supplies with Pioneer Manufacturing Company through BuyBoard Contract #706-23 in the amount not to exceed \$80,000.00 over the 5-year period.***
- F. ***Consider a resolution amending the FY 2023-2024 Master Fee Schedule for Planning and Neighborhood Services to add the Native Landscaping Permit fee of \$25.00.***
- G. ***Consider an Ordinance amending the FY 2023-2024 budget by appropriating interest income received to date and amending expenditures for Energov software reimplementation project management services.***
- H. ***Council to consider adopting a resolution approving an agreement with BerryDunn for the implementation of Tyler Technologies' Energov software with an expenditure amount not to exceed \$132,800.00; authorizing the City Manager to execute all documents required for such agreement; and establishing an effective date.***

Councilmember Gooden asked Mr. Finch to explain this item to the public for clarification. Mr. Finch noted this solution will help building officials and plan review for permitting. The goal is to get to a more streamlined process to move applications forward in the permitting department. The target date is Fall of 2024. Mayor Gordon asked if the new project manager hire and the implementation would be simultaneous. Mr. Finch stated yes, it will be. We are currently accepting applications for a Project Manager position.
- I. ***Consider a Resolution awarding a bid and authorizing a cooperative purchasing agreement with Southwest International Trucks, Inc. for the purchase of two dump trucks through BuyBoard Contract 723-23 in the expenditure amount of \$219,924.72.***

Mayor Gordon asked if these are replacement vehicles. Ms. Colton stated yes these are replacements.
- J. ***Consider a Resolution authorizing the procurement of goods and services to replace the fiber connection between D.L. Hopkins Jr. Senior Center and Central Services Building 103, in the expenditure amount of \$54,367.01.***
- K. ***Consider a Resolution authorizing the approval of a Earnest Money contract agreement be for the purchase of real property at 200 W. Center Street, Duncanville, Texas 75116.***

Item was requested to be moved to individual consideration Item 5E.

- L. ***Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to Tim Maiden in an amount not to exceed \$246,450.00 for a building located at 202 West Center Street, Duncanville, Texas, 75137.***

Item was requested to be moved to individual consideration Item 5F.

- M. ***Consider a Resolution authorizing the Purchase Agreement for the purchase of an Armored Vehicle with the use of asset forfeiture funds for a future purchase not to exceed \$400,000.00.***

- N. ***Consider a Resolution authorizing the receipt of a grant from the Edward Byrne Memorial Justice Assistance Grant Program (JAG), to be administered by the City of Dallas, to provide funding for the Police Department, to purchase twenty-three level IIIA ballistic helmets with integrated face shields to replace the current helmets that will be expiring this year, with a total grant value of \$8,704.52.***

Mayor Gordon asked if the amount was fully covered by the grant. Assistant Police Chief Fries stated the amount is fully covered by the grant.

- O. ***Consider a Resolution authorizing the receipt of a grant from the Edward Byrne Memorial Justice Assistance Grant Program (JAG), to be administered by the City of Dallas, to provide funding for the Police Department, to purchase two JAMAR Technologies Black Cat II Radar Bundles and four accompanying lithium batteries, with a total grant value of \$9,080.80.***

Councilmember Don McBurnett made a motion to approve the consent agenda, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ***Take any necessary action as a result of the Executive Session.***

No action taken.

- B. ***Consider an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by amending Chapter 19 'Traffic,' Article VI 'Stopping, Standing and Parking,' by adding Section 19-117 'Public Highway, Interstate 20 and State Highway 67'; providing for regulations; providing for a severability clause; providing a repealing clause; providing a savings clause; and providing for an effective date.***

Mayor Gordon reviewed the background on this item. He contacted the Texas Department of Transportation and they requested an ordinance to prevent truck parking along the interstate, particularly on 1-20. City Attorney Hager reviewed the reasons for the need for an ordinance in these locations. Mayor Pro Tem Contreras stated the signs have been effective in other cities and is glad for the ordinance. He had pursued this for the past two years.

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

- C. ***Conduct a public hearing for consideration and action regarding the request of Sambatek, applicant, representing Hajoca Corporation, for a Specific Use Permit (SUP) to allow for the Use "Building Materials Sales" and consider adopting an ordinance amending the Comprehensive Zoning Ordinance and map on Crestview, Block C, Lots 20, 20.1, and 21, more commonly known as 624, 626 and 628 Crestside Drive, in the City of Duncanville, Dallas County, Texas.***

Planning Director Nathan Warren presented this item.

Mayor Gordon opened the public hearing at 7:56 p.m.

In favor:

Corey Bugey
5 Brookway Ct.

Opposed:

None

The public hearing was closed at 7:59 p.m.

Mayor Gordon ratified the closing of the public hearing.

MPT Contreras asked about the location of the current plumbing supply business and the new proposed building supply business. The applicant, Mr. Bugey, stated they are close in proximity. Mayor Gordon stated he appreciated the business coming to the city.

Councilmember At-Large DeMonica Gooden made a motion to approve the item as stated, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 7 for, 0 against.

- D. *Conduct a public hearing regarding the request of Robert Brown, applicant, representing owner, Metro Housing LLC, to include a Specific Use Permit "SUP" for Short-Term Rental on Block 12, Lot 6, Dville Estates No. 3, more commonly known as 235 Greenstone Court, Duncanville, Dallas County, Texas, and consider adopting an ordinance to amend the Comprehensive Zoning Ordinance and Map.***

Mr. Warren presented this item.

Mayor Gordon opened the public hearing at 8:09 p.m.

In favor:

Robert Brown
40 Ellis Oak Court
Waxahachie, TX

Opposed:

None

Mayor Pro Tem Greg Contreras made a motion to close the public hearing, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 7 for, 0 against.

The public hearing was closed at 8:09 p.m.

Mayor Pro Tem Contreras asked if the property owner lived in the area. Mr. Warren stated that the owner resides in Waxahachie. Mayor Gordon asked if this property was registered as a rental property. Mr. Warren stated it is not currently registered as a rental property. It is presently vacant. Mayor Gordon stated in the past that residency is a key component when considering SUPs for short-term rentals.

Councilmember Don McBurnett made a motion to reopen the public hearing to allow the applicant to speak, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon reopened the public hearing at 8:13 p.m.

Councilmember Don McBurnett made a motion to close the public hearing, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the public hearing at 8:15 p.m.

Councilmember Gooden asked the applicant how he would manage the property if he did not live in the area. Mr. Brown stated he has a business in Duncanville and would keep regular checks on the property. Councilmember McBurnett asked if he had spoken with the neighbors regarding using the property as a short-term rental. The applicant stated he had spoken with three of the neighbors about using the property as a short-term rental.

Councilmember Joe Veracruz made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 1 for, 6 against (Mayor Barry L. Gordon, Councilmember At-Large DeMonica Gooden, Councilmember Don McBurnett, Councilmember Jeremy Koontz, Councilmember Karen Cherry-Brown, and Mayor Pro Tem Greg Contreras).

E. *Consider a Resolution authorizing the approval of a Earnest Money contract agreement be for the purchase of real property at 200 W. Center Street, Duncanville, Texas 75116.*

Economic Development Coordinator Jeremiah Brewer presented this item.

Councilmember Koontz stated he is in favor of this item. He then asked Mr. Brewer to speak to the reason for the purchase of this property. Mr. Brewer noted this purchase is part of a larger plan for a mixed-use development. Mr. Finch stated the purchase is for the future redevelopment of the parcel and the downtown development plan.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

F. *Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to Tim Maiden in an amount not to exceed \$246,450.00 for a building located at 202 West Center Street, Duncanville, Texas, 75137.*

Mr. Brewer presented this item. Mayor Gordon asked the applicant, Tim Maiden, if his business already owned the property. Mr. Maiden stated the property was purchased earlier this year by his business.

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

6. STAFF AND BOARD REPORTS

A. *Receive the Parks and Recreation Department Quarterly Report*

Presented by Director of Parks and Recreation Bart Stevenson.

B. *Receive Police Department 2023 Racial Profiling Report.*

Presented by Assistant Police Chief Chris Freis.

C. *Receive the Monthly Financial Report as of January 31, 2024.*

Presented by Budget Analyst Jennifer Otey.

Mayor Gordon recessed the regular session at 9:20 p.m. to convene into executive session.

Mayor Gordon reconvened the regular session at 11:03 p.m.

ADJOURNMENT

The meeting was adjourned at 11:04 p.m.

APPROVED:

CITY SECRETARY