

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, April 20, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, April 20, 2021, at 6:00 p.m. via videoconference with a quorum to wit:

COUNCIL PRESENT:

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
Interim Assistant City Manager Robert D. Brown Jr.
Interim Chief of Police Mark LiVigni
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

The City of Duncanville reserves the right to reconvene, recess or align the Regular Session or called Executive Session or order of business at any time prior to adjournment.

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, June 1, 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 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, you must register with the City Secretary before 4pm on Tuesday, June 1, 2021, email citysecretary@duncanville.com and title the email "Public Comment – June 1st". 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_sNAXltvERGeRf9hMJLxUMA

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 4A - approving the terms and conditions of a Master Agreement Governing Major Capital Improvement Project between the City of Duncanville and Dallas County for the Governance of the Major Capital Improvement Program. The Previous MCIP Agreement was executed in 2011, a ten-year agreement that allows the City of Duncanville to leverage Dallas County assets to support road improvements. The City uses the County for annual long-line striping for pavement markings. Most recently, it also was the method used to get emergency leveling of Wintergreen Rd between Cockrell Hill Rd and DeSoto bridge in Southeast corner of the City as well as

the follow-on rehab work at that location. Item 4B - approving the terms and conditions of Amendment #2 to the Municipal Maintenance Agreement with the State of Texas Department of Transportation (TXDOT) to allow the City to install and maintain the restriping and installation of delineators for bike and pedestrian traffic and the bridge at the intersection of US 67 and Danieldale within TXDOT right-of-way. The Municipal Maintenance agreement with TXDOT dates back to 1994. The purpose is to delineate maintenance responsibilities between the State and City of Duncanville. The base document (1994) outlines “standard” responsibilities. Amendment #1 (2005) allowed the City to mow and pick-up litter along I-20 during the Growing Season. Amendment #2 (2021) allows the City to change the pavement markings and add curbs & delineators across the Danieldale Rd bridge over US-67, which will allow for bike and pedestrian use and stipulates that the City is responsible for maintaining the pavement markings and curbs & delineators in perpetuity.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Winter Storm URI after action review.*

Lauren Sanchez, Regional Emergency Management Coordinator presented the item.

Winter Storm Uri Overview

- Event Dates: February 12-20, 2021
 - State of Texas Disaster Declaration - February 12, 2021
 - FEMA Disaster Declaration - February 14, 2021
- Dangerously cold temperatures, snow, ice, power failure, water outages
- February 15 - 18, 2021 City Facilities closed to the public
- City Response:
 - Daily virtual coordination calls
 - Treatment of roads/bridges
 - Emergency water shut offs and repairs
 - Utilization of emergency generators
 - Distribution of drinking water to residents
 - Maintained water tank level to avoid Water Boil Notice

Discussion on review and action items took place.

Mayor Gordon requested Council be provided updates on the action items as they are completed.

I.2.B. *Discuss Independence Day Celebration scheduled for July 4, 2021.*

Parks and Recreation Director Stevenson presented the item.

Council concluded:

- A Fourth of July Celebration will take place.
 - o The Fourth of July Celebrations will be held on Saturday, July 3, 2021.

I.2.C. *Discussion regarding the addition of two (2) classified, civil service positions to the Police Department.*

Item requested by Mayor Pro Tem Cooks.

Interim Police Chief LiVigni presented the item. Since 2009 our Police Force has been reduced by two (2) positions; 2010 reduced from 62 to 61 sworn classified positions (Ordinance #2126), and 2014 reduced from 61 to 60 sworn classified positions (Ordinance #2231).

Currently:

- Two (2) Vacancies
 - o Entrance exam given 4/3/2021
 - o Processing list of thirteen (13)
- Five (5) Cadets in training (Academy)
 - o Likely assigned 4th Qtr. 2021
- Patrol Staffing is down six (6)
- Deployment Team is not yet staffed

- Mental Health Team member is not assigned
 - o Grant-Funded on Regional Team for one (1) year, likely beginning March/April 2022

The following items were discussed; increase in Police Calls for Service, response times, vehicular stops made, crash investigations and arrests, cases assigned to detectives, and what has changed.

1st Year Cost of Adding Two Police Officers

	NO EXPERIENCE	CERTIFIED
Processing & Equipping	\$10,015.00	\$10,015.00
Training	\$2,200.00	0
Salary/HR	\$79,622.00	\$80,622.00
Costs/Bonus	\$91,837.00	\$90,637.00
X 2	\$183,674.00	\$181,274.00

1st Year for officer on grant funded mental crisis response team would be grant-funded.

Council concluded the following:

- The City needs more Officers on Patrol.

Council would like Staff to submit a formal recommendation with a full budget explanation.

I.2.D. ***Discussion on City Council Rules of Procedures regarding "Rule D - Agenda Rules" friendly amendments and motions.***
Item requested by At-Large Councilmember Harvey.

At-Large Councilmember Harvey presented the item and asked for an explanation of “Rule D – Agenda Rules”.

City Attorney Hager discussed the rules and how Council generally conducted business over time. An agenda item that requires a motion to pass, Council is asked to consider a Resolution or an Ordinance. A motion is made, generally to approve or deny a pending agenda item. The motion by virtue of the Texas Open Meetings Act requires that a motion for approval be posted as an agenda item. During the course of those agenda items, Council may want to amend the motion or to amend the Resolution or Ordinance. A motion to amend the motion is fielded by the Mayor. Under Robert’s Rules which are advisory under the Council’s Rules of Procedures; to make the amending motion needs to receive a second, and then a vote is taken. If the vote is approved and it is within the parameters of the agenda item, the item is passed, then there is an amended motion to amend that Ordinance. Any motion to amend must be within the parameters of the Resolution or the agenda item, if the amendment is not within the parameters it violates the Texas Open Meetings Act. Under Robert’s Rules there is no such thing as a friendly amendment. A friendly amendment is a contrivance that is used in order to take two votes on the same agenda item. A friendly amendment generally works when the movement is asked by a Councilmember to accept a friendly amendment, if it is consented to by the movement and seconded, then the amended motion is then restated by the movement to include to the friendly amendment.

Under Robert’s Rules and the commentaries; The term ***friendly amendment*** is used to describe an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion’s adoption. Regardless of whether or not the maker of the main motion “accepts”

the amendment, it must be opened to debate and voted on formally (unless adopted by unanimous consent).

At the Council Meeting held on April 6, 2021 to consider amending the code of ordinances to include a homestead exemption. Under the main motion was made by Councilmember Jameson and seconded. At-Large Councilmember Harvey offered a friendly amendment on how it was to be funded. The funding issues are budgetary items, there was nothing on the agenda to include a budgetary item on how to pay, if the homestead exemption was approved.

Mayor Gordon stated Robert's Rules of Order is advisory only and is not stated in the Council's Rules of Procedures that Council abides by Robert's Rules of Order.

At-Large Councilmember Harvey requested at the May 4, 2021 City Council Meeting a budget item on how to pay for a homestead exemption.

Mayor Gordon stated the Homestead Exemption has been disapproved and falls under the 60-day rule.

Councilmember Jameson stated Council needs to change the Rules of Procedures.

I.2.E. *Discussion on in person meetings.*

Mayor Gordon presented the item.

Council concluded the following:

- Return to in person City Council meetings on June 1, 2021.

Councilmember McBurnett requested Item 5A be moved to the Consent Agenda. Council agreed.

II. EXECUTIVE SESSION

No Executive Sessions were held.

Briefing Session was adjourned at 8:17 p.m.

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

The City Council convened into Regular Session in the Council Chambers at 8:18 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 Memorial Service for the late Assistant City Manager Paul Frederiksen and stated Chief Robert D. Brown Jr. has been appointed as the Assistant City Manager.

III.1.B. *Councilmembers' Reports*

Councilmember McBurnett spoke on the Operation Clean Duncanville event and thanked Councilmember Anderson for his time served on Council.

Mayor Pro Tem Cooks encouraged citizens to attend:

Meet, Connect, and Learn

Topic: Code Enforcement

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

City Manager Ferrell-Benavides encouraged citizens to attend:

Fire Station Number 1 Town Hall

Virtual

April 29, 2021

7:00 – 9:00 p.m.

Police Memorial Day
In front of the Police Department
May 14, 2021
10:00 – 11:00 a.m.

Fire Truck Pull
Senior Center Parking Lot
May 22, 2021

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Recognition of Keep Duncanville Beautiful Spring 2021 Curb Appeal Residential Properties.*

Timothy Hamilton presented the item.

District 1: Sue Lesley 1050 Dove Creek Dr. Duncanville, TX 75137

District 2: Paula Lee 226 Meadowlark Ln. Duncanville, TX 75116

District 3: Jerry Burns 622 E. Center St. Duncanville, TX 75116

District 4: Owner requested anonymity/no public recognition.

District 5: Marcelino Jr. & Dahilla Luna 1214 Lodema Ln. Duncanville, TX 75116

III.2.B. *Introduce Duncanville High School Youth in Government Program Officers.*

Item requested by Mayor Pro Tem Cooks. Mayor Pro Tem Cooks presented item.

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"

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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:

Joycelyn Franklin submitted a comment via email:

I am emailing you to request that the President of Southwest Dallas County Alumnae (SWDCA) be allowed to speak briefly during the Public Comment section about our sorority and our commitment to public service in Duncanville, TX – part of our service areas. A number of our members reside in Duncanville.

Mrs. Brandi Hicks will be the speaker. She resides at 6821 Sunshade Ln., Dallas, TX.

Thank you for the opportunity for our President to speak on behalf of our Chapter during the allotted time.

III.4. CONSENT AGENDA

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

III.4.A. Consider a Resolution approving the terms and conditions of a Master Agreement Governing Major Capital Improvement Project between the City of Duncanville and Dallas County for the Governance of the Major Capital Improvement Program and Authorizing the City Manager to Execute the Agreement.

III.4.B. Consider a Resolution approving the terms and conditions of Amendment #2 to the Municipal Maintenance Agreement with the State of Texas Department of Transportation (TXDOT) to allow the City to install and maintain the restriping and installation of delineators for bike and pedestrian traffic and the bridge at the intersection of US 67 and Danieldale within TXDOT right-of-way.

III.5.A. Consider an Ordinance amending Section 19-163 of the City Ordinance to add Frank Keasler Blvd to the list of no-through-truck zones.

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. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. Consider an Ordinance amending Section 19-163 of the City Ordinance to add Frank Keasler Blvd to the list of no-through-truck zones.

Item was moved to the Consent Agenda.

III.5.B. Take any necessary action as a result of the Executive Session.
No executive sessions held.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Police Department Quarterly Report.
Interim Police Chief LiVigni presented the item.

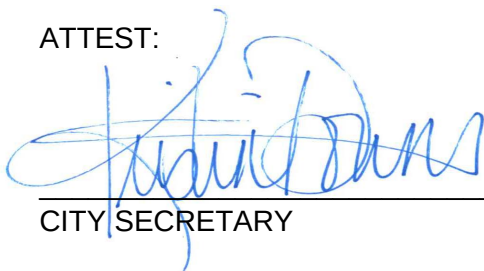
IV. ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY