

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, May 19, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, May 19, 2020, at 6:01 p.m. via video conference with a quorum to wit:

COUNCIL VIA VIDEO CONFERENCING:

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

STAFF VIA VIDEO CONFERENCING:

Interim City Planner Andrew Ruegg
IT Director Tracy Beekman
Economic Development Director Jessica James
Public Works Director Greg Ramey
Parks and Recreation Director Bart Stevenson
Library Director Julio Velasquez
City Secretary Kristin Downs
Assistant City Manager Paul Frederiksen
City Manager Kevin Hugman
City Attorney Shelby Percy
City Attorney Robert Hager

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 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 19, 2020, 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 submit public comments, email citysecretary@duncanville.com and title the email “Public Comment – May 19th”. All public comments submitted by 4pm on Tuesday, May 19, 2020 will be provided to the City Council members and entered into the record for the May 19, 2020 City Council Regular Meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_1sE5_2a7RgSe7YMtdgD0pA

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

To speak during the Public Hearing on Agenda Item 5a, you need to REGISTER in advance with the link above. When the Public Hearing is opened by the Mayor, you will need to use the “raise your hand” option that is provided by ZOOM. If you are calling in and would like to speak, press *9 on your phone’s dial pad to “raise your hand”. You may also submit your comments in advance in accordance with the guidelines for “Public Comments”.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

COUNCIL ABSENT:

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Hugman reviewed each item. Councilmember Anderson stated he would recuse himself during Item 5a due to personal conflict.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss the Independence Day fireworks show.*

Parks and Recreation Director Stevenson presented the item. The 2020 Independence Day celebration has been under review for modification, postponement, or cancellation due to the social and financial impacts of COVID-19. Currently, the event has been modified to eliminate all the traditional activities except the fireworks show itself. With the extension of the COVID-19 policies on social distancing and refraining from large groupings, Council should consider the possible postponement or elimination of the fireworks show. Staff has been monitoring the decisions of other DFW cities regarding their fireworks shows and the following cities have indicated that have canceled their show: Lancaster, Hurst, Lewisville, Flower Mound, Trophy Club, Denton, Bedford, and Watauga. Several other cities are currently considering canceling their show but have not made a decision to date. Larger events in Dallas, Addison and Grand Prairie are operated by outside entities with the assistance of those cities and have not announced their decisions. Allen and Grapevine to-date have responded with a definitive affirmative that their shows will continue however, without other activities. In a national survey, approximately 2/3 of cities have canceled their Independence Day events entirely with the remaining entities doing fireworks only or postponing to a later date such as Labor Day or New Year's Eve.

The "entertainment" portion of the event has been canceled. The only expenses to date for this portion was a \$2,500 deposit to the band, "The David Whiteman Band". Staff has been in communication with the band and they have agreed to forward the deposit to another date, most likely the 2021 Independence Day Celebration.

Police Chief Brown voiced his concerns for the citizens and Police personnel. Surrounding cities canceling their firework shows will result in an influx of people to Duncanville. The Police Department does not have enough force to man a Fourth of July event and still abide with the state requirements due to COVID-19.

Councilmember Cooks questioned if roads were blocked off and if staff encouraged citizens to stay home to watch the fireworks would that help.

City Manager Hugman stated realistically people would still walk to the park and gather. There are not enough personnel to monitor people from gathering. Also, if Duncanville is the only city providing fireworks there would be more traffic and gathering at local business and parking lots.

Council concluded due to the anticipated budget shortfall with COVID-19 and safety concerns for the civilians and public servants the fireworks display shall be canceled.

Mayor Gordon recessed the Briefing Session at 6:27 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 6:29 p.m. and Mayor Gordon read the item into record.

II.1 City Council shall convene into closed executive session pursuant to Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations;

- (1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or**
- (2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**

Regarding to wit: an Industrial Development Project.

- II.2 City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberation Regarding Real Property; to deliberate the purchase, exchange, lease, or value of real property; being property owned by the city generally north of Wheatland Road, south of I-20, east of Cedar Ridge Drive, and west of Cockrell Hill Road.**

The Council closed the Executive Session at 7:09 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 7:14 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Councilmember Cooks.

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

III.1. REPORTS

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

Mayor Gordon provided updates on COVID-19 and recognized May 15, 2020 as Police Memorial Day. Mayor Gordon encouraged all local businesses to view the Economic Development Small Business Recovery Program video.

III.1.B. *Councilmembers' Reports*

Councilmember Cooks encouraged all citizens to shop locally and to attend:

Meet, Connect, and Learn

May 23, 2020

ZOOM Meeting

Guest: City Manager Kevin Hugman

Mayor Pro Tem McBurnett encouraged all citizens to complete their 2020 Census.

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

City Manager Hugman discussed the current openings and precautions being implemented in city facilities.

III.2. PROCLAMATIONS AND PRESENTATIONS

None.

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 submit public comments, email citysecretary@duncanville.com and title the email "Public Comment – May 19th". All public comments submitted by 4pm on Tuesday, May 19, 2020 will be provided to the City Council members and entered into the record for the May 19, 2020 City Council Regular Meeting.

Mayor Gordon read the item into record. The following spoke during the Citizens Input Period:

No one spoke.

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 April 27th and 28th, 2020 City Council Special Meeting, and the May 5, 2020 City Council Regular Meeting.*

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Conduct a Public Hearing (2020-04) and consider an Ordinance to amend the existing Downtown Duncanville "DD" District Zoning to include a Specific Use Permit to allow a tattoo and body piercing establishment on a portion of Main Station, Block A, Lot 1, approximately 1.3091 acres, more commonly known as 100 S Main Street, Duncanville.***

Councilmember Monte Anderson recused himself.

Interim City Planner Andrew Ruegg (Master Plan) presented the item. Applicant Francisco Rosales, owner at Main Station Duncanville Ltd. Mr. Rosales would like to amend the existing Downtown Duncanville "DD" District to include a Specific Use Permit to allow a tattoo and body piercing establishment on a portion of Main Station, Block A, Lot 1, approximately 1.3091 acres, more commonly known as 100 S Main Street, Duncanville, Texas.

Comprehensive Plan:

The subject property is located within the Downtown District:

- Identified as an Opportunity Area on the Future Land Use Map.
- Downtown District is envisioned as a regional destination and a hub of activity in the City.
- Achieved with vertical mixed use and boutique retail development.
- Area envisioned as being pedestrian-oriented.

Goals for development in Downtown:

- Uses/developments designed so a person can comfortably walk from one location to another.
- Encourage strolling, window-shopping, and other pedestrian activities.
- Provide a mix of commercial, civic, and office uses.
- Mix of different retail/personal service types.

The proposed use complies with the vision of the Downtown District on the Future Land Use Map of the Comprehensive Plan

Project Scope:

- The applicant is seeking approval of a Specific Use Permit (SUP) for a tattoo and body piercing establishment to occupy a tenant space in the existing 11,948 s.f. building.
- Tenant space for the tattoo and body piercing establishment would occupy approximately 927 s.f. of the existing building.
- Hours of operation would be from 10:00 a.m. to 10:00 p.m., Monday through Sunday.

Background:

Parking:

- Public parking is available to all Downtown patrons.
- Downtown Duncanville District does not require parking be provided onsite for occupants. The intent is to encourage pedestrian activity in the district by allowing patrons to park in one location and walk to various destinations within the area.
- The proposed use will not adversely impact parking and traffic in the area.

Signage:

- The site must comply with Article XII-L, Downtown Duncanville District Development Standards of the Zoning Ordinance and Chapter 16A Sign Guidelines of the Code of Ordinances regarding attached and freestanding signage.

Land Use:

- Every specific use permit shall be considered an amendment to the zoning district applicable to such property and shall authorize the specific 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.

Surrounding Land Use:

The subject property is immediately surrounded by office, residential, restaurant, and retail uses as part of the existing building. Additionally, the subject property is adjacent to a performing arts theater to the south.

- The subject property surrounding streets:
 - North - E Center Street
 - East – Hastings
 - South - Freeman Street
 - West - S Main Street

Future Land Use:

- The SUP is being requested to comply with Article XIII of the Zoning Ordinance to allow for a tattoo and body piercing establishment in the Downtown Duncanville ("DD") zoning district.
- 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.
- Similar requests have included a one (1) year to five (5) year period with additional year automatic renewal periods.

Notifications:

- Seventeen (17) notices were sent out for this public hearing. As of this writing, one response in support has been received.

Recommendation:

On April 27, 2020, Planning and Zoning Commission, by vote of 6-1, recommended approval of an ordinance to amend existing district zoning to include a Specific Use Permit "SUP" to allow a tattoo and body piercing establishment with the following conditions:

- Property shall be developed in accordance with the floor plan, which is attached hereto as Exhibit B and is incorporated herein as special conditions.
- Property shall meet all city, state, and federal regulations for building and fire codes, and accessibility.
- The existing public parking available in the Downtown Duncanville District shall satisfy the parking needs for the use.
- Hours of operation shall be Monday through Sunday from 10:00 am to 10:00 pm.
- Five (5) year time limit with the option of five-year automatic renewals.

Mayor Gordon opened the Public Hearing at 7:41 p.m.

Mayor Gordon asked for anyone in favor to use the “raise your hand” option in ZOOM.

Bryan Kaeser, owner of MudHook – spoke in favor of the tattoo parlor.

Mariah Melton, 100 S Main, Ste 215 - spoke in favor of the tattoo parlor.

Juan Trejo, 212 N Main St. – spoke in favor of the tattoo parlor.

Hugo Gonzalez – spoke in favor of the tattoo parlor.

Rafael Dominguez – spoke in favor of the tattoo parlor.

Mayor Gordon asked for anyone in opposition to use the “raise your hand” option in ZOOM.

No one spoke.

Mayor Pro Tem Don McBurnett made a motion to close the Public Hearing, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against (Councilmember Monte Anderson was recused).

The Public Hearing was closed at 7:50 p.m.

Applicant Francisco Rosales stated he is committed to signing a five-year lease and had 140 signatures from citizens in favor of him opening a tattoo parlor at Main Station. Appointments will be by appointment only with one client per day for a more personalized session.

At-Large Councilmember Harvey voiced his support and commended Mr. Rosales; all parents desire for their children to grow up and become responsible citizens.

Councilmember Cooks commended Mr. Rosales from graduating from Duncanville High School and coming back to the community to start his business.

Mayor Gordon stated the Ordinance should state Mr. Rosales will abide by the State Laws for Tattoo Parlors.

Councilmember At-Large Patrick Harvey made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against (Councilmember Monte Anderson was recused). Item passed.

III.5.B. Consider a Resolution approving the terms and conditions of Standard Form of Agreement RFQ #20-0011 with Brown Reynolds Watford Architects, Inc for Architectural and Engineering Design Services for Fire Station No. 1 in the amount of \$513,400.00.

Public Works Director Ramey presented the item. On November 6, 2018, a \$6M Bond for Fire Station No. 1 (Land / Design / Construction) was approved by the citizens of Duncanville.

Brown Reynolds Watford Architects (BRW) provides; previous experience working with CORE Construction, positive references, was established in 1984, offices in Dallas, College Station, Houston, TX and San Francisco, CA, and has designed over 200 fire facilities throughout Texas, including fire stations in Dallas, Cedar Hill, DeSoto, Mesquite, and Grand Prairie.

Contract Highlights

Basic Services	\$393,750.00
• Architectural Programming & Design • Mechanical-Electrical-Plumbing (MEP) Engineering • Structural Engineering • Interior Design • Signage • Site Layout for entire property • Public Forum **Assumes \$4.5M Construction Budget	
Additional Services	\$119,650.00
• Geotechnical Survey • Site boundary, Topographic, Tree Survey • Civil Engineering • Plat • Landscape & Irrigation Design • Storm Shelter 3rd Party Review • Technology & Audio-Visual Cabling Design • Access control, Video Surveillance & Radio, Alerting Infrastructure Design • Furniture Selection Package • Reimbursable Expenses Allowance	
Total Contract	\$513,400.00

Timeline

- 05/21/2020, Design Kick-off meeting
- TBD, Public Forum
- Spring 2021, Design Complete / Start Construction
- Fall 2022, Construction Complete

Gary DeVries, Principal and Stephen Hilt, Project Director of BRW Architects provided Council with their qualifications, experiences, and knowledge.

Mayor Pro Tem 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.

III.5.C. Consider amending Resolution 2020-026R2, extending and amending a State of Emergency as a result of the COVID-19 Virus; providing for Interim Public Safety Measures; Repealing all Resolutions in Conflict

City Manager Hugman presented the item. On Monday, April 27, 2020 Governor Greg Abbott issued Executive Order GA-18, related to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster. This executive order remains in effect until 11:59 p.m. on May 15, 2020. On Tuesday, March 12, Governor Abbott extended his disaster declaration related to the novel coronavirus, COVID-19. Therefore, it is appropriate for the City Council to further extend the Declaration of Local Disaster for Public Health Emergency for the city of Duncanville. The amended order incorporates the current Executive Orders of Governor Greg Abbott. The recommended extension is June 17, 2020, if the State repeals their order the City of Duncanville's order will automatically repeal.

City Attorney Hager stated Resolution No. 2020-026R2 put the City of Duncanville in alignment with Governor Abbott that includes the newest order issued on Monday, May 18, 2020.

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

III.5.D. Consider a Resolution Repealing the Establishment of the Duncanville Sister City Commission.

Mayor Gordon presented the item. A true Sister City relationship provides monetary and manufacturing exchange between both cities. Although the relationship has been friendly it does not define the true meaning of a Sister City relationship.

Councilmember Johnette Jameson made a motion to approve the item as stated, Mayor Barry L. Gordon seconded the motion. The vote was cast 4 for, 3 against (Councilmember At-Large Patrick Harvey, Councilmember Joe Veracruz, and Mayor Pro Tem Don McBurnett). Item passed.

III.5.E. SELECTION OF SEARCH FIRM - Action will be taken as minute entry.

Mayor Pro Tem Don McBurnett made the motion:

"Motion to approve a contract with Strategic Government Resources (SGR) to provide search firm services to assist the City Council in the selection for the position of City Manager for the City of Duncanville in amount not to exceed \$26,500.00 and authorize the current City Manager to execute such contract."

Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against (Councilmember Jameson left the meeting resulting in an abstention). Item passed.

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

No action on Item II.1

Item II.2

City Attorney Hager read:

Motion to authorize the City Attorney and City Manager to undertake the necessary legal action, including any court proceedings, to terminate the lease. Terminate the entrepreneurial agreement and foreclose secured interest or personal property with EON, including recovery of all future rent, past rent and costs in associated with the foreclosure and the termination of the lease in accordance with the lease agreement and accordance with the entrepreneurial agreement in accordance with the security interest.

No further action due to Executive Session.

Mayor Pro Tem Don McBurnett accepted the motion to approve the item as stated, At-Large Councilmember Patrick Harvey seconded the motion. The vote was cast 6 for, 0 against (Councilmember Jameson left the meeting resulting in an abstention).

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Library Quarterly Report.

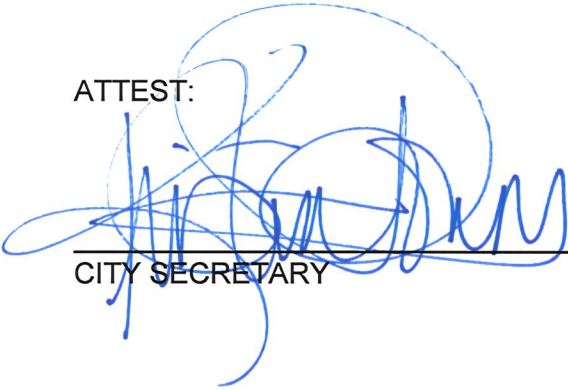
IV. ADJOURNMENT

The meeting was adjourned at 9:27 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY