

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, April 6, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, April 6, 2021, at 6:00 p.m. via videoconference with a quorum to wit:

COUNCIL VIA VIDEO CONFERENCING:

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

STAFF VIA VIDEO CONFERENCING:

IT Director Tracy Beekman
Chief Robert D. Brown Jr.
Finance Director Richard Summerlin
Public Works Director Bryan Greg Ramey
City Secretary Kristin Downs
City Manager Aretha R. Ferrell-Benavides
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, April 6, 2021, 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, April 6, 2021, email citysecretary@duncanville.com and title the email "Public Comment – April 6th". 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_LK-QHXYLQNYwXd_gTwF4yQ

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

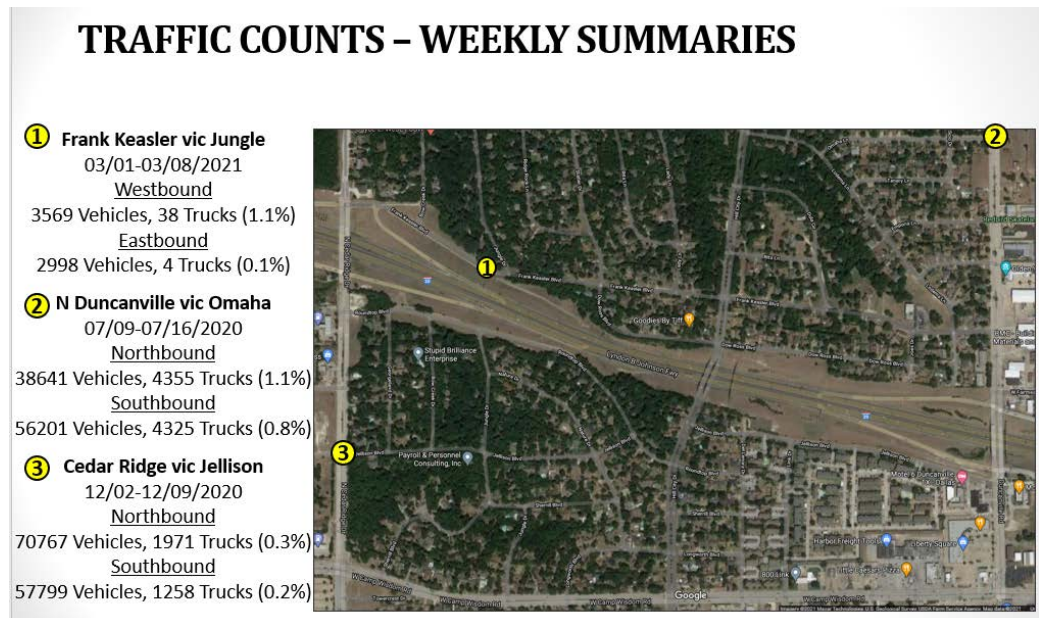
Mayor Gordon read the item into record, and City Manager Ferrell-Benavides reviewed each item. Item 4B – Professional Engineering Services Contract #21-009 for Engineering Design Services for the Cherry Street and Center Street alley from Alexander Avenue to Cockrell Hill Road Alley Reconstruction Project with IEA, Inc. in the proposed amount of \$58,181.25. Mayor Pro Tem Cooks would like staff to look at Republic Services providing a discount or funding in their contract to help with the cost or repairs due to the trash trucks going up and down the alley. Item 4C - authorizing the incorporation of Amendment No. 3, Renewal No. 3 to Professional Service Agreement PSA-20-051 to Dalclay Corporation dba Masterplan in the amount of \$10,000.00 for Planning Consultant Services for the revised total contract amount of \$59,500.00. At-Large Councilmember Harvey questioned why there are two planning positions budgeted for \$88,209.00. City Manager Ferrell-Benavides stated the increase is to cover the extension of the contract with DalClay and the salary of the City Planner position.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discussion of Truck Traffic along Frank Keasler Blvd.*

Public Works Director Ramey presented the item. Councilmember Jameson requested the item to discuss truck traffic along Frank Keasler Blvd.

City Ordinance Sec. 19-165 designates twenty-six streets or portions of streets at no-through-truck zones. Frank Keasler Blvd is not on that list.



Traffic volumes along both westbound & eastbound Frank Keasler are relatively the same; however, westbound truck traffic is ten times greater than the eastbound truck traffic. It appears trucks are using this road as a shortcut.

Westbound Frank Keasler (Residential) experiences same percentage of truck traffic as along N Duncanville (Arterial) which borders industrial properties.

Percentagewise, Frank Keasler truck traffic is higher than along Cedar Ridge (Arterial).

Staff recommends establishing a no-through-truck zone along Frank Keasler.

Councilmember Jameson thanked staff for their hard work.

Mayor Pro Tem Cooks questioned how enforcement would be handled.

Public Works Director Ramey stated they would share the times the traffic counts were taken with the Police Department. Chief Brown stated the Police Department would assign Officers to those locations on those days and have signs posted.

I.2.B. *Discussion on Trash Collection by Republic Services during the Winter Storm Event which occurred in February 2021.*

Public Works Director Ramey presented the item.

- 09/20/1999 – Previous 20-year solid waste contract commenced.
- 10/30/2018 – Initial briefing on Solid Waste Contract options during Council Retreat; discussion on bid vs. sole source, comparable service level options & costs by other cities.
- 01/14/2019 – Presentation during Council Work Session and previewed preliminary cost estimates; directed to pursue sole source with Republic; received input on service level options.
- 04/16/2019 – Council Briefing Session; initial presentation of level of service and costs; directed to research recycling center in lieu of curbside recycling pick-up.
- 05/21/2019 – New City Council sworn in.
- 06/04/2019 – Council Briefing Session; Council preliminary service level selection Option #3 (Unlimited Bags 2/week, 18-gal Recycling bi-weekly, 4CY Bulk & Brush).

- 07/16/2019 – Council approved Solid Waste Contract with service level selection Option #2 (Unlimited Bags 2/week, 18-gal Recycling 1/week, 4CY Bulk & Brush).
- 08/29/2019 – Solid Waste Town Hall.
- 09/21/2019 – Contract Effective Date.
- 10/07/2019 – Bulk & Brush Collection Effective Date.
- 11/19/2019 – Council Briefing Session; directed to negotiate revised level of service to include 10 CY of Bulk & Brush collection twice per month.
- 12/03/2019 – Council approved amended Solid Waste Contract with service level selection Option #1 (Unlimited Bags 2/week, 18-gal Recycling 1/week, 10CY Bulk & Brush).
- 04/02 thru 06/06/2021 – Bulk & Brush collection services suspended for COVID; City hosted bulk & brush collection at Service Center Saturdays, 04/18 thru 06/06/2021 (City costs were reimbursed by FEMA under CARES Act).
- 09/15/2020 – Council approved annual rate increase; +2.0% for Residential and +2.91% for Commercial (Tied to Consumer Price Index).
- 02/11 thru 02/21/2021 – All collection services suspended during ice storms.
- 02/20/2021 – Commercial Dumpster Collection resumed.
- 02/22/2021 – Residential Garbage Collection resumed.
- 03/01/2021 – Bulk & Brush Collection resumed.
- 04/06/2021 – Briefing Session discussion per request by Councilmember Anderson.



Collection Options	Garbage		Recycling			Bulk & Brush		Republic's Cost to City per House (2019 cost)	Dif.	Increase to Commercial Accts		
	Bags - Unlimited		Cart - 96 gal	Bin - 18 gal		Cart - 96 gal	4 CY Max **				Boom Truck (Unlimited/ 10 CY)	
	1/wk	2/wk		1/wk	Bi-wkly							Bi-wkly
	1/mo	2/mo										
Previous		X		X				X	\$11.27	N/A	N/A	
★ 1		X		X				X	\$18.11	\$6.84	4%	
2		X		X			X		\$15.80	\$4.53	3%	
3		X			X		X		\$14.35	\$3.08	3%	
4		X					X		\$11.05	(\$0.22)	3%	
5			X			X	X		\$18.07	\$6.80	4%	

- OPTION 1** Level of Service awarded by City Council on 11/19/2019, reflects service level most similar to previous contract
- OPTION 2** Level of Service awarded by City Council on 07/16/2019

Contract Terms

- Seven-year initial period of performance (expires 09/30/2026).
- Automatically renewed for successive five-year periods unless either party provides written notice of non-renewal at least 180 days out.
- Annual Rate Adjustment tied to CPI-All Urban.

Joanna Fritz, Republic Services stated during the Winter Storm Republic Services did run Commercial and Industrial pick up on Saturday. Republic did not want to put any citizens or their staff in danger; the roads were not safe to be on. Republic Services sole reason for not performing trash pick up during the Winter Storm was safety.

Mayor Gordon questioned why pickup did not resume once the streets had cleared.

Ms. Fritz stated there was a 35.3% increase in tonnage compared to a six-week study prior to the Winter Storm and Republic is still seeing an increase.

Various Councilmembers discussed the poor service provided by Republic Services and the poor communication and customer service provided to citizens was not acceptable. Council questioned if there would be discount in monies for the lack of service during the Winter Storm.

Randy Holcomb, Operations Manager, Republic Services stated there would not be any refunds; a service was provided and Republic Services saw a 35% increase in volume.

City Manager Ferrell-Benavides stated staff and Republic Services will work together to discuss the Performance Base part of their contract.

I.2.C. *Discuss Annual City Council Calendar.*

City Secretary Downs presented the City Council calendar.

- Discussion of returning to in-person meetings will take place at a later Council Meeting.
- Staff will look into a Council Workshop.

Mayor Gordon moved Executive Session until after Staff and Board Reports.

Briefing Session was recessed at 6:58 p.m.

II. EXECUTIVE SESSION

Executive Session was moved until after Staff and Board Reports.

- II.1 *City Council shall convene into closed executive session pursuant to Section 551.071 and 551.072 to consult with the City Attorney concerning acquisition of real property and eminent domain proceedings filed in cause numbers CC-21-00211-E City of Duncanville, Texas vs. Tommy Winn; Winn Properties and CC-20-03611-A City of Duncanville, Texas vs. Canaan Baptist Church, Dallas County at Law #5 and #1, respectively.***
- II.2 *City Council shall convene into closed executive session pursuant to Section 551.071 and 551.074 to seek legal advise from City Attorney and deliberate the appointment and duties of the President of the Board of Directors of the Duncanville Community and Economic Development Corporation.***

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

The City Council convened into Regular Session in the Council Chambers at 7:00 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem Cooks.

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

III.1. REPORTS

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

Mayor Gordon spoke on the late Assistant City Manager Paul Frederiksen's memorial services.

III.1.B. *Councilmembers' Reports*

Councilmember McBurnett congratulated the Duncanville High School Boys' Basketball team on their State Championship and Chief Brown being appointed as Interim Assistant City Manager. The Lions Club donated 200 pounds of food to Duncanville Ministries and encouraged all citizens to attend the Candidate Forum to be held at Armstrong Park

Mayor Pro Tem Cooks stated he would like Council to re-evaluate the recording of Councilmember Reports and Citizen Comments during Election Season. Mayor Pro Tem Cooks congratulated the Duncanville High School Boys' Basketball team on their State Championship and recognized the month of March as Women's History Month and thanked Councilmember Jameson and the City of Duncanville Women Police Officers for their service.

Councilmember Jameson congratulated the Duncanville High School Boys' Basketball team on their State Championship and thanked staff for providing an Easter Event for the Community.

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

City Manager Ferrell-Benavides encouraged all citizens to attend the following events;

- Operation Clean Duncanville, April 10, 2021

- Virtual Budget Town Hall Meeting, April 13, 2021
- Virtual Town Hall for Fire Station #1, April 29, 2021
- Fire Truck Pull, May 22, 2021

City Manager Ferrell-Benavides stated the East Daniieldale Road reconstruction project is underway. Lane closures to begin on April 19, 2021 at East Daniieldale reduced to two lanes of traffic.

City Manager Ferrell-Benavides congratulated City Secretary Downs on her Texas Municipal Clerks Office Achievement of Excellence Award.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Receive a presentation from McConnell & Jones, LLP on the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2020, including the independent auditors' report.*

Marlon Williams, McConnell & Jones LLP, presented the item.

- 1. The City's basic financial statements:**
 - Government-wide Financial Statements – full accrual presentation; include both the governmental and business-type activities
 - Fund Financial Statements – modified accrual presentation; reconciliations
 - Proprietary Funds – Statement of Financial Position; Statement of Revenues, Expenses and Changes in Net Position; Statement of Cash Flows
 - Notes to the financial statements
- 2. Required supplementary information (Unaudited):**
 - Certain limited audit procedures performed
 - Management's Discussion and Analysis
 - Required Supplementary Schedules
 - o Budget to Actual – General Fund
 - o Pension Information
- 3. Other Information**
 - Combining and Individual Fund Schedules (*"In relation to"* opinion)
 - o Combining Balance Sheet and Combining Statement of Revenue, Expenses and Changes in Fund Balances;
 - o Individual Special Revenue Funds: Budget to Actual
 - Introductory Section (unaudited)
 - Statistical Section (unaudited)

COVID Related Updates

- The sales tax and general economic activity was down.
- City received \$915,000 in CARES act funding.
- Additionally, it has received \$1.26 million after the year end.

Management Responsibilities are as follows:

- Preparation and fair presentation of the financial statements in accordance with U.S. GAAP, including the preparation of the required supplementary information and the schedule of federal awards.
- Selection and use of appropriate accounting policies.
- Establishment and maintenance of effective internal controls.
- Compliance with applicable laws and regulations, contracts, and grant agreements.
- Adjusting the financial statements to correct material misstatements.
- Design and implementation of programs and controls to prevent and detect fraud.
- Assume all management responsibilities of the assistance provided during the audit.
- Written representations made to the auditors by management.

Audit Report:

- Auditor's responsibility – express opinions on the financial statements based on our audit as performed under generally accepted auditing standards and government auditing standards and on compliance for each major federal program as required by the uniform guidance.
- Unmodified ("clean") opinion.
- No findings to be reported under uniform guidance.
- Obtain understanding of internal controls relevant to the audit for identifying and assessing risks of material misstatement but not for the purpose of expressing an opinion on such internal controls.
- Required supplementary information – includes the Management's Discussion and Analysis, the statement of revenues, expenditures and changes in fund balance – budget and actual for the City's General Fund, and the pension plan schedules.
- Supplementary information – combining and individual fund schedules.
- Other information – introductory and statistical sections.

Control Points:

- None noted

Encountered no difficulties dealing with management in performing and completing the audit. There were no disagreements that arose during the audit.

Mayor Gordon stated it is important that everyone know the City of Duncanville was given a Clean Audit and congratulated the Finance Department.

III.2.B. A Proclamation recognizing March 2021 as Women's History Month.

Councilwoman Jameson read the proclamation.

III.2.C. A Proclamation Recognizing March 21-27, 2021 as Poison Prevention Week.

Councilmember Veracruz read the proclamation.

III.2.D. Proclamation in recognition of National Library Week, April 4-10, 2021.

Mayor Gordon read the proclamation.

III.2.E. State of the City Video.

Mayor Gordon introduced the video.

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:

Gary Bennett – submitted a comment on the current crime and trash in the City.

Patricia Ebert – submitted a comment on her support for the Homestead Exemption.

Angela Jones – spoke on her support for the Homestead Exemption.

Dale Kaiser – spoke on the traffic concerns on Frank Keasler.

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 2, 2020 City Council Regular Meeting.***
- III.4.B. ***Consider a Resolution approving the terms and conditions of Professional Engineering Services Contract #21-009 for Engineering Design Services for the Cherry Street and Center Street alley from Alexander Avenue to Cockrell Hill Road Alley Reconstruction Project with IEA, Inc. in the proposed amount of \$58,181.25.***
- III.4.C. ***Consider a Resolution authorizing the incorporation of Amendment No. 3, Renewal No. 3 to Professional Service Agreement PSA-20-051 to Dalclay Corporation dba Masterplan in the amount of \$10,000.00 for Planning Consultant Services for the revised total contract amount of \$59,500.00***
- III.4.D. ***Consider a Resolution authorizing the Final Contract Renewal Amendment for Micro-Surfacing Pavement Treatment Services from Viking Construction, Inc., through the City of Grand Prairie IFB #17041 for the unit prices bid, with an estimated expenditure amount of \$510,642.59.***
- III.4.E. ***Consider a Resolution awarding Invitation to Bid IFB 21-0011 Dual Tube Night Vision Goggles with Helmet Mounts to Tactical Night Vision Company, Inc., through the City's competitive bid process, with an estimated expenditure amount up to \$75,000.00.***
- III.4.F. ***Consider a Resolution authorizing a Cooperative Purchase of Athletic Supplies and Equipment from BSN Sports, LLC, using the Buyboard Contract #583-19 and #592-19 in the amount up to \$75,000.00.***

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz 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 (2021-05) and consider an Ordinance to revoke a Special Use Permit for a Dallas County Government Center (Ordinance No. 765) and retain the existing Neighborhood Office "NO" zoning district on Tract 35, Anderson Slayback Survey, Abstract No. 1299, approximately 1.964 acres, more commonly known as 100 E Wheatland Road, Duncanville.***

Interim City Planner Andrew Ruegg presented the item.

Request:

- Applicant/Representative: City of Duncanville; Owner: City of Duncanville.
- Request is to revoke a Special Use Permit for a Dallas County Government Center (Ordinance No. 765) and retain the existing "NO" Neighborhood Office District zoning ("NOR" Neighborhood Office/Retail in new zoning ordinance), on Tract 35, Anderson Slayback Survey, Abstract No. 1299, approximately 1.964 acres, more commonly known as 100 E. Wheatland Road, Duncanville.

Comprehensive Plan:

- The subject property is adjacent to Opportunity Areas #9 (Main Street District) & #10 (Downtown District) on the Future Land Use Map of the Comprehensive Plan.
- Opportunity Area #9 is envisioned as being a mixed-use activity hub, but more auto-oriented serving two primary purposes:
 - High quality commercial, particularly restaurants.
 - Development of a hub of community activity like the Downtown District.
- Opportunity Area #10 is envisioned as a regional destination and a hub of activity as discussed in Area #9.
- Revoking the subject SUP is compatible with the Comprehensive Plan.

Background:

- The subject site was conveyed to the City of Duncanville from Dallas County through a court order determining the applicability of existing deed restrictions on site.
- The deed restrictions in place required the County to convey the property back to the City at the end of the useful occupancy of the site.
- Due to the County relocating the Tax Office from the space, the determination was made in December 2020 that the property was no longer needed by the County and was conveyed back to the City per the existing deed restrictions.
- The property has a base zoning of "NO" Neighborhood Office District per Ordinance No. 1715 and would transition to the "NOR" Neighborhood Office/Retail District per the new zoning ordinance.
- The "SUP" overlay (Ordinance No. 765) for the Dallas County Government Center use would be removed from the zoning map if approved.

Twelve (12) notices were sent out for this public hearing. No responses were received.

The Planning & Zoning Commission voted in favor of the request by a vote of 6-0. Commissioner Turner was absent. The Planning & Zoning Commission recommended approval of revocation of a Special Use Permit for a Dallas County Government Center (Ordinance No. 765) and retaining the existing Neighborhood Office/Retail "NOR" zoning district, on Tract 35, Anderson Slayback Survey, Abstract No. 1299, approximately 1.964 acres, more commonly known as 100 E. Wheatland Road, City of Duncanville, Dallas County, Texas.

Mayor Gordon opened the Public Hearing for "In Favor" at 8:07 p.m.

No one spoke.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for "In Favor", Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for "In Favor" was closed at 8:08 p.m.

Mayor Gordon opened the Public Hearing for "Opposition" at 8:09 p.m.

No one spoke.

Councilmember Johnette Jameson made a motion to close the Public Hearing for "Opposition", Mayor Pro Tem Mark D. Cooks seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for "Opposition" was closed at 8:10 p.m.

Mayor Gordon opened the floor for Council comments.

No one spoke.

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

III.5.B. *Conduct a Public Hearing (2021-02) and consider an Ordinance to amend the existing Specific Use "SU" zoning to include a Specific Use Permit "SUP" for auto dealers, used cars only (pre-owned auto dealership) on Central Business Area, Section 3, Lot 5R, Block,1, approximately 5.994 acres, more commonly known as 611 E IH 20, Duncanville.*

Interim City Planner Andrew Ruegg presents the item.

Request:

- Applicant/Representative: Jim Hardin, Jacobs & Associates; Owner: Duncanville L, LLC.
- Current SUP (Ord No. 2189) requires property operates as a branded Nissan facility selling Certified Pre-Owned vehicles.
- Request is to amend the SUP to allow any Used Car Dealership instead of a branded dealership on Central Business Area, Section 3, Lot 5R, Block 1, approximately 5.994 acres, more commonly known as 611 E. IH 20, Duncanville.
- Underlying zoning district is:
 - “GR” General Retail District (old zoning code)
 - “GOR” General Office Retail (new zoning code)

Comprehensive Plan:

The subject property is reflected as part of Opportunity Area #7 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.
- Mixed-use neighborhood retail/commercial development, to transition between existing neighborhood to the north and the freeway commercial area fronting Interstate Highway 20.
- Requested SUP is not in conformance with the Comprehensive Plan
- Requested SUP allows vacant property to be occupied

Project Scope:

- The applicant is seeking approval to amend the existing Special Use Permit (SUP) for Auto Dealers, Used Cars Only (pre-owned auto dealership) to occupy and improve two of the three existing structures for auto showroom and display, office, and service bays in conjunction with the auto dealership use.
- The proposed site plan shows removal of one of the existing structures to be replaced with additional parking and outdoor display areas.
- Proposed hours of operation is Monday through Friday from 10 a.m. to 7 p.m. and Saturday from 9 a.m. to 7 p.m.
- The operator plans to employ between sixteen (16) to twenty (20) employees at full operation.

Background:**Parking**

- Zoning Ordinance requires one (1) off-street parking space for each 500 sf of sales floor for indoor uses and one (1) off-street parking space for each 1,000 sf of lot area for storage, sales, and parking area.
- The required parking based on the proposed site plan is 290 spaces.
- The provided parking based on the proposed site plan is 576 spaces.

Building Design and Improvements

- The applicant is proposing repair and renovations to two of the existing structures, the parking area, and the pole-mounted sign.

Landscaping and Screening

- Must comply with Section 7 - Screening and Buffering Requirements and Section 8 - Landscape Requirements.

Signage

- Must comply with Chapter 16A Sign Guidelines.

Surrounding Land Use

- The subject property is immediately adjacent to single family uses to the north, a hotel use to the east, Interstate Highway 20 to the south and west.
- In the vicinity of the subject property is an auto dealership, new car sales with incidental used car sales to the east of the site.

Future Land Use

- The SUP is being requested to comply with Article XIII of the Zoning Ordinance (Section 5. Specific Use Permits of new zoning code) to allow for the amendment to the auto dealers, used cars only (pre-owned auto dealership) in the “GR” General Retail District (“GOR” in new zoning code).
- The appropriateness of the use for the subject property must also be evaluated on whether the site can accommodate all the requirements of the Zoning Ordinance.
- A SUP may be issued for an unlimited or a limited period of time.

Land Use

- Every special use permit shall be considered an amendment to the zoning district applicable to such property and shall authorize the special use in addition to the uses permitted by right in the district.
- City Council may impose conditions which shall be complied with by the grantee before certificate of occupancy may be issued by the building official.

Legal notification in Focus Daily News and posted outside City Hall. Thirty-nine (39) notices were sent out for this public hearing. One response in favor and one response in opposition have been received.

The Planning & Zoning Commission voted 6-0 in favor of the request. Commissioner Turner was absent. The Planning & Zoning Commission recommended approval of the amended Special Use Permit to the City Council, with the following conditions including, but not limited to:

- Property shall be developed in accordance with the site plan and be incorporated into the ordinance.
- Property shall meet all city, state, and federal regulations for building and fire codes, and accessibility.
- Civil plans shall be designed and submitted by a licensed engineer and approved by the City Engineer per the City of Duncanville standards.
- Hours of operation shall be Monday through Friday from 10:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 7:00 p.m.
- SUP shall terminate upon closure of operation or change of use.

Mayor Gordon opened the Public Hearing for “In Favor” at 8:25 p.m.

No one spoke.

Councilmember Don McBurnett made a motion to close the Public Hearing for “In Favor”, Mayor Pro Tem Mark D. Cooks seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “In Favor” was closed at 8:26 p.m.

Mayor Gordon opened the Public Hearing for “Opposition” at 8:26 p.m.

Angela Jones – questioned if there were any other uses of the property besides a dealership.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for “Opposition”, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “Opposition” was closed at 8:30 p.m.

Mayor Gordon opened the floor for Council comments.

Councilmember Anderson questioned if a time limit could be placed on the SUP for the property to not just be used as a Used Car Dealership and to limit the trading of ownership.

Councilmember Jameson questioned if the SUP could be limited; if the dealership is sold would they keep the SUP.

City Attorney Hager recommended putting a time limit and revisit, Council could revoke the SUP on a motion through the Planning and Zoning Commission if the business closes or switches owners.

Henry Wright, Clay Cooley stated this is a ten-year lease and any change of ownership could be revisited after three to four years and they would try their hardest to sell to higher use owners.

Mayor Gordon consulted with the City Attorney on the language that needs to be on the SUP.

City Attorney Hager stated the recommendations provided by the Planning & Zoning Commission with the addition of the closure of operation, change of use, or change of Certificate of Occupancy.

Mayor Pro Tem Cooks would like the property to follow the Comprehensive Plan and what the citizens would like to see come to Duncanville. Changing the SUP to get another dealership is not what the City needs and is not in favor of the item.

At-Large Councilmember Harvey stated this is an investors market and use the undeveloped parcels of land to use for the highest and best uses. Bad mouthing someone who is trying to invest money in the community is not sending a good message to other investors.

Mayor Pro Tem Cooks questioned the City Manager on what value a dealership would bring to the city for tax revenue.

City Manager Ferrell-Benavides stated sales tax from car sales no longer go to the city; only resulting in monies for one-time permit fees for improvements.

Finance Director Summerlin stated sales tax from car dealerships is almost nothing and goes to the State; the only benefit for the City is an increase in property tax.

Councilmember Johnette Jameson made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 5 for, 2 against (Councilmember Monte Anderson and Mayor Pro Tem Mark D. Cooks). Item passed.

III.5.C. *Consider an Ordinance creating Classified Positions under Civil Service in the Police and Fire Departments; providing for a Pay Scale under Civil Service; repealing all Ordinances in conflict herewith; and, providing a severability clause; providing a repealing clause.*

Item tabled.

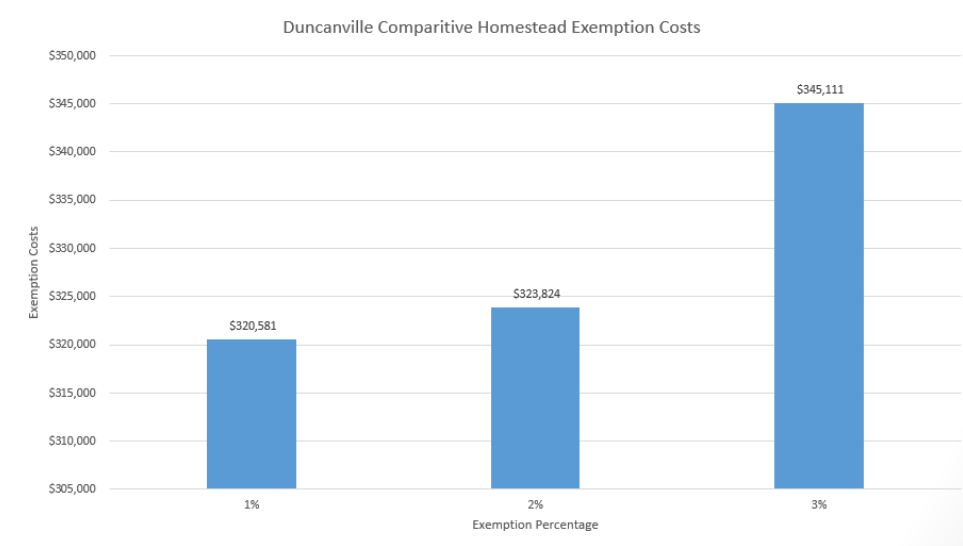
III.5.D. *Consider an Ordinance amending the Code of Ordinances by amending Chapter 18, 'Taxation', Article 1 'In General' by adding a new Section 18-4 entitled 'Residence Homestead Exemption' from ad valorem taxation in the minimum amount of three percent (3%) of assessed value in an amount no less than five thousand dollars (\$5,000.00) for individuals who are owners of residences; and by reserving for future use Sections 18-5 through 18-10.*

Finance Director Summerlin presented the item. Discussed at the City Council retreat October 30, 2018 and again in a workshop on January 14, 2019. Agenda item on February 2, 2019 – council tabled pending outcome of property tax cap legislation. Agenda item on June 18, 2019 – council voted to not grant a homestead exemption.

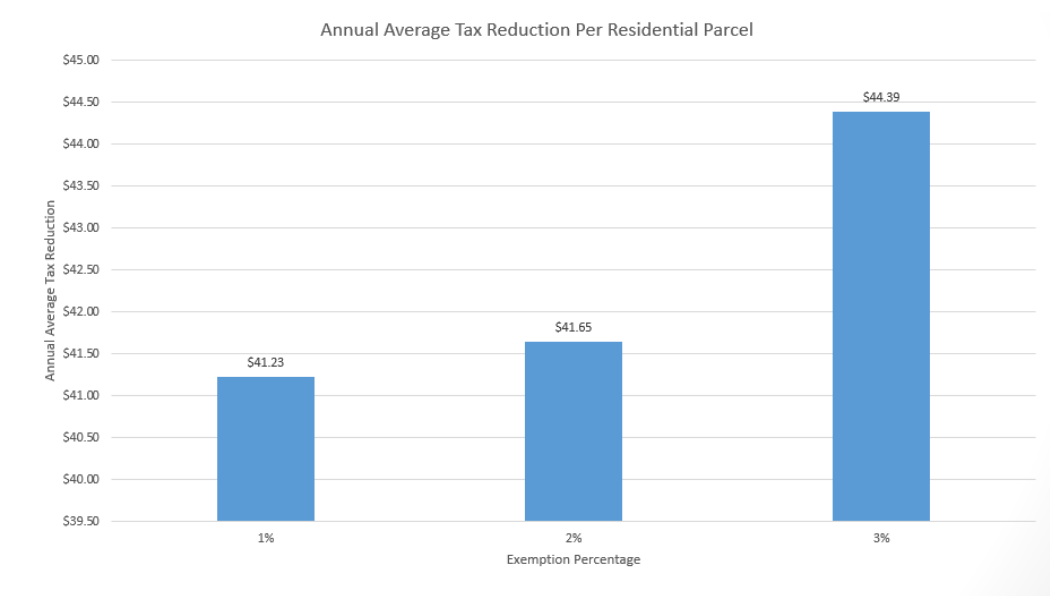
Passed by council and notification to DCAD:

- March 11 - to appear on appraisal notice
- April 26 - to be included in 1st Preliminary EVR (Estimated Values Report)
- July 1 - last date to be included in certified tax roll

Estimated Homestead Exemption Costs for Duncanville



Estimated Annual Impact per Residential Parcel



Current Exemptions for Cities in Dallas County

Taxing Entity	Optional Hmstd	Age 65 or Older	Disabled Person
CITIES			
Addison	20%	50,000	60,000
Balch Springs	1%	30,000	30,000
Carrollton	20%	60,000	60,000
Cedar Hill	0%	30,000	30,000
Cockrell Hill	1%	10,000	-
Combine	0%	35,000	35,000
Coppell	5%	75,000	75,000
Dallas	20%	100,000	100,000
DeSoto	0%	30,000	25,000
Duncanville	0%	30,000	30,000
Farmers Branch	20%	80,000	60,000
Ferris	4%	10,000	10,000
Garland	10%	56,000	56,000
Glenn Heights	0%	25,000	25,000
Grand Priarie	10%	45,000	30,000
Grapevine	20%	60,000	10,000
Highland Park	20%	50,000	-
Hutchins	10%	30,000	30,000
Irving	20%	45,000	45,000
Lancaster	0%	30,000	30,000
Lewisville	0%	60,000	20,000
Mesquite	0%	65,000	15,000
Ovilla	0%	50,000	50,000
Richardson	0%	100,000	100,000
Rowlett	1%	30,000	50,000
Sachse	0%	50,000	50,000
Seagoville	10%	30,000	30,000
Sunnyvale	0%	65,000	65,000
University Park	20%	417,000	417,000
Wilmer	10%	12,000	12,000
Wylie	0%	30,000	30,000

Duncanville Recent Tax Rate History

		Difference
		From
		Previous
Tax Year	Rate	Year
2017	0.758447	
2018	0.758447	\$ -
2019	0.743447	\$ 0.015
2020	0.716852	\$ 0.027

Homestead Impact Examples Compared to the Lowered Tax Rate

	1%	1%	2%	2%	3%	3%	2019	2020
	Homestead	Taxpayer	Homestead	Taxpayer	Homestead	Taxpayer	Taxpayer	Taxpayer
Taxable Value	Exemption	Impact	Exemption	Impact	Exemption	Impact	Impact	Impact
\$ 100,000	\$ 5,000	\$ 36	\$ 5,000	\$ 36	\$ 5,000	\$ 36	\$ 15	\$ 27
\$ 200,000	\$ 5,000	\$ 36	\$ 5,000	\$ 36	\$ 6,000	\$ 43	\$ 30	\$ 53
\$ 300,000	\$ 5,000	\$ 36	\$ 6,000	\$ 43	\$ 9,000	\$ 65	\$ 45	\$ 80
\$ 400,000	\$ 5,000	\$ 36	\$ 8,000	\$ 57	\$ 12,000	\$ 86	\$ 60	\$ 106
\$ 500,000	\$ 5,000	\$ 36	\$ 10,000	\$ 72	\$ 15,000	\$ 108	\$ 75	\$ 133

Current Negative Budget Impact Considerations

- SB 2 capped property tax increases to 3.5% per year with no provision or carve out for public safety (automatic civil service step increases)

Based on discussion with DCAD, this year’s property value will be flat or less than the prior year

- HB 1631 eliminated red light cameras (increase to General Fund M & O is approximately \$238,233 annually)
- SB 1152 reduced franchise fees for telecom entities (decreased General Fund revenues approximately \$120,000 annually)
- COVID-19 economic activity slump resulting in lower sales taxes combined with the loss of a major sales tax generator

Mayor Gordon stated he would love to do for the citizens, the numbers are not painting a good picture on the General Fund; a Homestead Exemption is not what is best for the greater good of the City right now.

Councilmember Jameson stated the City can find areas to cut back on and citizens should have some of the same benefits as the cities up North.

Councilmember Veracruz question if the Homestead Exemption is passed how it would work.

Finance Director Summerlin stated once the Homestead Exemption is granted you do not repeal it.

Councilmember Jameson stated a Homestead Exemption can be revoked and this Exemption is not for this year, the Exemption is for next year.

Mayor Pro Tem Cooks stated he does support a Homestead Exemption and asked Staff to look and see where funding would come from. Is the \$345,000.00 or does it change every year.

Finance Director Summerlin stated as values increase the amount would increase, not varying dramatically year to year. Whatever is granted is for every year.

City Manager Ferrell-Benavides stated Dallas County is being very cautious with their appraisals due to the challenges of Covid-19. Staff has maintained a

very healthy fund balance; however, those are for one-time projects. Staff would have to dig deep and cut including streets. More time is needed based on sales tax showing a cut and other revenue aspects.

{Councilmember Anderson left the meeting at 9:32 p.m. due to technical difficulties}

{Councilmember Anderson returned to the meeting at 9:34 p.m.}

Mayor Pro Tem Cooks recommended what cuts would be made or possibly doing the Exemption in phases starting with the Senior Citizens 65 years and older.

At-Large Councilmember Harvey made a motion to adopt a 3% homestead exemption with no reduction for funding for police and fire operations, 25% of total estimated loss in revenue be covered through a reduction in the Mayor and Council budget of \$86,278.00, a decrease of two positions and related expenditures, and a practice of not hiring of vacancies 90 days after separation of service except for Police and Fire operations.

City Attorney Hager stated anyone that has the floor has the right to make a motion at the time they have the floor however, there is not anything on the agenda to make budget cuts. Council can only vote on passing, not passing, or tabling the Ordinance. The rest is instructive to the Manager's Office to implement those budgetary constraints in the future and how to pay for them.

Mayor Pro Tem Cooks made a motion to table the item until the April 20, 2021 City Council meeting.

Councilmember McBurnett spoke the long-term effects and the upcoming projects.

City Attorney Hager stated Councilmember Jameson did state an amendment to the Ordinance could be made. However, Councilmember Harvey was not amending the Ordinance but a way of making budget cuts.

Councilmember Jameson made a motion to accept the Ordinance as is.

Councilmember Cooks would like to table the item until the April 20, 2021.

Mayor Gordon stated Councilmember Jameson made a motion to accept Item 5D as is.

Mayor Gordon asked for a second.

At-Large Councilmember Harvey seconded the motion.

Mayor Pro Tem Cooks made a motion to table the item until the April 20, 2021 City Council meeting for staff to come back with recommendations.

Mayor Gordon asked for a second.

Councilmember McBurnett seconded the motion.

Mayor Gordon clarified Council is voting on a motion to table the item until April 20, 2021.

The vote was cast 3 for, 4 against (Councilmember Joe Veracruz, Councilmember Johnette Jameson, At-Large Councilmember Patrick Harvey, and Mayor Barry L. Gordon). Motion failed.

Mayor Gordon clarified Council is voting on a motion to approve Item 5D as is.

Councilmember Johnette Jameson made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 3 for, 4 against (Mayor Barry L. Gordon, Councilmember Don

McBurnett, Councilmember Monte Anderson, and Mayor Pro Tem Mark D. Cooks). Item failed.

III.5.E. *Consider a Resolution approving the Sign Control Board Grant of a variance allowing a wall sign on the rear wall of Take Out Burgers located at 795 W. Wheatland Road.*

Public Works Director Ramey presented the item. On February 11, 2021 the Sign Control Board voted unanimously to grant the sign variance request for Take Out Burgers. Tracy Shook, applicant, representing Take Out Burgers located at 795 W. Wheatland Rd, Duncanville, Texas, is requesting a variance to allow for placement of a wall sign on the rear wall of the structure. Per Sec. 16A-22 (f)(6) of the Sign Ordinance, no signs of any type are permitted on the rear wall of any structure. The variance will allow for a sign to be placed on the rear wall of the structure at 795 W. Wheatland Rd.

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

At-Large Councilmember Harvey requested to reconsider the Homestead Exemption with the recommended changes on the April 20, 2021 City Council Meeting.

City Manager Ferrell-Benavides questioned if there was a 90-day waiting period for reconsideration after an item has failed.

City Attorney Hager stated the rules allow reconsideration of a motion and would be an appropriate request and would need to be made in writing.

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

Item was moved until after Staff and Board Reports.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of February 28, 2021.*

Finance Director Summerlin presented the item.

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

EMS Chief Ryan presented the item.

Mayor Gordon recessed Regular Session at 10:20 p.m.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:23 p.m. and City Attorney Hager read the item into record.

{Councilmember Anderson had technical difficulties and did not attend Executive Session.}

II.1 *City Council shall convene into closed executive session pursuant to Section 551.071 and 551.072 to consult with the City Attorney concerning acquisition of real property and eminent domain proceedings filed in cause numbers CC-21-00211-E City of Duncanville, Texas vs. Tommy Winn; Winn Properties and CC-20-03611-A City of Duncanville, Texas vs. Canaan Baptist Church, Dallas County at Law #5 and #1, respectively.*

II.2 *City Council shall convene into closed executive session pursuant to Section 551.071 and 551.074 to seek legal advise from City Attorney and deliberate the appointment and duties of the President of the Board of Directors of the Duncanville Community and Economic Development Corporation.*

The Council closed the Executive Session at 10:45 p.m.

Mayor Gordon reconvened Regular Session at 10:47 p.m.

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

No action taken.

IV. ADJOURNMENT

The meeting was adjourned at 10:48 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY