

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, June 7, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, June 7, 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 Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry
Councilmember Greg Contreras – via ZOOM

COUNCIL ABSENT: Councilmember Joe Veracruz

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 7, 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.

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.

Pursuant to City practice, Citizen Comments and Reports during Election Season, March 1st – May 7th, 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, June 7, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 7th.
- 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_BWJhMfJISOGMEgz07U4qqQ

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.

{Councilmember Contreras left the meeting at 6:02 p.m.}
{Councilmember Contreras returned to the meeting at 6:04 p.m.}

I.2. BRIEFINGS / PRESENTATIONS

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

Council concluded to cancel the July 5th City Council meeting.

Councilmember McBurnett stated he would like to make sure the Rules of Procedures meeting is scheduled.

I.2.B. *Briefing on the Ladd Committee.*

Assistant to the City Manager Kees introduced Jim Jones of the Ladd Committee.

Discussion took place on parking, who would oversee grants and donations, costs, and traffic concerns with the Charter School.

Council accepted the report and recommendations and asked staff to look at the budget and costs that would be associated and bring back to Council.

Mayor Gordon stated Executive Session will be moved after Board and Staff Reports.

Mayor Gordon recessed the Briefing Session at 7:08 p.m.

II. EXECUTIVE SESSION

Executive Session moved after Board and Staff Reports.

II.1 *“City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney relating to prohibition on camping in a public place and/or to otherwise prohibit camping by homeless individuals.”*

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 7:20 p.m. with Mayor Gordon presiding.

Pastor Robert Castillo delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. REPORTS

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

Mayor Gordon recognized Cassandra Shed as the Champion of the City.

III.1.B. *Councilmembers' Reports*

There were no reports.

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

There were no reports.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Proclamation in recognition of Juneteenth Day in Duncanville 2022.*

Councilwoman Cherry presented the proclamation.

III.2.B. *Presentation of the Keep Duncanville Beautiful May 2022 Business Beautification Award Plaque and Proclamation to the Starbucks located at 106 East Hwy. 67.*

Councilmember Koontz presented the item.

III.2.C. *Recognition of Keep Duncanville Beautiful Summer 2022 Curb Appeal Residential Properties.*

Keep Duncanville Beautiful Liaison Hamilton presented the item.

District 1: Ronald & Leatrice Morris - 607 Green Hills Rd.

District 2: Susie Taylor - 250 Timothy Trail

District 3: Rosalba & Tereso Retana - 507 Flamingo Way

District 4: Moses Padierna - 303 Silver Creek Dr.

District 5: Samuel & Teri Germany - 1247 Lodema Lane

III.2.D. Discussion of potential TxDOT sites for beautification with 2021 GCAA award funds.

Keep Duncanville Beautiful Liaison Hamilton presented the item.

- Keep Duncanville Beautiful awarded \$210,000 in April 2021
- Goal is a landscape project that fulfills the winning city's expectations
- Project must be located in TxDOT right-of-way
- Gateway monuments are no longer approved by the Federal Highway Administration (originator of the funds)
- Staff is seeking direction on the City Council's preference between the 2 areas vetted by TxDOT

Council recommended Option A.

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"
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.

To speak by video conference during Citizen Comments, you must register with the City Secretary before 4 pm on Tuesday, June 7, 2022, email citysecretary@duncanville.com and title the email. "Public Comment – June 7th". You will need to register with the link below to attend the meeting by video conference. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your camera and microphone. Feel free to email your citizen comment to the City Secretary when registering for the Mayor to read into the record if any unexpected technical issues arise.

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, June 7, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 7th.
- 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.*

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

Justin Edwards, 226 Mizell - spoke on the maintenance of plants.

Gilbert Cavello Jr, 703 San Juan Dr – submitted a comment on streetlights, speeding vehicles, and homeless issues.

Christopher Price, 214 Cliffwood Dr – submitted a comment on homeless issues.

Allan Yeldell, 727 Flamingo Way – litter along highways.

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 May 10, 2022 City Council Special Meeting, the May 17, 2022 City Council Regular Meeting, and the May 26, 2022 City Council Special Meeting.**
- III.4.B. Consider a Resolution authorizing a cooperative purchasing agreement with Rockdale Country Ford, LLC through BuyBoard Contract #601-19 to approve the procurement of eight Ford SUVs in the total expenditure amount of \$252,385.00.**
- III.4.C. Consider a Resolution authorizing the acceptance of a grant from the Texas Department of Transportation Selective Traffic Enforcement Program in the amount of \$12,000.00, utilized to fund high visibility speed deterrence patrols during operation slow down.**
- III.4.D. Consider a Resolution authorizing Fiscal Year 2021 and Fiscal Year 2022 procurement of Police Ammunition from GT Distributors, Inc, Austin, TX, through Buyboard contract #603-20, for the contractually discounted price, in an amount not to exceed \$128,000.00**
- III.4.E. Consider a Resolution authorizing the final contract renewal with Core & Main, LP, with an estimated expenditure amount of \$250,000.00.**
- III.4.F. Consider a Resolution suspending the June 17, 2022 effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; 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 for the Steering Committee.**
- III.4.G. Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY22-23 Budget in the amount of \$85,000 to Hoopfest Basketball Organization for the 14th Annual Thanksgiving Hoopfest to directly enhance and promote tourism and the hotel industry; conditional upon approval in the FY 22-23 Budget.**
- III.4.H. Consider a Resolution approving the submittal of the FY2022 Community Development Block Grant (CDBG) Project/Activity Applications for CDBG funds with Dallas County.**

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. Conduct a Public Hearing (2022-10) for consideration and action regarding the request of Antonio Zampella, Applicant, representing Eagle Rose Construction, LLC., Owner, to include a Planned Development "PD" for Planned Development/Single-Family Residential District on Woodhaven, Block 5, Lots 4-6, more commonly known as 618, 702, and 708 Cavan Road, Duncanville, Dallas County, Texas.**

{Mayor Gordon recused himself at 7:58 p.m.}

Neighborhood Services Director Tennant presented the item.

Applicant Request:

- To allow a Planned Development/Single-Family Residential District 6 (SFR-6) to allow 42 single-family lots along with a community park and pet park on approximately 8.816 acres.
- Future Land Use Map Designation
- Parks and Open Space
- Zoning District
- SF-10 Single-Family Residential District

SF – Single Family District Development Standards	
Maximum Height	2.5 stories
Minimum Front Yard Setback	20'
Minimum Side Yard Setback	5'
Minimum Side Yard Setback on corner	10'
Minimum Rear Yard Setback	15'
Minimum Lot Width (at building line) ¹	50'
Minimum Lot Depth ²	73'
Minimum Lot Area	5,000 sq. ft.
Minimum number garage spaces	2
Number of other drive spaces	2
Maximum Lot Coverage (gross lot area)	50%
Minimum Living Floor Area	2,000 sq. ft.

What is a Planned Development?

- Also commonly referred to as a PD is a type of zoning used to permit new or innovative concepts in land use not permitted by other zoning districts in these regulations or to permit development projects that existing districts cannot easily accommodate.
- The purpose of the PD is to provide land for uses and developments that promote development that is more sensitive to the natural environment, create a significantly enhanced natural setting or sense of place, or otherwise enhance the standard pattern of development in the City.

Planning & Zoning Recommendation

- On May 9, 2022, the Planning and Zoning Commission recommended approval of the applicant's request.
- 112 notifications were mailed.
- As of June 7, 2022, staff has received 6 citizen comment cards, not in favor of the request.

Mayor Pro Tem Harvey opened the Public Hearing at 8:25 p.m.

In Favor:

None.

Opposed:

Jay Hunter, 719 Holliday Lane – spoke.

Christine Park Rosales, 710 Cavan Rd – submitted a card in opposition.

Jonathan Gabel, 602 Cavan Rd – spoke.

Elizabeth & Shanna Gabel, 602 Cavan Rd – submitted a card in opposition.

Rosa Quintanilla, 1362 Winding Trail – submitted a card in opposition.

Janie Nichols, 702 Woodhaven Blvd – submitted a letter of opposition.

Christine Rosales, 710 Cavan Rd – submitted a letter of opposition.

Michael Rosales, 710 Cavan Rd - submitted a letter of opposition.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent.

Public Hearing closed at 8:44 p.m.

Eli Fried, Eagle Rose Development presented.

Councilmember Contreras, Councilmember Koontz, Councilmember McBurnett, and Councilwoman Cherry discussed why they would be voting against the item.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 0 for,

5 against (Mayor Pro Tem Patrick Harvey, Councilmember Don McBurnett, Councilmember Jeremy Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras), with Councilmember Joe Veracruz absent. Item failed.

{Mayor Gordon returned to the meeting at 9:02 p.m.}

III.5.B. Consider a Resolution approving the allocation for an ambulance, additional funds for Small Business Grants, and outdoor fitness equipment from the American Rescue Plan Act Funding for Coronavirus State and Local Fiscal Recovery Funds in accordance with U.S. Department of Treasury guidelines.

Chief Innovation Officer Otey presented the item.

ARPA - Recap

- American Rescue Plan Act – signed into law March 11, 2021
- Duncanville to receive - \$9,600,000
- First payment of \$4,800,000 received August 2021
- Second payment of \$4,800,000 to be received August 2022
- Used for:
 - COVID-19 response and mitigation
 - Employee premium pay
 - Replace lost revenue
 - Water, Sewer, Broadband infrastructure

ARPA – Current Projects Status

PROJECT	ALLOCATION	SPENT OR OBLIGATED	STATUS
Employee Premium Pay	\$1,300,000	\$1,231,136	COMPLETE
Small Business Grants	\$350,000	\$0.00	60 + applications received – staff in process of reviewing and approving
Facility Generators/Ventilation Improvements	\$1,695,000	\$0.00	Generators – 12 months at least turnaround time; building quotes for Fieldhouse and 103 E. Wheatland
Digital Literacy & Youth Leadership Programs	\$70,000	\$0.00	Staff to revisit the programs
Other Public Safety Needs	\$300,000	\$108,733	Purchased ESRI, Body Cam/Vests, adverse weather backup equipment, cellular units
	\$3,715,000	\$1,339,869	

ARPA – Additional Requests

PROJECT	ALLOCATION	PURPOSE
Ambulance	\$375,650	2 ambulances are to be purchased this Fiscal Year. 1 from the Fleet Rotation and 1 is requested utilizing ARPA funds
Small Business Grants	\$350,000	Staff requests additional amount to allow for further assistance with local businesses
Outdoor fitness equipment	\$350,000	Installed equipment cost approximately \$13k-\$15k. Approximately 23 units with amount. Armstrong, Lions, Redbird Park
	\$1,075,650	

ARPA - Budget

- First payment received \$4,800,000
- Current allocation amount - \$3,715,000
- Additional funds requested - \$1,075,650
- Remaining amount \$ 9,350
- Second payment of \$4,800,000 to be received August 2022

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent. Item passed.

III.5.C. Consider a Resolution approving the Guaranteed Maximum Price (GMP) Amendment to the terms and conditions of the Standard Form of Agreement RFQ #19-026 with Core Construction Services of Texas, Inc., in the proposed amount of \$7,591,908.00 to provide for the construction of a new Fire Station No. 1.

Chief Rohde and Interim Public Works Jackie Culton presented the item.

Re-Cap of Fire Station No. 1 Facility Needs

- Fire Station No. 1 was built in 1966 and is 56 years old. No major renovations to the Station have occurred.
- A 2018 Facilities Condition Assessment Study indicated the fire station was greatly in need of replacement.
 - Apparatus bays are too small, and overhead doors are too low for modern fire engines.
 - There are limited facilities for female firefighters, and the station needs adequate restroom facilities with showers for both male and female staff.
 - Facilities are not ADA compliant.
 - Kitchen and dining areas are too small.
 - Lacks apparatus bay support areas for the cleaning and storage of protective gear.

Bond and Design Development Timeline

- Nov. 6, 2018: Proposition C Bond Election passed, \$6.0M for fire-fighting facilities, and land purchase.
- Feb. 5, 2019: Council approved sell of bonds.
- Dec. 3, 2019: CORE Construction selected as the Construction Manager at Risk (CMAR).
- March 11, 2020: Covid-19 was declared a Pandemic.
- May 19, 2020: Brown, Reynolds, Watford (BRW) Architects selected.
- Dec. 15, 2020: Briefed City Council on Budget, Floor Plan, and Exterior Façade.
- April 29 – May 4, 2021: Fire Station Town Hall, Public Survey Conducted, and Briefed Council on Feedback.
- May 18, 2021: Council Approved Exterior Design (Option 2).
- March – April 2022: Final Design Completed by BRW and CORE bid the project.

GMP Contractual Provisions

- Guaranteed Maximum Price (GMP) CMAR Contract Amendment sets the construction budget for Fire Station No. 1. CMAR must cover any non-city-initiated costs exceeding the budget. (CMAR Fee = 4% of GMP)
- Defines CMAR provided materials and labor.
- Defines materials and labor to be supplied by City: furniture, equipment, IT costs (e.g., Fiber, CCTV, Key Cards, LAN Equip, EOC Equip, AV Equip.), generator, permits, geotech, etc.
- Provides for CMAR to conduct weekly construction status meetings and inspect subcontractor work. The City will also inspect the work.
- Final payment to CMAR requires City Council approval.

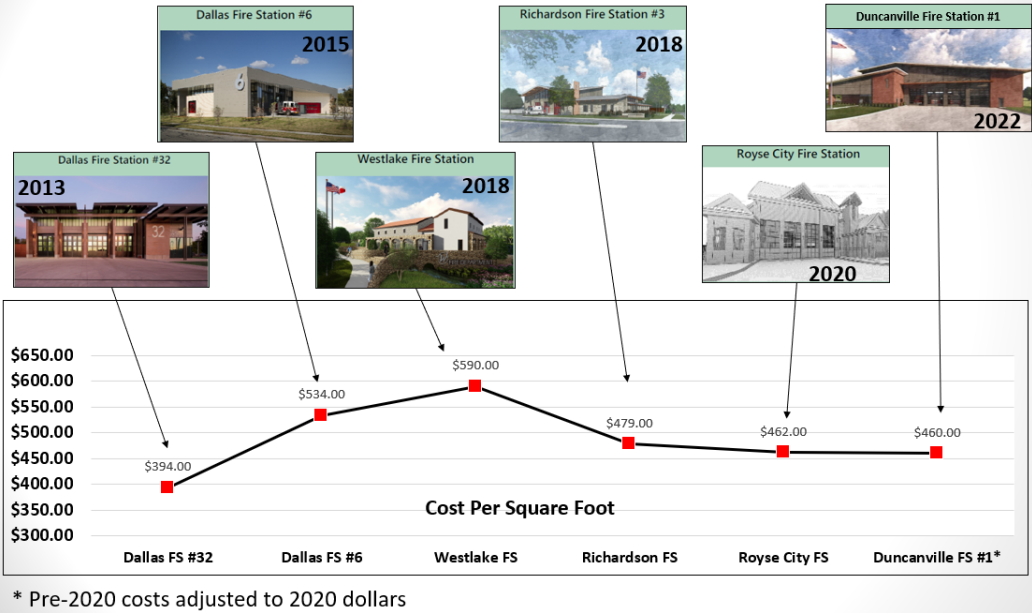
Guaranteed Maximum Price (GMP)

Bid Item Description	Base Price
Demolition/Off-Site Infrastructure	\$54,914
Site Work (Rough)	\$509,635
Site Work (Finish)	\$642,437
Structure	\$1,530,901
Enclosure	\$415,125
Interior Finishes	\$1,001,532
Specialties	\$238,466
Equipment	\$82,597
Mechanical, Electrical and Plumbing (MEP) Systems	\$1,606,680
Special Systems	\$43,280
Contingencies & Allowances	\$379,595
General Requirements	\$681,743
Insurance, Bonds, and Builders Risk	\$139,229
Contractor's Fee (as CMAR) (4% of the cost of construction)	\$265,776
TOTAL	\$7,591,908

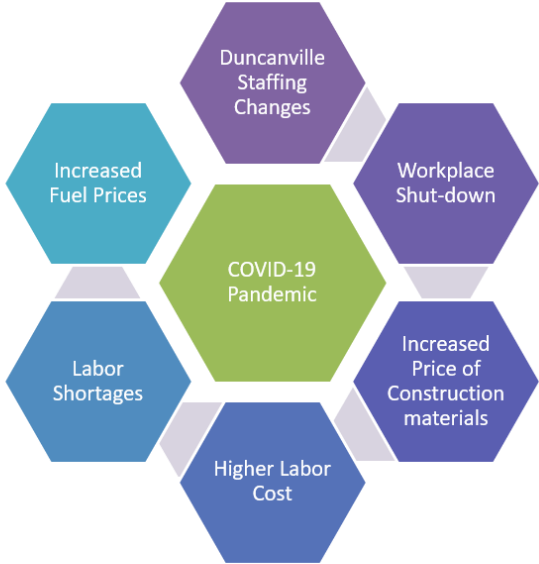
Bond Funds vs. Cost

Item	Budget	Initial Estimate Dec 2020	Revised Estimate May 2022
Design	\$500,000.00	\$525,630.00	\$750,000.00
CMAR (Pre-Construction)	\$20,000.00	\$20,000.00	\$20,000.00
Construction + CMAR fee (4%) (GMP)	\$4,480,000.00	\$5,391,477.00	\$7,591,908.00
Land Acquisition	\$1,000,000.00	\$600,000.00	\$1,000,000.00
Total*	\$6,000,000.00	\$6,877,107.00	\$9,361,908.00
Difference		\$-877,107.00	(-\$3,361,908.00)
Additional Expense covered with operating budget: Furniture, Equipment, and IT		\$1,500,000.00	\$1,500,000.00

Comparable Fire Station Costs

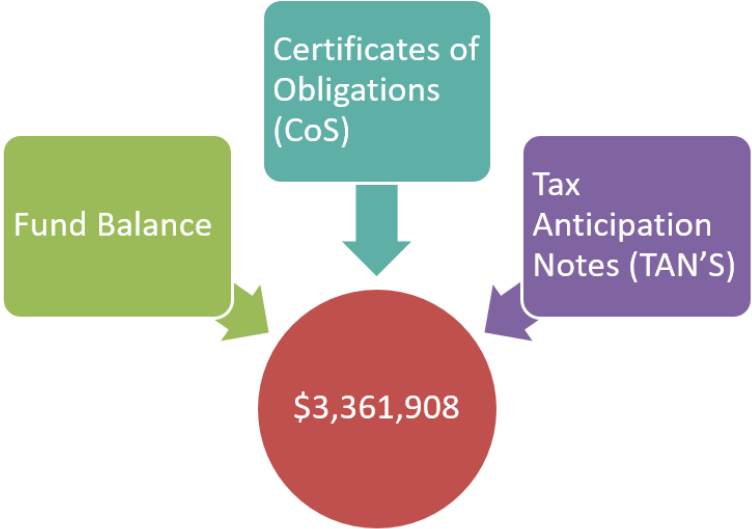


Factors Impacting Increased Pricing



Waxahachie City Council on 4/4/22 approved an increase of \$3.65 million for the construction of its new Fire Station No. 4. This brings their total cost to \$9 million.

Additional Funding Options



A special meeting will be scheduled with the financial advisor to discuss each option.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent. Item passed.

III.5.D. Take any necessary action as a result of the Executive Session.
Item moved until after Staff and Board Reports.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Library Quarterly Report.
Library Director Velasquez presented the item.

III.6.B. Receive the Parks & Recreation Quarterly Report.
Director Bart Stevenson presented the item.

III.6.C. Receive the Fieldhouse Quarterly Report.
Manager Brasfield presented the item.

Mayor Gordon recessed Regular Session at 10:13 p.m. for Council to convene into Executive Session.

II. **EXECUTIVE SESSION**

The Executive Session was called into session at 10:20 p.m. and City Attorney Hager read the item into record.

Councilmember Contreras joined Executive Session at 10:27 p.m.

- II.1 ***“City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney relating to prohibition on camping in a public place and/or to otherwise prohibit camping by homeless individuals.”***

The Council closed the Executive Session at 11:04 p.m.

Mayor Gordon reconvened Regular Session at 11:05 p.m.

- III.5.D. ***Take any necessary action as a result of the Executive Session.***
No action taken.

IV. **ADJOURNMENT**

The meeting was adjourned at 11:06 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY