

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, June 15, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, June 15, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Mayor Pro Tem Mark D. Cooks
Councilmember Greg Contreras

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 15, 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 15, 2021, email citysecretary@duncanville.com and title the email "Public Comment – June 15th". 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_r-uFrkluQCS4KxAcLOH_AA

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 4B - a Resolution approving the terms and conditions of Professional Engineering Service Agreement PSA #21-028 for Sanitary Sewer Evaluation Surveys of Basin WA, with Burgess & Niple, Inc., for a total cost not to exceed \$100,000.00. Each year, the Public Works Department surveys one of the City's sewer basins to identify defects and areas of potential inflow and infiltration. In FY21, the City will survey Basin WA (south part of town). Performing annual sewer basin studies is part of the City's Sanitary Sewer Overflow Initiative Program Agreement with Texas Commission on Environmental Quality (TCEQ). Item 4D - a Resolution authorizing an amendment to Contract #20-097 for providing security officers for the Duncanville Fieldhouse, and a contract increase in the amount of \$25,000.00 for a new annual amount not to exceed \$75,000.00 with Exclusive Protection Services, LLC. The original contract with Exclusive Protection started in September 2019. The contract length is two years with 2 – 1-year renewals for a potential total of 4 years. The Staff has been very satisfied with the services of Exclusive Protection. With an approximate 15% increase in events that require security, the additional funding is necessary for weekend events that will take the current contract over the \$50,000.00 threshold for Council approval. All event

holders requiring security services are charged a fee to fully support the cost of the security guards.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Briefing to City Council regarding the 2021 Independence Day Celebration.*

Item requested by Mayor Pro Tem Cooks.

Parks and Rec. Director Stevenson presented the item. The Independence Day Celebration is an annual tradition in Duncanville that spans decades. The Duncanville Noon Lion's Club has operated the Parade for 30+ years. The Lion's Club handles all registrations and execution of the Parade. The City provides street control, Police services, and any City Council participation needs. The City provides the Evening Celebration and Fireworks.

Saturday, July 3, 2021

- 9:00 AM Annual Duncanville Lion's Club Parade – "Land of the Free, Home of the Brave"
- Grand Marshals – Bob Lee and Dr. Bill Dover
- Line-up begins at 8:00 AM
- 6:00 PM Independence Day Celebration – Armstrong Park
- Fireworks at 9:30 PM
- Closing Main Street at 6:00 PM (Center to Wheatland)

Mayor Pro Tem Cooks would like to see a contract between the City of Duncanville and the Lions Club and have each organization's responsibility listed, with the City of Duncanville being the Headliner of the event.

Councilmember McBurnett stated the Lion's Club is a volunteer organization and does not accept any monies and works closely with City Staff to obtain all permits needed for the parade.

I.2.B. *Update to City Council regarding Trash Collection by Republic Services during the Winter Storm Event which occurred in February 2021.*

Item requested by Mayor Pro Tem Cooks.

Public Works Director Ramey presented the item. Republic Services stated there would not be a credit for non-collection; all solid waste was collected the week following the Winter Storm. Republic Services stated garbage carts would have reduced concerns about garbage accumulation and leaving bags on curb for extended time.

Mayor Pro Tem Cooks requested Council be provided with a chart catered to the City of Duncanville with performances and complaints that are made to Republic. Republic Services will provide a monthly chart to Staff. Mayor Pro Tem Cooks questioned what the contract indicates if Republic Services does not hold up to their contract of services. City Attorney Hager stated there is not a penalty clause in their contract.

Mayor Gordon recessed the Briefing Session at 6:48 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 6:49 p.m. and City Attorney Hager read the item into record.

II.1 *"City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Govt Code to seek legal advise from the City Attorney regarding pending litigation to wit:*

1. ***City of Duncanville v. EON Reality, Cause No. DC-21-00095 filed in the District Court 134th Judicial District Dallas, Texas.***
2. ***Pamela McAllister v. City of Duncanville, Cause No. DC-21-06105 in the 116th District Court, Dallas County, Texas."***

The Council closed the Executive Session at 7:04 p.m.

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 7:07 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Deacon Gene Freeman, Holy Spirit Catholic Church.

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

III.1. REPORTS

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

Mayor Gordon encouraged all citizens to come out on July 3, 2021 to enjoy the City of Duncanville's Fourth of July Celebration.

III.1.B. *Councilmembers' Reports*

Mayor Pro Tem Cooks encourage all citizens to attend the following events:

Meet, Connect, and Learn

June 26, 2021

10:00 a.m. – 11:30 a.m.

via ZOOM

Guest: State Representative Yvonne Davis

Topic: Legislative Updates

Tour De Duncanville Bike Ride

June 19, 2021

8:00 a.m.

Meet at Recreation Center

Councilmember Veracruz recognized Staff on the Outdoor Concert provided by Parks and Rec. on June 5, 2021.

Councilmember McBurnett wished a Happy Father's Day to everyone in attendance.

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

City Manager Ferrell-Benavides spoke on the upcoming Juneteenth Event held between the Best Southwest Cities.

III.2. PROCLAMATIONS AND PRESENTATIONS

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

Parks Superintendent Hamilton recognized the following properties:

- District 1: Rafael Ramos 1027 Lansdale Dr. Duncanville, TX 75116
- District 2: Rebecca Garza 310 Robin Hill Ln. Duncanville, TX 75137
- District 3: Linden Thompson 706 Monroe Dr. Duncanville, TX 75137
- District 4: Dennis Bell 1526 Lime Leaf Ln. Duncanville, TX 75137
- District 5: Gordon Mangum 903 Georgeland Dr. Duncanville, TX 75116

III.2.B. *Proclamation in recognition of Juneteenth Day in Duncanville 2021.*

Mayor Gordon presented the proclamation.

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 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.

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

Jerry Moses – submitted a comment on trash.

Patricia Laman – submitted a comment on litter.

Cozea Stephens – submitted a comment litter.

Heather Winkelman – voiced her support for the Community Theatre.

Jordan Patterson – submitted a comment on trash, speeding, and public decency.

Mark Graham – submitted a comment on litter.

Tommy Raines, 803 Prairie Smoke - voiced his support for the Community Theatre.

Michelle McClarean, 3367 Lakeview Circle – showed support the Community Theatre contract extension.

Ron Thompson, 603 Katherine Court – spoke on the trash in parks and support for the Community Theatre.

Dawn McAllen, 610 Walnut Street - voiced her support for the Community Theatre.

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 20, 2021 City Council Regular Meeting.*

III.4.B. *Consider a Resolution approving the terms and conditions of Professional Engineering Service Agreement PSA #21-028 for Sanitary Sewer Evaluation Surveys of Basin WA, with Burgess & Niple, Inc., for a total cost not to exceed \$100,000.00.*

III.4.C. *Consider a Resolution authorizing a Cooperative Purchase for P25 radio equipment and other related services from Motorola Solutions, Inc. using the Houston Galveston Area Council (HGAC) Contract RA05-18 with an estimated amount not to exceed \$2,023,922.00.*

III.4.D. *Consider a Resolution authorizing an amendment to Contract #20-097 for providing security officers for Duncanville Fieldhouse, and a contract increase in the amount of \$25,000.00 for a new annual amount not to exceed \$75,000.00 with Exclusive Protection Services, LLC.*

III.4.E. *Consider a Resolution authorizing payment of Ancillary Services to Gexa Energy in the amount of \$195,729.77.*

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. *Conduct a Public Hearing (2021-13) for consideration and action regarding the request of James McGhee, applicant, representing Brandon Hollier, owner of Palio Partners Duncanville I, LLC, to include a Specific Use Permit "SUP" to allow for a Drive-Thru on Duncanville Estates 1, Block A, Lot 16, approximately 0.7799 acre, more commonly known as 103 N Cedar Ridge Road, Duncanville, Dallas County, Texas.*
Skye Thibodeaux presented the item.

Comprehensive Plan

- The subject property is located within Opportunity Area No. 4.
- Area 4 is envisioned as “maintaining its retail, commercial, and office uses while improving the aesthetics and design of those uses”.
- This request involves re-establishing a drive-thru in association with a restaurant following the renovation.

Project Scope

- The applicant is seeking approval to allow for the accessory use of Drive-Thru at the subject property to be utilized with the primary use of Restaurant.
- The use of “Drive-Thru” has been technically abandoned as the associated tenant space has been vacant for more than six months.

Operations

- The restaurant intends to operate Monday through Thursday from 2 p.m. to 10 p.m., Friday and Saturday from 12 p.m. to 12 a.m., and Sunday from 12 p.m. to 10 p.m.

The applicant expects to employ between fifteen (15) to twenty (20) employees at full operation.

Parking

- Four (4) parking spaces are required with the 1,435 square foot restaurant (limited seating).
 - o The subject property has 25 full parking spaces (not counting the 19 spaces located along the shared northern and western property boundaries).

Design and Improvements

- The applicant will be redesigning the area associated with the drive-thru to be sure both stacking requirements are met as required by Section 4.04.(Off-Street Parking and Loading Requirements) along with providing a safe maneuvering scenario.
- The associated structure has been redeveloped to be in conformance with the property’s Economic Development Performance Agreement.

Landscaping and Screening

- With no proposed expansion to the existing structure, bringing the property into conformance with Section 4.08.(Landscape Requirements) and Section 4.07. (Screening and Buffering Requirements) is not required.

Signage

- The site must comply with Chapter 16A Sign Guidelines of the Code of Ordinances regarding attached and freestanding signage.

Notification

Fifteen (15) notices were sent out for this public hearing. As of this writing, one response has been received in favor and one has been received in opposition.

Recommendation

The Planning & Zoning Commission recommended approval of the request by a vote of 5-0, subject to the following condition:

- Drive-Thru shall be designed to conform with the associated standards contained in Section 4.04.F.(Off-Street Stacking Requirements) of the Zoning Ordinance along with maintaining a safe, ADA-compliant maneuvering scenario.

Mayor Gordon opened the Public Hearing for “In Favor” at 7:46 p.m.

No one spoke.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for “In Favor”, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “In Favor” was closed at 7:47 p.m.

Mayor Gordon opened the Public Hearing for “Opposition” at 7:47 p.m.

No one spoke.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for “Opposition”, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “Opposition” was closed at 7:47 p.m.

Brandon and James McGhee spoke on Candy Shack.

Mayor Gordon opened the floor for Council comments.

Councilmember At-Large Harvey voiced his support.

Councilmember Contreras stated he is not in favor of the drive-thru and alcohol being served to go.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 5 for, 2 against (Councilmember Jeremy Koontz and Councilmember Greg Contreras). Item passed.

III.5.B. *Conduct a Public Hearing (2021-14) for consideration and action regarding the request of Jarrett Adams, applicant, representing Tom Rockwell, owner of CNCS Properties, LLC, to include a Specific Use Permit “SUP” to allow for Auto Repair and Services, Major on Duncanville Industrial District 6th Installment, Block G, Lot 48, approximately 0.5358 acre, more commonly known as 703 Big Stone Gap Road, Duncanville, Dallas County, Texas.*

Skye Thibodeaux presented the item.

Comprehensive Plan

- The subject property is located within Opportunity Area No. 3 as shown on the Future Land Use Map of the Comprehensive Plan.
- The Plan states that “while Opportunity Area 3 might not be the ideal location for heavier intensity uses, due to its lack of access and location, it provides an important base of active nonresidential land uses in Duncanville. In addition, there can often be economic and regulatory challenges associated with redeveloping high intensity uses”.
- It also states, “the area is envisioned as remaining the City’s light industrial, heavier commercial, and office park hub.”

Project Scope

- This request is associated with Code Compliance case CE20-05605.
- The case was opened in late December 2020 when a City Code Compliance Officer discovered unpermitted automotive sales and repair activity in Suites A & B of the subject property.
- The other uses associated with the applicant’s business, Auto Dealership (Inside Only) and Outside Storage, are permitted by right at the subject location.
- Outside storage must be screened per the associated standards required by Section 4.07.C.6.(Outside Storage Screening) of the Zoning Ordinance.

Parking and Maneuverability

- With 4,000 square feet of space being utilized for auto repair and 2,000 square feet being utilized for inside auto sales, the total required amount of parking is 15 spaces.
- While the site has 25 striped parking spaces, Staff is concerned about the overall function of the site regarding safe maneuverability.
- 16 parking spaces (the tier striped along the front face of the structure) can be safely utilized.
- As part of this request, the applicant has agreed to remove the existing 9 nonconforming parking spaces.

Design and Improvements

- The applicant is not proposing any additions or modifications to the existing structure or parking area.

Landscaping and Screening

- The applicant is proposing to screen any outside storage to be in conformance with Section 4.07.C.6.(Outside Storage Screening) of the Zoning Ordinance. There are no landscaping improvements associated with this request.

Notification

Twelve (12) notices were sent out for this public hearing. As of this writing, three responses have been received. Two in favor and one in opposition.

Recommendation

The Planning & Zoning Commission recommended approval of the Specific Use Permit to the City Council by a vote of 5-0, subject to the following conditions:

- Outside storage shall be in conformance with Section 4.07.C.6.(Outside Storage Screening) of the Zoning Ordinance.
- Non-conforming parking stalls be removed.

*Note – the Commission did not recommend a condition regarding timelines or other trigger events associated with the SUP which Council may want to consider in its final decision.

Mayor Gordon opened the Public Hearing for “In Favor” at 8:10 p.m.

No one spoke.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for “In Favor”, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “In Favor” was closed at 8:11 p.m.

Mayor Gordon opened the Public Hearing for “Opposition” at 8:11 p.m.

No one spoke.

Councilmember Don McBurnett made a motion to close the Public Hearing for “Opposition”, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “Opposition” was closed at 8:12 p.m.

Mayor Gordon opened the floor for Council comments.

Mayor Pro Tem Cooks questioned if the building was up to code on their sprinkler system.

Jarrett Adams, applicant, stated the property does not have a sprinkler system.

The applicant will work with Staff on the requirements needed to safely run the establishment.

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 1 against (Mayor Pro Tem Mark D. Cooks). Item passed.

III.5.C. *Conduct a Public Hearing (2021-15) for consideration and action regarding the request of Jenissa Rice, Applicant, representing Cedar Hill Holding LLC., Owner, requesting a Specific Use Permit "SUP" to allow for Bus and Truck Storage and Rental and Hauling on Crestview, Block C, Lots 5 & 6, approximately 0.97 acre, more commonly known as 617 E Hwy 67, Duncanville, Dallas County, Texas.*

Skye Thibodeaux presented the item.

Comprehensive Plan

- The subject property is located within Opportunity Area No. 1.
- The Plan recognizes that “remaining interstate frontage is limited” and provides a strategic goal to “identify nonconforming properties and work with property owners to relocate or bring the property into conformance”.
- This request involves such a property that has made site improvements working towards compliance.

Project Scope

- The applicant is seeking approval to allow for the use of Bus and Truck Storage and Rental and Hauling at the subject property. The site has been vacant for some time and the owner has recently constructed a concrete parking and maneuvering area.
- The proposed business is intended to provide minor automotive repair and services and U-Haul storage and rental on the subject property.
- Additionally, a courtesy off-site hauling service is intended to be provided.

Parking

- The required parking based on the floorplan exhibit is four (4) spaces for the 1,435 square feet of minor auto repair and services and two (2) spaces for the truck rental and storage use totaling six (6) required spaces.

Building Design and Improvements

- There are no proposed building or site improvements associated with this request.

Landscaping and Screening

- Outside storage is proposed to be in conformance with Section 4.07.C.6.(Outside Storage Screening) of the Zoning Ordinance. There are no landscaping improvements associated with this request.

Existing Site

- Improved concrete surface for parking, maneuvering, and outside storage.
- 6 parking spaces available.

Notification

Twelve (12) notices were sent out for this public hearing. As of this writing, no responses have been received.

Recommendation

The Planning & Zoning Commission recommended approval of the Specific Use Permit to City Council by a vote of 5-0, subject to the following conditions:

- Outside storage shall be in conformance with Section 4.07.C.6.(Outside Storage Screening) of the Zoning Ordinance.

- Any on-site, outside storage of towed vehicles associated with the use of Hauling is prohibited.
- Continuation of SUP until change of ownership or use.

Mayor Gordon opened the Public Hearing for “In Favor” at 8:22 p.m.

No one spoke.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for “In Favor”, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “In Favor” was closed at 8:23 p.m.

Mayor Gordon opened the Public Hearing for “Opposition” at 8:23 p.m.

No one spoke.

Mayor Pro Tem Mark D. Cooks made a motion to close the Public Hearing for “Opposition”, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing for “Opposition” was closed at 8:23 p.m.

Mayor Pro Tem Cooks and Councilmember Koontz voiced their concerns of the visibility of the business from Highway 67.

Mayor Gordon opened the floor for Council comments.

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 5 for, 2 against (Councilmember Jeremy Koontz and Mayor Pro Tem Mark D. Cooks). Item passed.

III.5.D. *Consider a Resolution approving the terms and conditions of a renewal lease by and between the City of Duncanville and the Duncanville Community Theatre, a Texas non-profit corporation; providing for terms and conditions of a lease.*

Economic Development Director Garcia presented the item.

Mayor Gordon questioned the legal provisions to allow a 20-year lease on the property.

City Attorney Hager stated when a lease term approaches that length of time, it approaches almost a conveyance of actual ownership of the property. Legal recommends a lease should not extend over ten years.

Mayor Gordon recessed the Regular Session at 8:40 p.m. for City Council to convene into Executive Session.

The Executive Session was called into session at 8:45 p.m.

The Executive Session was closed at 9:03 p.m.

Mayor Gordon reconvened the Regular Session at 9:05 p.m.

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.

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

No action taken.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Economic Development Department Quarterly Report.*

Economic Development Director Garcia presented the item.

IV. ADJOURNMENT

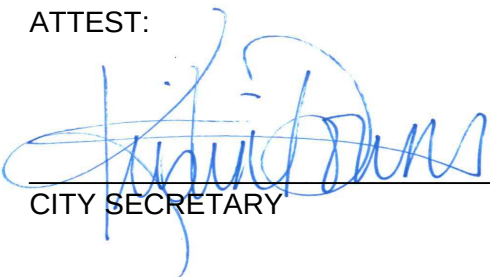
The meeting was adjourned at 9:24 p.m.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY