

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, March 15, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, March 15, 2022, at 6:00 pm 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
Councilmember Mark D. Cooks
Councilmember Greg Contreras

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, March 15, 2022 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.

Pursuant to City practice, Citizen Comments and Reports during Election Season, March 1 – May 7 and during a Run-Off Election period are not broadcast or recorded. ZOOM will be for streaming only.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 pm on Tuesday, March 15, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – March 15.
- First and Last Name; and address.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_PiHct8jkRZuPsgmHbxILDw

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 Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Item 4C - A Resolution confirming the City Manager's appointment of Steve Flanagan as a member of the Duncanville Civil Service Commission, filling the vacancy of former Commissioner Tracey Martin as of March 15, 2022. Item has been removed for the City Manager to meet with the applicant.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. Briefing on establishing a reasonable response time requirement for certain essential City of Duncanville employees during civil emergencies
HR Director Siegel presented the item.

Councilmember Cooks requested item.

- Chapter 150.021 of the Texas Local Government Code states employees who are likely to be called to work in cases of civil

emergency may be required to reside within a reasonable response commuting range of their place of work by Ordinance.

- Pursuant to Subsection 150.021 of the Texas Government Code, the established requirement may not be retroactively imposed on any person in the employ of the municipality at the time the standards are adopted.
- The U.S. Supreme Court and other federal and state courts have held that continuing residency requirements are constitutional.
- One Best Southwest City has established such an ordinance:
 - Lancaster

Summary of Ordinance Points

- A thirty (30) minute reasonable response commuting range requirement.
- City Manager is covered with a residency requirement by the City Charter
- The positions to require the commuting range are:
 - Assistant City Manager
 - Public Works Director
 - Police Chief
 - Fire Chief
 - Regional Emergency Management Administrator

Mayor Gordon recessed the Briefing Session at 6:26 pm for City Council to convene into Executive Session.

II. **EXECUTIVE SESSION**

The Executive Session was called into session at 6:27 pm, and City Attorney Hager read the item into record.

- II.1 *“City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Gov’t Code to deliberate the appointment, employment, duties of a public officer, to wit: City Manager; and, pursuant to Section 551.074 Texas Gov’t Code to seek legal advice from the City Attorney concerning an employment contract of the City Manager.***

Reconvene into open session and take necessary action as a result of executive session.”

The Council closed the Executive Session at 6:56 pm.

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

The City Council convened into Regular Session in the Council Chambers at 7:07 pm with Mayor Gordon presiding.

Mayor Pro Tem Harvey delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. **REPORTS**

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

Mayor Gordon spoke on Officer Sisk's retirement.

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

Councilmember McBurnett congratulated the Boys Basketball Team on becoming State Champions and encouraged all citizens to attend the Lions Club mini health fair on Saturday, March 19, 2022.

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

City Manager Ferrell-Benavides spoke on personnel changes, congratulated Public Works Director Ramey on his new position, and wished him luck.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Mayor Gordon recognizes a City Champion.

Mayor Gordon recognized David and Nellie Porterfield.

III.2.B. Recognition of Officer Sisk.

Mayor Gordon presented Officer Sisk with a Proclamation, and Chief of Police LiVigni recognized Officer Sisk.

III.2.C. Recognition of EMS Chief Ryan.

Fire Chief Rohde recognized Mike Ryan.

III.2.D. A Proclamation Recognizing March 20-26, 2022 as Poison Prevention Week.

Councilmember Contreras presented the proclamation to Fire Chief Rohde.

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.

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- ***Submit a comment by 4:00 pm on Tuesday, March 15, 2022.***
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Mayor Gordon read the item into record. The following spoke during the Citizens Input Period:

Gale Sliger, 1405 South Main Street - spoke on Item 5A.

Lori Davison, 9728 White Ash Road Dallas, TX - submitted a comment on safety at the Dollar General.

Patricia Ebert, 115 South Greenstone Lane - submitted a comment on the presentation on Dog Parks provided to the Park Board.

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 28, 2022, Joint Meeting, and the March 1, 2022 City Council Regular Meeting.

III.4.B. Consider a Resolution awarding a three-year term contract for mowing of parks, medians, facility grounds, lots, and rights-of-way to BrightView Landscape Services, located in Dallas, Texas as the primary service provider with an estimated amount of \$1,479,174 and to Good Earth Corporation, located in Dallas, Texas as the secondary service provider with an estimated amount of \$1,973,082 based on unit price bid.

III.4.C. Consider a Resolution confirming the City Manager's appointment of Steve Flanagan as a member of the Duncanville Civil Service Commission filling the vacancy of former Commissioner Tracey Martin as of March 15, 2022.

Item was removed.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Councilmember Don McBurnett 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 establishing a thirty (30) minute reasonable response time (commuting range) requirement for civil emergencies for identified positions.

HR Director Siegel presented the item.

Councilmember Cooks requested item.

- Chapter 150.021 of the Texas Local Government Code states employees who are likely to be called to work in cases of civil emergency may be required to reside within a reasonable response commuting range of their place of work by Ordinance.
- Pursuant to Subsection 150.021 of the Texas Government Code, the established requirement may not be retroactively imposed on any person in the employ of the municipality at the time the standards are adopted.
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Councilmember Veracruz questioned where the time measurements would begin.

Director Siegel stated from City Hall.

Councilmember Veracruz stated once an emergency call takes place there is a chain of command at an incident until they are relieved.

Mayor Pro Tem Harvey questioned if the new Ordinance would affect the current positions.

Director Siegel stated the incumbents would not be impacted, when the position becomes vacant that is when it would go into effect.

Councilmember McBurnett stated although he would like everyone to reside in the city it is not possible, and it would be the City Manager's job to view residency not for Council to codify.

Mayor Gordon questioned why the City of Lancaster has an Ordinance and Cedar Hill and DeSoto do not.

City Manager Ferrell-Benavides stated during meetings with the Best Southwest City Managers it was stated they do not have an Ordinance; however, it is a common practice in their cities for their employees to live in their City.

Councilmember Cooks voiced his concerns about Council being silent in the Briefing Session and believes Council should get citizen input on the topic.

Councilmember Mark D. Cooks made a motion to table the item and get citizen input, Councilmember Greg Contreras seconded the motion. The vote was cast 2 for, 5 against (Mayor Barry L. Gordon, Mayor Pro Tem Harvey, Councilmember Joe Veracruz, Councilmember Don McBurnett, and Councilmember Jeremy Koontz). Item failed.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 2 for, 5 against (Mayor Barry L. Gordon, Councilmember Joe Veracruz, Councilmember Don McBurnett, Councilmember Jeremy Koontz, and Councilmember Greg Contreras). Item failed.

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

City Attorney Hager read the motion:

Motion to approve the City Manager's Employment Contract, effective from its adoption and execution by and between Aretha R. Ferrell-Benavides and the City of Duncanville Texas; and authorize the Mayor to sign and approve the terms conditions as provided and reviewed by City Council.

Mayor Gordon read the changes from the Contract:

- Section 3.03 – the City Manager would be eligible for costs of living allowances.
- Section 3.09 – the City Manager can allow staff to use the City Manager's vehicle as a City Vehicle.
- Section 10.01 – the use of a Standardized Evaluation form to evaluate the City Manager.
- Section 13.01 – residency does not require property ownership; the City Manager must reside in City limits and can rent or own.

Councilmember Jeremy Koontz 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.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of January 31, 2022.*

Managing Director of Financial Services Atmore presented the item.

III.6.B. *Receive the Neighborhood Services Quarterly Report.*

Neighborhood Services Manager Tennant presented the item.

IV. ADJOURNMENT

The meeting was adjourned at 8:56 pm.

ATTEST:

CITY SECRETARY

APPROVED:

MAYOR