

NDuncanville City Council Meeting Minutes
Regular Meeting
Tuesday, May 17, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, May 17, 2022, at 6:00 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 Mark D. Cooks
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Councilmember Jeremy Koontz – 6:03 p.m.

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, May 17, 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.

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.

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, May 17, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – May 17.
- 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_PiHct8jkRZuPsqmHbxILDw

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.

Mayor Gordon voiced his concerns about the new information brought to his and possible other Councilmembers' attention by the applicant. Mayor Gordon proposed to open all three Public Hearings (Items 5A, 5B, and 5C) and ask for a continuation of the Public Hearings at the June 21, 2022, Regular City Council meeting.

Councilmember Contreras requested Council be made aware of the discussions between the applicant and staff.

Mayor Pro Tem Harvey stated he would make the motion.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Receive and Discuss the Star Transit Service Strategic Partnership Proposal.*

Managing Director of Development Services Garcia introduced Kim Britton, Star Transit. Ms. Britton spoke on Star Transit basics, service areas, demand response, bus routes, and same-day service.

The Council questioned pricing, service demand, and a customer service advocate. Council concluded to move forward.

Briefing Session was adjourned at 6:53 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.

Councilmember Jeremy Koontz delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

IV. CANVASS OF ELECTION AND OATHS

IV.1 *Consider a Resolution Canvassing and Declaring the results of the May 7, 2022, General Election for Mayor, and Councilmembers for Districts Two (2) and Four (4); ordering a Runoff Election for Office of the Mayor.*

City Attorney Hager read the Resolution.

Mayor Pro Tem Patrick Harvey 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.

IV.2 *Candidates receiving the majority of the votes for their respective districts will be sworn in by the City Secretary, after which each will take their seat on the dais.*

City Secretary Downs swore in Don McBurnett, District 2 and Karen Cherry, District 4.

V. RECESS FOR RECEPTION

V.1 *Recognize and show appreciation to outgoing Councilmember Mark D. Cooks, for his service.*

V.2 *Celebrate your Elected Officials Day.*

Mayor Gordon recessed Regular Session at 7:27 p.m.

Mayor Gordon reconvened Regular Session at 7:40 p.m.

V.1. REPORTS

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

Mayor Gordon recognized Asian-Pacific Heritage Month, Jewish American Heritage Month, and Military Appreciation Month.

V.1.B. *Councilmembers' Reports*

Councilmember McBurnett thanked Councilmember Cooks for his service and welcomed Councilmember Cherry.

Councilmember Contreras spoke on the PIP program.

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

City Manager Ferrell-Benavides spoke on upcoming Parks and Recreation and Library events.

V.2. PROCLAMATIONS AND PRESENTATIONS

V.2.A. *Proclamation recognizing May 1 – 7, 2022, as Drinking Water Week.*

Councilmember McBurnett read the proclamation.

V.2.B. *Proclamation recognizing May 15 – 21, 2022, as National Public Works Week.*

Councilmember Contreras read the proclamation.

V.2.C. *A Proclamation to designate the Week of May 15-21, 2022, as Emergency Medical Services Week.*

Councilmember Veracruz read the proclamation.

V.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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No one spoke.

V.4. CONSENT AGENDA

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

V.4.A. *Consider the Minutes for the April 19, 2022, City Council Regular Meeting.*

V.4.B. *Consider a Resolution authorizing a micro-surfacing pavement treatment services contract with Viking Construction, Inc., through the City of Grand Prairie Contract #21478, with an estimated contract expenditure amount of \$430,449.44.*

Councilmember Don McBurnett 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.

V.5. ITEMS FOR INDIVIDUAL CONSIDERATION

V.5.A. *Conduct a Public Hearing and consider an Ordinance granting a specific use permit to allow for a Short-Term Rental on river oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.*

Mayor Gordon voiced his concerns about the new information brought to his and possible other Councilmembers' attention by the applicant. Mayor Gordon proposed to open all three Public Hearings (Items 5A, 5B, and 5C) and ask for a continuation of the Public Hearings at the June 21, 2022, Regular City Council meeting.

Mayor Gordon opened the Public Hearing at 8:11 p.m.

Mayor Pro Tem Patrick Harvey made a motion to continue Items 5A, 5B, and 5C until the June 21, 2022, Regular City Council meeting, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against. Item passed.

- V.5.B. Conduct a Public Hearing and consider an Ordinance granting a Specific Use Permit "SUP" for Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, Duncanville, Dallas County, Texas, more commonly known as 822 Sherrill Boulevard.**

Moved to continuance at the June 21, 2022 Regular City Council meeting.

- V.5.C. Conduct a Public Hearing and consider an Ordinance granting a specific use permit to allow for a Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.**

Moved to continuance at the June 21, 2022 Regular City Council meeting.

- V.5.D. Consider an Ordinance amending Chapter 9A' Flood Damage Prevention', Article V 'Provisions for Flood Hazard Reduction', Section 9A-41 'General Standards' by amending Subsection (4); Section 9A-42' Specific Standards' by amending Subsection (4) Manufactured Homes, C (I), and Subsection (5) 'Recreation Vehicles'; Section 9A-44 'Standards for Areas of Shallow Flooding (AO/AH Zones)' by amending Section (1); To Provide Prerequisites for Community Rating System Flood Insurance Program updated by FEMA; proving a penalty clause; and providing severability, effective date, and open meetings clauses.**

Engineering Manager MacLean presented the item.

Proposed Amendments:

Article V 'Provisions for Flood Hazard Reduction'

- MEP & HVAC Facilities - Section 9A-41 Section (4)
- Manufactured Homes Section 9A-42 Section (4)
- Shallow Flooding Zones (AO/AH) Section 9A-44 Section (1)

Sec 9A-41 General Standards

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located **one foot above the base flood elevation** so as to prevent water from entering or accumulating within the components during conditions of flooding;

Sec 9A-42 Specific Standards

(4) c. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) shall be elevated so that ~~either~~:

- (i) The lowest floor of the manufactured home is at least two feet above the base flood elevation: ~~or~~ **and**

Sec 9A-44

(1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the base flood elevation or the highest adjacent grade, at least ~~as high as~~ **one foot higher than** the depth number specified in feet on the community's FIRM (at least ~~two~~ **three** feet if no depth number is specified).

Councilmember Koontz requested to provide public education on the changes.

City Manager Ferrell-Benavides agreed.

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.

V.5.E. Take any necessary action as a result of the Executive Session.
Executive Session was not held.

V.6. STAFF AND BOARD REPORTS

V.6.A. Receive the Monthly Financial Report as of March 31, 2022.

Managing Director of Financial Services Atmore presented the item.

V.6.B. Receive the Fiscal Year 2022 Second Quarter Investment Report as of March 31, 2021.

Managing Director of Financial Services Atmore presented the item.

V.6.C. Receive the Police Department Quarterly Report.

Police Chief LiVigni presented the item.

V.6.D. Receive the Economic Development Department Quarterly Report.

Manager Mansell presented the item.

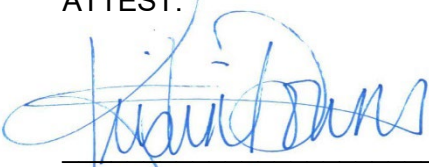
VI. ADJOURNMENT

The meeting was adjourned at 9:14 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY