

# **Duncanville City Council Meeting Minutes**

## **Regular Meeting**

### **Tuesday, May 4, 2021**

#### **CALL TO ORDER**

A regular meeting of the Duncanville City Council was called to order on Tuesday, May 4, 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

#### **STAFF VIA VIDEO CONFERENCING:**

IT Director Tracy Beekman  
Interim Chief of Police Mark LiVigni  
Public Works Director Bryan Greg Ramey  
City Secretary Kristin Downs  
Interim Assistant City Manager Chief Robert D. Brown Jr.  
City Manager Aretha R. Ferrell-Benavides  
City Attorney Robert E. Hager

#### **COUNCIL ABSENT:**

Councilmember Johnette Jameson

#### **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, May 4, 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, May 4, 2021, email [citysecretary@duncanville.com](mailto:citysecretary@duncanville.com) and title the email "Public Comment – May 4th". 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\\_0azJHslCQUi9grr8URv-PQ](https://us02web.zoom.us/webinar/register/WN_0azJHslCQUi9grr8URv-PQ)

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-Benevides reviewed each item. Item 4C - a Resolution to confirm the appointment of Assistant Chief of Police Mark LiVigni as Interim Police Chief effective May 4, 2021. The Chief of Police is appointed by the City Manager however, Local Govt. Code 143.013 requires confirmation by the Elected Body.

### **I.2. BRIEFINGS / PRESENTATIONS**

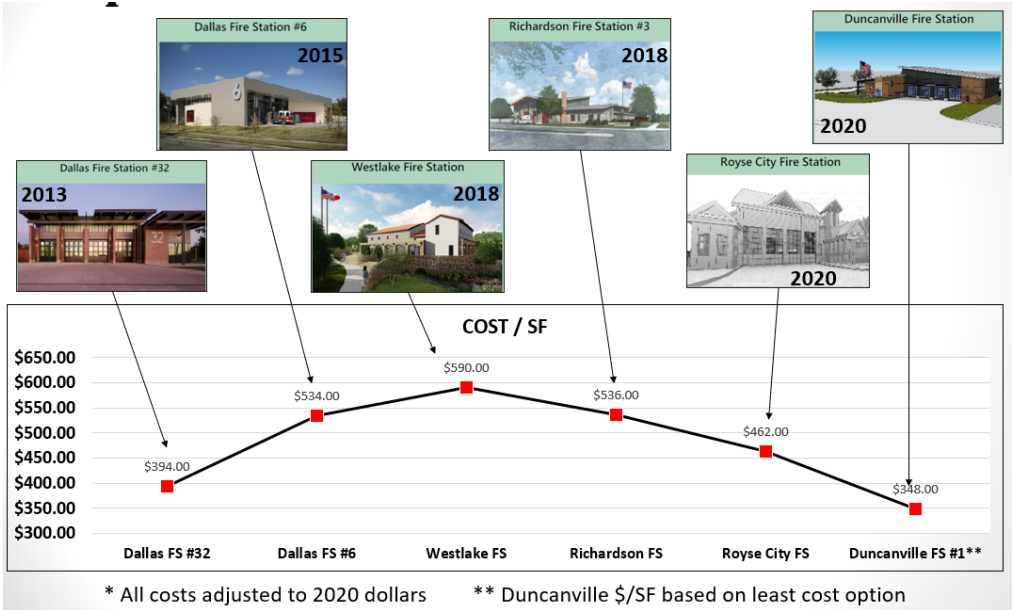
#### **I.2.A. Discussion of Feedback Following Fire Station Public Forum.**

Public Works Director Ramey presented the item.

Budget:

| Item                                                                | Budget         | Actual / Estimate | (Over) / Under   | Notes                                      |
|---------------------------------------------------------------------|----------------|-------------------|------------------|--------------------------------------------|
| Design                                                              | \$500,000.00   | \$525,630.00      | (\$25,630.00)    |                                            |
| CMAR Pre-Construction                                               | \$20,000.00    | \$20,000.00       | \$0.00           |                                            |
| Construction + CMAR Fee (4%)                                        | \$4,000,000.00 | \$5,391,477.00    | (\$1,391,477.00) | Assumes Least Expensive Option, Option #1  |
| Furniture, Fixtures, and Equipment (FFE) - includes emer. generator | \$480,000.00   | \$340,000.00      | \$140,000.00     | Use existing radio equip and workout equip |
| Land Acquisition                                                    | \$1,000,000.00 | \$600,000.00      | \$400,000.00     | Only purchase two parcels                  |
| Total                                                               | \$6,000,000.00 | \$6,877,107.00    | (\$877,107.00)   |                                            |
| Cost Savings from Roof Project                                      | \$1,637,250.00 | \$760,500.00      | \$876,750.00     |                                            |

Comparable Fire Station Costs:



Options:

| Option 1 (47%)                                                                      | Option 2 (53%)                                                                       |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|  |  |
| Contemporary Massing and Color Palette                                              | Contemporary Massing and Color Palette                                               |
| Exposed Pre-Engineered Metal Building Structure                                     | Concealed Pre-Engineered Metal Building Structure                                    |
| Most Cost Effective                                                                 | Extra Volume - Potential Storage Space                                               |
| \$5,391,477 (\$348/SF)                                                              | \$5,525,122 (\$357/SF)                                                               |

Council had a consensus of Option 2 and instructed staff to reexamine the budget and see if the additional costs associated with Option 2 can be covered.

I.2.B. **Discuss Annual City Council Calendar.**  
City Secretary Downs presented the item.

- Council concluded:
- May 12, 2021, Canvassing of May 1, 2021 General Election
  - May 18, 2021, In Person Council Meeting
  -

I.2.C. **Discussion on Ordinance No. 2262 Sign Guidelines.**  
Item requested by Councilmember Jameson.

Councilmember Jameson was not in attendance to present.

Briefing Session was adjourned at 7:02 p.m.

II. **EXECUTIVE SESSION**

No Executive Sessions were held.

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 7:03 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 National Day of Prayer on May 6, 2021 and commended City Secretary Downs on receiving the Municipal Clerk's Office of Achievement of Excellence Award.

Mayor Gordon and Mayor Pro Tem Cooks helped pass out caps and gowns to the 910 Graduating Seniors.

Mayor Gordon thanked all citizens who voted during the May 1, 2021 General Election.

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

Councilmember Veracruz spoke on the Collegiate Academy and congratulated the graduating Seniors on being the 1<sup>st</sup> class to graduate with their High School Diploma and an Associate's degree.

Mayor Pro Tem Cooks thanked everyone who participated in the Meet, Greet, and Learn and congratulated all teachers for National Teacher's Day.

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

City Manager Ferrell-Benavides encouraged all citizens to attend:

Police Memorial Day  
May 14, 2021  
In front of the Police Department

Fire Truck Pull  
May 22, 2021  
In the Senior Center parking lot

Memorial Day Celebration  
May 31, 2021  
Memorial Park

City Manager Ferrell-Benavides welcomed new Economic Development Director Agustin "Gus" Garcia.

III.2. **PROCLAMATIONS AND PRESENTATIONS**

III.2.A. ***Presentation of the Keep Duncanville Beautiful May 2021 Business Beautification Award Plaque and Proclamation to Pappas Bar-B-Q located at 230 W. Hwy 67.***

Mayor Pro Tem Cooks presented the proclamation.

III.2.B. ***A Proclamation recognizing May 15, 2021, as Police Memorial Day and May 9 - 15, 2021 as National Police Week.***

Mayor Gordon presented the proclamation.

III.2.C. ***A Proclamation to designate the Week of May 16-22, 2021, as Emergency Medical Services Week.***

Councilmember Veracruz presented the proclamation.

**III.2.D. Proclamation recognizing May 16-22, 2021, as National Public Works Week.**

Councilmember McBurnett presented the proclamation.

**III.2.E. Proclamation recognizing May 2 - 8, 2021, as American Water Works Association Drinking Water Week.**

At-Large Councilmember Harvey presented the 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.*

No comments were submitted.

**III.4. CONSENT AGENDA**

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

**III.4.A. Consider a Resolution authorizing a Cooperative Purchasing Agreement with Vortex Companies Vortex, LLC using The Interlocal Purchasing System (TIPS), Contract 20110401 Water Improvements – Pipe bursting the Water Main on Briarmeade Drive, for the Public Works Department, with an estimated expenditure amount of \$224,150.00.**

**III.4.B. Consider a Resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with ONCOR Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel.**

**III.4.C. Consider a Resolution to confirm the appointment of Assistant Chief of Police Mark LiVigni as Interim Police Chief effective May 4, 2021.**

**III.4.D. Consider a Resolution authorizing an Interlocal Purchase for Emergency Medical Billing and Collections Services from Emergicon LLC., through the City of Desoto RFP-FDA-2001-RFP, for pricing services, software and equipment for an estimated cost of \$71,800.**

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Johnette Jameson absent. Items passed.

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

**III.5.A. Conduct a Public Hearing (2021-07) to consider an Ordinance to revoke a Specific Use Permit for an Indoor Sports Complex (Batting Facility) under Ordinance 2308 and retain the existing Commercial "C" District**

***Zoning on Woodhaven Block 2, Lot 3, more commonly known as 410 E Red Bird Lane.***

City Planner Skye Thibodeaux presented the item.

- Applicant and Owner: Jose L. Garcia
- The request is to rescind a Specific Use Permit for an indoor/outdoor sports complex (batting facility) under Ordinance No. 2308 and retain the existing Commercial “C” District zoning, on Woodhaven Addition, Block 2, Lot 3, more commonly known as 410 E. Red Bird Lane, in the City of Duncanville.

Comprehensive Plan:

- The future land use designation associated with the subject property is Retail/Commercial.
- The request to rescind the Specific Use Permit and maintain the base Commercial “C” District on the subject property is in conformance with the Comprehensive Plan.

Background:

- The subject site was formerly used as an indoor/outdoor pitching & batting complex.
- The property has a base zoning of Commercial “C” District.
- The SUP (Ordinance No. 2308) for the indoor/outdoor pitching & batting complex use would be removed from the zoning map if approved.
- A conforming use of auto repair and services, minor, is proposed to occupy the subject property.

Recommendation:

- Planning and Zoning recommends approval to rescind the Specific Use Permit for Indoor/Outdoor Sports Complex (Ordinance No. 2308) and retain the existing Commercial “C” District zoning, on Block 2, Lot 3, Woodhaven Addition, approximately 0.92 acres, more commonly known as 410 E. Red Bird Lane, Duncanville, Texas.

The Public Hearing was opened at 7:36 p.m. for anyone in favor of:

No one spoke

Councilmember At-Large Harvey made a motion to close the Public Hearing, Mayor Pro Tem Cooks seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Johnette Jameson absent.

The Public Hearing was closed at 7:38 p.m.

The Public Hearing was opened at 7:38 p.m. for anyone opposed:

No one spoke

Councilmember At-Large Harvey made a motion to close the Public Hearing, Mayor Pro Tem Cooks seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Johnette Jameson absent.

The Public Hearing was closed at 7:39 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, 0 against, with Councilmember Johnette Jameson absent. Item passed.

**III.6. STAFF AND BOARD REPORTS**

**III.6.A. *Receive the Monthly Financial Report as of March 31, 2021.***

**III.6.B. *Receive the Fiscal Year 2021 Second Quarter Investment Report as of March, 2021.***

**III.6.C. *Receive the Parks & Recreation Quarterly Report.***

III.6.D. *Receive the Fieldhouse Quarterly Report.*

IV. ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

APPROVED:

  
\_\_\_\_\_

MAYOR

ATTEST:

  
\_\_\_\_\_

CITY SECRETARY