# Duncanville City Council Meeting Minutes
# Regular Meeting
# Tuesday, April 5, 2022

**CALL TO ORDER**
A regular meeting of the Duncanville City Council was called to order on Tuesday, April 5, 2022, at 6:10 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
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, April 5, 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.

To speak during Citizen Comments via ZOOM, you must register with the City Secretary before 4pm on Tuesday, April 5, 2022, email citysecretary@duncanville.com and title the email "Public Comment – April 5th". 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 microphone 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 technical issues that may arise.

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

- Submit a comment by 4:00 p.m. on Tuesday, April 5, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – April 5th.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *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_BWJhMfJISOGMEgz07U4qqQ

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 the record, and City Manager Ferrell-Benavides reviewed each item. Item 4E - authorizing the purchase of fire equipment for the new Fire Engine from Municipal Emergency Services (MES) through the National Purchasing Partners Government (NPPGov) Contract #PS20040 in the expenditure amount of $66,401.83. In September of 2020, Resolution 2020-066 was passed, authorizing the purchase of a new Fire Engine. However, the equipment needed on the apparatus to make it fully functional was not included in the Resolution. The total cost of the needed equipment is $66,401.83, and through the NPPGov cooperative purchasing contract, we can satisfy the competitive bid requirement under State law. Item 4F - authorizing the Bid No. RFB-22-0001 Demolition of Substandard Buildings for real property within the City of Duncanville to Garrett Demolition, Inc. in accordance with the proposed pricing bid tabulation attached hereto and incorporated herein as Exhibit' A,'; in an amount not to exceed $77,167.16. The award is a Master Agreement with Garrett Demolition, Inc. to assist the City of Duncanville in demolishing both residential and commercial structures that have been determined substandard by the City and ordered demolished by a Municipal Judge or the City's Building Standards Commission. The contract period is for a total of five years with annual renewal option periods. The contract is on an as-needed basis. The awarded amount is in an amount not to exceed $77,167.16.

**I.2. BRIEFINGS / PRESENTATIONS**

No presentations.

Mayor Gordon recessed the Briefing Session at 6:40 p.m. for City Council to convene into Executive Session.

## II. EXECUTIVE SESSION

The Executive Session was called into session at 6:42 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 Texas Gov't Code; to discuss and deliberate the purchase, exchange or value of real property in order to improve negotiation with the third party for property west of US Highway 67 South of Camp Wisdom East of Main Street and North of Danieldale Rd.; and, to deliberate regarding commercial and financial information from a business prospect and deliberate an offer of a financial or incentive to a business prospect pursuant to Section 551.087, Texas Gov't Code.***

The Council closed the Executive Session at 7:42 p.m.

## III. 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 7:48 p.m., with Mayor Gordon presiding

Councilmember Cooks delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

**III.1. REPORTS**

**III.1.A.** ***Mayor's Report.***
None.

**III.1.B.** ***Councilmembers' Reports***
Councilmember Cooks spoke on a
Texas Association of Black City Councilmembers scholarship fund opportunity.
Application period - March 1, 2022 to May 1, 2022
Contact: mcooks@duncanville.com

**III.1.C.** ***City Manager's Report.***
Assistant City Manager Brown spoke on road reconstruction utility improvements, Operation Clean Duncanville, The Easter Egg Hunt, and the Keep Duncanville Beautiful Community Clean-up event.

**III.2. PROCLAMATIONS AND PRESENTATIONS**

**III.2.A.** ***Proclamation in recognition of National Library Week, April 3-9, 2022.***
Councilmember Contreras presented 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" 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.***

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- Email citysecretary@duncanville.com
- Email title: Public Comment – April 5th.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *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:

Gilbert Cavello, 703 San Juan Dr. - submitted a comment in support on Wheatland Plaza.

Christopher Price, 214 Cliffwood Dr. - submitted a comment in support on Wheatland Plaza.

Stan Moore, 503 E Freeman St. - submitted a comment in support on Wheatland Plaza.

Patricia Ebert, 115 South Greenstone Lane - submitted a comment on the Republic Trash and Bulk Pickup.

Bryan Kaiser, 100 S Main Street - spoke in favor of Wheatland Plaza.

Erika Browning, 442 E Cherry Street - spoke on Agenda 5B and Exhibits.

**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 March 7th Special City Council Meeting, March 14th Joint Meeting, and the March 15th City Council Regular Meeting.***

**III.4.B.** ***Consider a Resolution approving the award of IFB #22-012, Forest Hills Addition Ramps Construction, to Northstar Construction, LLC through the City's competitive bid process, with an estimated expenditure amount of $217,685.00 and an additional appropriation of $21,768.50 for a contingency equaling ten (10) percent of the original contract price.***

**III.4.C.** ***Consider a Resolution approving the purchase of fuel products from Jack Ray Oil Company through Tarrant County Cooperative Purchase Contract #2022-063 in the estimated total expenditure amount of $472,780.00.***

**III.4.D.** ***Consider a Resolution approving a Cooperative Purchasing Agreement with Professional Turf Products, L.P. through BuyBoard Contract #611-20 in the expenditure amount of $84,442.06.***

**III.4.E.** ***Consider a Resolution authorizing the purchase of fire equipment for the new Fire Engine from Municipal Emergency Services (MES) through the***

***National Purchasing Partners Government (NPPGov) Contract #PS20040 in the expenditure amount of $66,401.83.***

**III.4.F.** ***Consider a Resolution authorizing the Bid No. RFB-22-0001 Demolition of Substandard Buildings for real property within the City of Duncanville to Garrett Demolition, Inc. in accordance with the proposed pricing bid tabulation attached hereto and incorporated herein as Exhibit' A,'; in an amount not to exceed $77,167.16.***

**III.4.G.** ***Consider a Resolution awarding a contract for Construction Manager at Risk Services (CMAR) for Harrington Park Improvements to Dean Construction, with an estimated amount of $288,000.00 based on unit price bid.***

**III.4.H.** ***Consider a Resolution authorizing a cooperative purchasing agreement with Caldwell Country Chevrolet, LLC through Buyboard Contract #601-19, to approve procurement of six Chevrolet Tahoes PPVs in the total expenditure amount of $465,898.00.***

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

**III.5. ITEMS FOR INDIVIDUAL CONSIDERATION**

**III.5.A.** ***Conduct a Public Hearing (2022-04) for consideration and action regarding the request of Pedro Espinoza, applicant and owner, to include a Specific Use Permit "SUP" for a Carport on Irwin Keasler Dev Red Bird 4, Block 16, Lot 3, more commonly known as 622 West Camp Wisdom Road, Duncanville, Dallas County, Texas.***
Neighborhood Services Director Tennant presented the item.

Special Use Permit Request - Carport - 622 W Camp Wisdom Road

- Request for the use of carport
- Proposed to meet area, yard, and bulk standards
- Proposed to meet material standards
- One response received in favor of the request

At the March 14, 2022, Planning & Zoning Commission Meeting, the Commission voted unanimously in favor of the request.

Mayor Gordon opened the Public Hearing at 8:08 p.m.

In Favor:
No one spoke.

Opposed:
No one spoke.

Councilmember Don McBurnett made a motion to close the Public Hearing, Mayor Pro Tem Harvey seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 8:09 p.m.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremy Koontz). Item passed.

**III.5.B.** ***Consider a Resolution approving the Economic Development Grant agreement by and between Duncanville Community and Economic Development Corporation (DCEDC) and Wheatland Duncanville, LLC (Wheatland) in an amount not to exceed of $1,500,000.00, which is attached hereto and incorporated herein as Exhibit "A"; approving a collateral assignment of deposit account and Secretary's Certificate of DCEDC and in favor of Texas Brand Bank in the amount of $500,000.00, as Exhibit "B" attached hereto and incorporated herein; authorizing an agreement with Wheatland Duncanville, LLC for the property located at***

***Lot A, Block 1 of the Wheatland Shopping Center Addition, Duncanville, Texas as Exhibit "C" attached hereto and incorporated herein.***
Item was moved after Staff and Board Reports.

**III.5.C.** ***Consider a Resolution approving the Sign Control Board Grant of a variance to Navy Federal Credit Union allowing wall signs to be installed on the south and east elevations at 280 West Highway 67 Duncanville, TX.***
Neighborhood Services Director Tennant presented the item.

280 West Highway 67 - Navy Federal Credit Union

- Variance Request:
  - To allow for two (2) wall signs, one (1) each on the south and east (rear) elevations.
- Code Section & Requirements
  - Section 16A-22 – Prohibited signs and activities
  - Per Section 16A-22(f)(6), No signs of any type are permitted on the rear wall of any structure.

Councilmember Contreras stated the square footage sign in the Resolution was incorrect.

Councilmember Don McBurnett made a motion to approve the item with the change from 600 square foot to 67 square foot, Councilmember Mark D. Cooks seconded the motion. The vote was cast 7 for, 0 against. Item passed.

**III.5.D.** ***A Resolution approving the Sign Control Board Grant a variance to Automann allowing a second monument sign on the same frontage to be installed at 1250 North Duncanville Road Duncanville, Texas.***
Neighborhood Services Director Tennant presented the item.

1250 North Duncanville Road - Automann

- Variance Request:
  - To allow a second monument sign at the southern entrance. This is a request for an additional street frontage sign.
- Code Section & Requirements
  - Per Section 16A-31(f) Maximum number: One per street frontage.

Councilmember Contreras questioned if the block wall was a planter box and asked staff to recheck to make sure the sign included the block's dimensions to make sure the sign would conform in size with the Ordinance.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against. Item passed

**III.5.E.** ***A Resolution allowing Auto Savvy to reface the existing 303 square feet highway sign located at 611 East Interstate Highway 20 Duncanville, TX.***
Neighborhood Services Director Tennant presented the item.

611 East Interstate Highway 20 - Auto Savvy

- Variance Request:
  - To allow 303 square feet on an existing highway sign to be refaced. The variance request is for 103 square feet of signage area.
- Code Section & Requirements
  - Section 16A-29(d): Maximum area highway sign is 200 square feet.

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against. Item passed.

**III.5.F.** ***Take any necessary action as a result of the Executive Session.***
Item was moved after III.5.B.

## III.6. STAFF AND BOARD REPORTS

**III.6.A.** ***Receive the Fire Department Quarterly Report.***
Fire Chief Rohde presented the item.

**III.5.B.** ***Consider a Resolution approving the Economic Development Grant agreement by and between Duncanville Community and Economic Development Corporation (DCEDC) and Wheatland Duncanville, LLC (Wheatland) in an amount not to exceed of $1,500,000.00, which is attached hereto and incorporated herein as Exhibit "A"; approving a collateral assignment of deposit account and Secretary's Certificate of DCEDC and in favor of Texas Brand Bank in the amount of $500,000.00, as Exhibit "B" attached hereto and incorporated herein; authorizing an agreement with Wheatland Duncanville, LLC for the property located at Lot A, Block 1 of the Wheatland Shopping Center Addition, Duncanville, Texas as Exhibit "C" attached hereto and incorporated herein.***
City Attorney Hager explained the recommendation of changes.

Managing Director, Development Services Garcia presented the item.

<u>Timeline:</u>

- 01/10/22: Mr. Monte Anderson first contacted DCEDC staff regarding a potential opportunity for Wheatland Plaza.
- 01/24/22: Project Read is first presented to DCEDC Board in a closed executive session.
- 02/09/22: Mr. Anderson met with City staff to discuss preliminary site plans.
- 02/15/22: Project Read is presented to City Council in a closed executive session.
- 03/14/22: Joint executive session between City Council and DCEDC – vote was taken to direct Mr. Garcia to continue negotiations. The developer is asked to present to the community.
- 03/20/22: The developer hosted a community Townhall. Overwhelming positive support.
- 03/21/22: Joint session to discuss the status of negotiations.
- 03/28/22: Joint sessions to discuss legal and contract points.
- 04/05/22: DCEDC and City Council voted on a resolution authorizing the DCEDC to enter a partnership with Mr. Anderson through Wheatland Duncanville, LLC in the amount of $2,000,000.
- 04/07/22: The last day for Mr. Anderson to close on purchasing of the property.

City Attorney stated the motion:

"Motion to approve a Resolution of the City Council to authorize Duncanville Community Economic Development Corporation (DCEDC) to enter into an Incentive Agreement with Wheatland Duncanville, LLC to provide 1.5 million of sales tax proceeds to rehabilitate, renovate and enhance Wheatland Plaza Retail Center located on Lot 1, Block A of the Wheatland Shopping Center Addition, Duncanville, Dallas County Texas; and, to approve a grant amount of $500,000.00 as collateral to secure a construction loan, for said purposes, subject to paid back of said pledge, and approve such expenditure by DCEDC subject to final document approval as to form by the City Attorney and Special Legal Counsel for DCEDC."

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

Mayor Gordon called for a motion for a point of order to be taken to permit Mr. Monte Anderson to speak.

Councilmember Cooks made a motion to allow Monte Anderson to speak, Mayor Pro Tem Harvey seconded the motion. The vote was cast 7 for, 0 against.

Mr. Anderson thanked the DCEDC, Council and Staff for allowing him the opportunity and all their hard work.

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

## IV. <u>ADJOURNMENT</u>

The meeting was adjourned at 8:46 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY