

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, June 21, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, June 21, 2022, at 6:01 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 Jeremy Koontz
Councilmember Karen Cherry
Councilmember Greg Contreras

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 21, 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.

To speak during Citizen Comments via ZOOM, you must register with the City Secretary before 4pm on Tuesday, June 21, 2022, email citysecretary@duncanville.com and title the email “Public Comment – June 21st”. 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 microphone 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 technical issues that may 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 21, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 21st.
- 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_PiHct8jkRZuPsgmHbxILDw

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 stated Item 5B has been withdrawn by the applicant and would like Executive Session on Items 5C, 5D, and 5E.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Duncanville Capital Project Funding Options.*

Managing Director, Fiscal Services Atmore presented the item.

Discussion included options for funding shortages, project savings, tax notes issuance proposal, CO issuance proposal, recommendations for financing shortages, and other debt information.

Jason Hughes, Managing Director with Hilltop Securities Inc. discussed pricing and options for shortages.

I.2.B. State of City Vehicles Presentation.

Asa Low, Equipment Services Superintendent presented the item. Discussion included vehicle purchases, future purchases, funding sources for purchases, leasing options, electric vehicle options, alternative fuel vehicle options, and the vehicle service and repair process.

{Mayor Pro Tem Harvey left the meeting at 6:46 p.m.}
{Mayor Pro Tem Harvey returned to the meeting at 6:48 p.m.}

Mayor Gordon Stated Executive Session is moved until after Staff and Board Reports.

Briefing Session was recessed at 7:00 p.m.

II. EXECUTIVE SESSION

Executive Session was moved until after Staff & Board 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 City Attorney regarding legal issue for city facilities; and, Section 551.076 of the Texas Government Code to deliberate the deployment and implementation of security personnel on devices for city facilities.”

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 7:19 p.m. with Mayor Gordon presiding.

Councilmember Koontz delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. REPORTS

III.1.A. Mayor's Report.

Mayor spoke on the Gateway Monuments and thanked all the First Responders on the incident that occurred at the Fieldhouse.

III.1.B. Councilmembers' Reports

None.

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

Assistant City Manager Brown read the City Manager's Report.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Mayor Gordon recognizes City Champion.

Item moved to July 19, 2022 Regular City Council meeting.

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 21, 2022, email citysecretary@duncanville.com and title the email. "Public Comment – June 21st". 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 21, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – June 21st.
- 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:

Tedra Williams, 866 Astaire – spoke on the safety in neighborhoods and enforcement.

Patria Ebert, 115 South Greenstone Ln – submitted a comment on the Duncanville Independent School District announcements.

Misty Bain, 102 Walnut Street – submitted a comment on Short Term Rentals.

Erika Browning, 442 East Cherry Street - spoke on SUP's and Ordinance.

Alyssa Grimberg, 935 Green Rock Drive – submitted a comment on Ruth and Stu Carlson.

Vivian Gomez Pozzi, 1924 Honey Laurel Drive, Conroe – submitted a comment on Ruth and Stu Carlson.

Judith Reed, 935 Green Rock Drive – submitted a comment on Ruth and Stu Carlson.

Bryce Daniels, 238 Kimberly Hill, Palmer – submitted a comment on Ruth and Stu Carlson.

Caroline Rosendall, 710 Markwood Drive – submitted a comment on Ruth and Stu Carlson.

Jessie Bonnet, 616 Lacewood Drive, Dallas – submitted a comment on Ruth and Stu Carlson.

Peter D'Amato, 211 N. Casa Grande Circle – submitted a comment on Ruth and Stu Carlson.

Nathaniel Rosendall, 6615 Nyman Drive, Dallas – submitted a comment on Ruth and Stu Carlson.

Dexter Hall, 1023 Stewart Avenue - spoke on theft in Hollywood Park.

Brittany Hall, 1023 Stewart Avenue - spoke on Short Term Rentals.

{Mayor Pro Tem Harvey left the meeting at 7:58 p.m.}

{Mayor Pro Tem Harvey returned to the meeting at 8:03 p.m.}
Evelyn Kirby, 710 Markwood Drive – spoke in support for the Carlson’s.

Stephen Landtroop, 1315 Heather Glen Street – spoke in support of Short-Term Rentals.

III.4. CONSENT AGENDA

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

- III.4.A. *Consider a Resolution approving the award of IFB #22-0016 to Reynold's Asphalt & Construction Company for mill and overlay street improvements through the City's competitive bid process, with an estimated expenditure amount of \$365,846.60.***
- III.4.B. *Consider a Resolution approving the award of IFB #22-0015 to Cam-Crete Contracting, Inc, for pavement replacement and curb/gutter repair services through the City's competitive bid process, with an estimated expenditure amount of \$508,355.00.***
- III.4.C. *Consider a Resolution approving the second contract renewal option for IFB #20-018 Pavement Markings Supply and Installation Services with Elite Striping, LLC in the estimated expenditure amount of \$104,976.00.***
- III.4.D. *Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY 21-22 budget in an amount not to exceed \$3,000 to the College Football Officials Developmental Conference Organization for ground transportation cost for attendees from and to the airport to the National Conference USA Football Official Developmental Conference Clinic held in Duncanville.***
- III.4.E. *Consider a Resolution authorizing the procurement of a two Osage ambulances from Lone Star Emergency Group, Ltd. located in Houston, Texas, through the Buy Board Contract #605-21 in the expenditure amount of \$647,078.58, and authorizing procurement of two LifePak LP-15 cardiac defibrillator/monitors and a five year maintenance agreement for the LifePak LP-15 cardiac defibrillator/monitors from Stryker Corporation in the amount of \$93,872.68.***

Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Don McBurnett 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 (2022-12) for consideration and action regarding the request of Eric and Joanna Banda, Applicant, representing Monte Anderson of Main Commons Duncanville, Owner, to include a Specific Use Permit "SUP" for Self-Serve Pet Grooming Shop on Main Commons, Block 3, Lot 1AACS 0.617, more commonly known as 100 North Main Street, Duncanville, Dallas County, Texas.***

Director of Planning Neighborhood Services Tennant presented the item.

Variance Request:

- To allow a self-serve pet groom shop use to be allowed at the petitioned address.
- Future Land Use Map Designation
 - Downtown District
- Zoning District
 - Downtown District (General Main Street)

Code Section & Requirements – Comprehensive Zoning Ordinance

- Per 7.02 Land Use Terms animal services, no outside pens is defined as a facility entirely indoors in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing, boarding, or other treatment for which payment is received.
- Section 3.03 – Animal Services, No outside Pens

- A Specific Use Permit (SUP) is required within the Downtown General Main Street District
- 10 Notifications Sent Out
- 0 Replied in Favor
- 1 Replied in Not In Favor

On May 23, 2022, the Planning and Zoning Commission recommended approval of the request.

Proviso(s)/Condition(s) for Consideration

1. No dogs or other animals shall be kept in any grooming shop between 9:30 p.m. and 7:00 a.m., provided this subsection shall not apply to an establishment where grooming is incidental to the operation of a veterinary hospital, licensed pet shop or licensed boarding kennel or commercial kennel.
2. The floor and walls in any room in which grooming operations are conducted or in which animals are kept shall be covered with an impervious, smooth, cleanable surface. Wood which animals can bite, chew, claw or any way have contact with is not considered impervious. Unsealed wood or rusted metal is not considered impervious. The floor shall be cleaned and disinfected daily.
3. All animal hair and feces shall be removed from the floors daily and shall be stored in tightly covered, waterproof containers in such a manner as to prevent a nuisance until final disposal.
4. The premises shall be kept free from insect and rodent infestations.
5. The premises shall be maintained and operated in a nuisance free manner.
6. Any pens, enclosures, cages or surfaces upon which an animal is groomed, as well as grooming supplies, shall be sanitized between grooming.
7. The Specific Use Permit may be revoked if one or more of the conditions imposed by this permit has not been met or has been violated.

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

Favor:
No one spoke.

Opposed:
No one spoke.

Mayor Pro Tem Patrick Harvey made a motion to close the Public Hearing, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

Public Hearing closed at 8:12 p.m.

Eric and Joanna Banda, the applicant spoke. Discussion with Council included a special dumpster, explanation of a dogwash, outside grassy area and clean up, maintenance of the facility, and aggressive and excited dogs and their handling.

City Attorney Hager stated it is the liability of the applicants to maintain safety and provide healthy conditions.

Councilmember Jeremy Koontz 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.

III.5.B. *Conduct a Public Hearing (2022-11) and consider an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing SF-10 Single-Family Residential District to include a Specific Use Permit to allow for Short-Term Rental on*

Merribrook Estates instrument number 2, block J, lot 2, approximately 0.38 acres, more commonly known as 106 Willowbrook Drive.

Item withdrawn by applicant

Mayor Gordon called for Executive Session for Items 5C, 5D, and 5E.

Mayor Gordon recessed Regular Session at 8:30 p.m. for Council to convene into Executive Session.

II. EXECUTIVE SESSION

Executive Session was opened at 8:37 p.m.

Executive Session was closed at 9:23 p.m.

Mayor Gordon reconvened Regular Session at 9:26 p.m.

III.5.C. *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.*

Mayor Gordon stated Items 5C, 5D, and 5E are all owned by the Carlson's, the Public Hearing will be opened for all three items.

Mayor Gordon opened the Public Hearing at 9:29 p.m. for items 5C, 5D, and 5E.

Mayor Gordon opened a public hearing for items 5C, 5D, and 5E at 9:29 PM

In Favor of Items 5C, 5D, and 5E

Ruth Carlson, 822 Sherrill Blvd.
Linda Hubel, 635 Sherrill Blvd.
Anna Hall, 103 South Capri Drive
Alla Wilkins, 415 Hustead Street
James Wilkins, 415 Hustead Street
Stuart Carlson, 822 Sherrill Blvd.
Judith Reed, 935 Green Rock Drive
Nathaniel Rosendall, 6615 Nyman Drive, Dallas
Caroline Rosendall, 710 Markwood Drive
Joe Lesko, 822 Sherrill Blvd.
Siew D'Amato, 211 North Casa Grande Circle
Peter D'Amato, 211 North Casa Grande Circle
Evelyn Kirby, 710 Markwood Drive
Paul Carlson, 710 Markwood Drive
Bryce Daniels, 238 Kimberly Hill, Palmer
Stephen Landtroop, 1315 Heather Glen Street

Cards submitted and not in attendance:

Joshua D'Amato, 211 North Casa Grande Circle
Kathy Lewis, 202 Willowbrook Drive
Robert Maier, 202 Willowbrook Drive
Mike Median, 103 South Capri
Agustina Demagistris, 1924 Honey Laurel Drive, Conroe
Keara Graham, 76 West 37th Avenue, Vancouver, BC
Lily Ta, 350 Linklea Drive
Rachel Xing, 103 South Capri
Ola Awode, 103 South Capri

In Opposition of Items 5C, 5D, and 5E

Marlene Skinner, 359 Linklea Drive
Charles Bateman, 907 Huntington Drive
Ramon Herrera, 210 Brookwood Drive
Rene Sanchez, 839 West Center Street

Cards submitted and chose not to speak:
Peggy Whigha, 118 Willowbrook Drive
Barbara Hoffman, 135 South Capri Drive

Councilmember Jeremy Koontz made a motion to close the Public Hearing, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against.

The Public Hearing closed at 9:47 p.m.

City Attorney Hager stated as a result of Executive Session under the Single Family Residential Districts under the Zoning Ordinance a short-term rental is allowed by a specific use permit our Ordinance defines a short-term rental as a residential unit offered for rent to guests for residential purposes for a period of one to thirty days, examples include are not limited to Airbnb, vacation rentals, owner home away, and other such brokers, such rentals may include shared room, a single room, an entire dwelling unit, these uses are conducted by the homeowner or tenant not by a hotel or other business. It is owner-occupied, so the owner has to live there and then rent their home. That is the City's definition.

The Boarding Houses definition is a temporary or permanent resident that provides housing for four or more unrelated people such use is not licensed by the State. If you rent a room in your house or you have four rooms in a house that you are renting out individually that is a boarding house. Boarding homes are not allowed by specific use permit or for any other reason in a single-family residential district.

I have read the staff report and heard all the comments that have been made with regard to the operation of the houses. Sherrill is the actual home. The other two houses are businesses. The City Attorney stated that Council cannot entertain the relief of the request of the property owner because he does not meet the definition of a short-term rental. The Staff report and comments from the applicant, and the individuals speaking in favor of the applicant clearly indicate that the rentals for these properties in many instances exceed thirty days, they are not vacation rentals. They are rentals for the purpose of supporting job relocation, access for public health care officials, job relocation, and for reasons other than true vacation rentals. The City Attorney asked Council to table this matter for a minimum ninety-day period to allow the City Attorney to meet with the representatives of the Carlson's and see if we can accommodate this kind of use or a modification of this use. Council cannot grant a short-term rental request because that is not what they have.

Mayor Pro Tem Patrick Harvey made a motion to approve to table the item for ninety days, Councilmember Greg Contreras seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremy Koontz). Item tabled.

- III.5.D. *Conduct a Public Hearing and consider an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing SF-7 Single-Family Residential District to grant a Specific Use Permit to allow for Short-Term Rental on real property located on River Oaks, Block K, Lot 5, more commonly known as 350 Linklea Drive.***

Item tabled for ninety days. See Item 5C.

- III.5.E. *Conduct a Public Hearing and consider an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing SF-10 Single-Family Residential District to grant a Specific Use Permit to allow for Short-Term Rental on real property located on Duncanville Estates 1, Block C, Lot 4, more commonly known as 103 South Capri Drive.***

Item tabled for ninety days. See Item 5C.

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

No action on Items 5C, 5D, and 5E.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of April 30, 2022.*

Managing Director of Fiscal Services Atmore presented the item.

III.6.B. *Receive the Public Works Department Quarterly Report.*

Interim Public Works Director Culton presented the item.

Mayor Gordon recessed the Regular Session at 10:33 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:39 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 Government Code to seek legal advice from City Attorney regarding legal issue for city facilities; and, Section 551.076 of the Texas Government Code to deliberate the deployment and implementation of security personnel on devices for city facilities.”*

The Council closed the Executive Session at 11:26 p.m.

Mayor Gordon reconvened Regular Session at 11:27 p.m.

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

No action taken.

IV. ADJOURNMENT

The meeting was adjourned at 11:28 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY