

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, July 20, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, July 20, 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
Mayor Pro Tem At-Large Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Mark D. Cooks
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, July 20, 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, July 20, 2021, email citysecretary@duncanville.com and title the email "Public Comment – July 20th. 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_UFJAKi7oTMSUc4UnrwE0ag

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 4A - Consider a Resolution rejecting all bids received for IFB-21-0012- Rebuild Chlorine Room at North Main Elevated Storage Tank; providing for appropriate notice and providing for authorization to rebid. The Chlorine Room at North Main Pump Station experienced catastrophic failure in July 2018. Two bids were received, one was non-responsive due to errors and the other bid was significantly over the engineer estimate. Engineer estimated \$140,000.00 with the only responsive bid received was \$261,000.00. The Resolution is to reject the bid so Staff can re-advertise. Item 4D - Consider a Resolution authorizing the award of bid IFB 21-013 to Peachtree Construction, LTD for Mill and Overlay #2 in an amount up to \$385,967.89. In FY20, the City signed a Project Specific Agreement with Dallas County to mill & overlay four road segments at a cost of \$305K. Due to mechanical issues, Dallas County was unable to perform the work and returned the funds to the City. The City did not receive the funds until after the FY21 Mill & Overlay contract was awarded to Anderson Asphalt (this contract is almost complete). The Mill & Overlay #2 contract is to mill & overlay the four streets originally scheduled for FY20 as well as four additional road segments. The lowest bidder, Peachtree Construction, has performed mill & overlay work for the City in the past with positive results.

City Council agreed to move Executive Session until after Staff and Board Reports. Councilmember Koontz requested that Briefing Presentation of the Duncanville Police Official Patch Reveal be moved to Regular Session.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Duncanville Police Department Official Patch Reveal.*

Item was moved after Citizen Comments.

I.2.B. *Briefing with an update to request from the City of Dallas to Amend the Interlocal Agreement for Traffic Signal Operations and Maintenance.*

Public Works Director Ramey presented the item. On March 04, 2003, an Interlocal Agreement with the City of Dallas for Traffic Signal Operations & Maintenance (Res No. 2003-03413) was signed. On September 23, 2020, Dallas consultant, Kimley-Horn, contacted Duncanville for Traffic Division traffic signal specifications. On October 28, 2020, staff received a copy of the signal warrant (performed in August 2017). Signal warranted for 8-hr & 4-hr Vehicle Volumes at 53 mph (85th Percentile Speed). The City of Duncanville and the City of Dallas had a meeting on March 29, 2021. A Dallas Councilmember and the Dallas Transportation Department received complaints from residents of Summit Parc Subdivision, located in Dallas. The City of Duncanville Staff had not received any complaints from residents along West Ridge. Staff requested a formal letter from the City of Dallas. The City of Duncanville received a formal request from the City of Dallas to partner on a new traffic signal at Clark Rd & Summit Parc Dr/West Ridge Dr. on April 6, 2021. The City of Dallas stated they would pay for signal design to comply with Duncanville specifications. The City of Dallas will pay for 2/3 cost of signal construction, and the City of Duncanville would pay for 1/3 cost, capped at \$100,000.00. The City of Duncanville would assume Operations & Maintenance (O&M) responsibility for perpetuity.

City Council thanked the City of Dallas and concluded the City could not commit to the costs associated.

I.2.C. *Receive a presentation from the Duncanville Rotary Club regarding a proposed pavilion for Rotary Park.*

Dr. Miner presented the item.

Council requested staff work with the Rotary Club.

The City Attorney will work with Staff to provide an agreement to the Rotary Club and Council for the donation with the actual costs and maintenance.

I.2.D. *Item requested by Councilmember Cooks: Briefing on E-commerce Sales Tax rule.*

City Manager Ferrell-Benavides presented the item.

City Council concluded to remain neutral on the matter.

I.2.E. *The item requested by Councilmember Cooks: Observation of all State Holiday schedule for City Offices.*

Councilmember Cooks requested the item be brought back at a later Council Meeting.

The Briefing Session was adjourned at 7:00 p.m.

II. EXECUTIVE SESSION

Executive Session was moved until after Staff and Board Reports.

II.1 *City Council shall convene into closed executive session pursuant to Section 551.07(1) and (2) of the Texas Gov't Code to seek legal advice from the City Attorney regarding pending legal proceedings and/or on the following subjects:*

- A. *City of Duncanville v. Winn Properties;*
- B. *Financial audit of internal procedures of the City; and*
- C. *Advanced water metering agreements.*

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 7:05 p.m. with Mayor Gordon presiding.

The Invocation was delivered by First Presbyterian Church, Ginger Hertenstein.

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

III.1. REPORTS

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

Mayor Gordon spoke on Legacy Builders, young children that have established businesses.

III.1.B. *Councilmembers' Reports*

Councilmember Cooks encouraged all to attend:

Meet, Connect, and Learn

July 24, 2021

Time: 10:00 a.m.

Topic: Duncanville's Women in Business Building Success in our City

Councilmember Cooks congratulated and recognized Ariel Atkins.

Councilmember Veracruz congratulated the School Board for being selected as the School Board of the Year in Region 10.

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

City Manager Ferrell-Benavides introduced Economic Development Manager Clay Mansell.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Proclamation designating July as Parks and Recreation Month.*

Mayor Gordon read 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:

Fernando Robledo – submitted a comment on the litter around the City.

Alan Yeldell, 727 Flamingo Way – submitted a comment on the number of vehicles that can park on single-family homes.

Amy Christensen, 311 E Davis Street – submitted a comment on-street parking.

Greg Reno, 735 San Juan Drive – submitted a comment on overcrowded streets due to parking.

Theresa Harris – submitted a comment regarding bike signs at the parks.

Patricia Ebert, 115 South Greenstone lane – submitted a comment about fishing at Lakeside Park.

Grady Smithey, 1806 Cedar Hill Road – spoke on the parks and commended the Rotary Club on their donations.

I.2.A. Duncanville Police Department Official Patch Reveal.

Interim Chief of Police LiVigni presented the patch.

III.4. CONSENT AGENDA

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

- III.4.A. *Consider a Resolution rejecting all bids received for IFB-21-0012-Rebuild Chlorine Room at North Main Elevated Storage Tank; providing for appropriate notice and providing for authorization to rebid.***
- III.4.B. *Consider a Resolution approving the proposal for city paid employee and retiree medical and prescription plan with Blue Cross Blue Shield of Texas for a one-year agreement.***
- III.4.C. *Consider a Resolution authorizing the execution of the third option to renew the Purchase Agreement with U.S. Venture, Inc. dba/ U.S. Oil through the Tarrant County Cooperative Purchase Contract #2018-057 in the expenditure amount of \$351,000.00.***
- III.4.D. *Consider a Resolution authorizing the award of bid IFB 21-013 to Peachtree Construction, LTD for Mill and Overlay #2 in an amount up to \$385,967.89.***
- III.4.E. *Consider a Resolution approving the Sign Control Board Grant of a variance to Extra Space Storage allowing a highway sign to be erected at a height of 70' at 303 E. Hwy 67 Duncanville TX.***

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. *Consider a Resolution requesting the Texas Department of Transportation (TXDOT) amend the design for Project CSJ 2374-04-085 by deleting the proposed "Texas U-turn" bridge at the northeast side of the existing Cockrell Hill Road overpass along US-67, requesting a "Texas U-turn" bridge at the southwest side of the Cockrell Hill Road overpass along US-67, and requesting a "Texas U-turn" at the north side of the Danieldale Road overpass along US-67.***

Public Works Director Ramey presented the item. On September 7, 2016, the City of Duncanville sent a letter to TXDOT and requested Texas U-turns at US-67 & Cockrell Hill Rd and US-67 & Danieldale Rd as part of the US-67 widening project. The intent was U-turns on the southwest side of Cockrell Hill Rd overpass and Northside of Danieldale Rd overpass to improve circulation within Duncanville. On November 14, 2016, TxDOT replied to the City letter. It was too late in the US-67 widening project to add these U-turns and re-evaluate for a later project. From 2017 to the present, City Staff has coordinated with TXDOT on US-67 Green Ribbon Project. The City received \$1.2M for landscaping at Wintergreen and Cockrell Hill Gateways. On July 29, 2020, TxDOT emailed schematics to the City for new work along I-20 between Cockrell Hill Rd and Hampton Rd (CSJ 2374-04-085) for Utility deconfliction; there were no impacts to Duncanville. On April 23, 2021, TxDOT emailed 60% Design to the City for new work along I-20 between Cockrell Hill Rd and Hampton Rd. City Staff noticed the addition of the U-turn bridge on the northeast side of Cockrell Hill & the US-67 overpass.

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

- III.5.B. *Consider a Resolution concurring with the City of Cedar Hill's recommendation to award the U.S. 67 Green Ribbon Planting, Irrigation and Gateway Monument Project bid (CSJ-0261-02-079 and CSJ-0261-02-080) to Central North Construction, LLC, in the grand total amount of \$2,987,262.88 for construction and installation of landscaping, irrigation***

and gateway monument improvements within TXDOT right-of-way, along the U.S. Highway 67 corridor, from eastside Cockrell Hill Road in Duncanville, Texas to Beltline Road in the city of Cedar Hill, Texas; and authorizing funding in the amount of \$139,976.00 for construction of Duncanville’s two gateway monuments.

Mayor Pro Tem Harvey stated there was a clerical error, and the amount authorized is \$164,280.00

Assistant Public Works Director Culton presented the item.

Green Ribbon Program Overview

- Since 2001, the Texas Legislature has allocated funding to the Texas Department of Transportation (TXDOT) for landscape projects in TXDOT Districts with non-attainment and near non-attainment air quality.
- TXDOT “Green Ribbon” grant funds are for installing and establishing trees, shrubs, and groundcover on the state highway system to help mitigate the effects of air pollution.
 - o Hardscape elements and amenities, such as city monuments, are not eligible for TXDOT grant funds.

Bid Summary

- Lowest, Responsive Bid was submitted by Central North Construction, LLC, in the amount of \$2,597,619.90.
- Cedar Hill awarded the U.S. 67 Green Ribbon Planting, Irrigation and Gateway Monument Construction Project to Central North Construction, LLC.

Base Award to Central North Construction	\$2,597,619.90
- Includes \$164,280.00 for Duncanville Gateway Monuments	
Construction Contingency (15%)	\$389,642.98
Total Contract Awarded	\$2,987,262.88

Mayor Pro Tem Harvey questioned who was tasked in making sure construction happens and stays within budget.

Assistant Director Culton stated the City of Cedar is taking the lead with procurement and staff will work closely with the City of Cedar Hill staff.

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

III.5.C. Consider a Resolution approving a \$25,000.00 Hotel Occupancy Tax Grant for the FY 20-21 Budget to ALW Entertainment to directly enhance and promote tourism and the hotel industry.

Economic Development Director Garcia presented the item.

- In 2018 and 2019, the Duncanville City Council approved \$25,000 each year to ALW Entertainment to advertise the Duncanville Football Classic.
- 2021 will be the third year Duncanville exhibition football game that ALW Entertainment has hosted.
- There was not a game in 2020 due to COVID-19.
- This year, there are two Duncanville Classic games: vs. Bishop Sycamore (Columbus, Ohio) and vs. Mater Dei (Santa Ana, California).

Benefits to Duncanville

- In 2018, 52 rooms were reserved and used.
- In 2019, 79 rooms were reserved and used.

- In 2021,
 - o 135 rooms have been reserved (350 people) for vs. Mater Dei.
 - 6,000 people are expected to attend the event (\$11-12 per ticket).
 - 20% of participants are expected from outside of the City.
 - o 200 rooms have been reserved (400 – 500) for vs. Bishop Sycamore.
 - 7,200 people are expected to attend the event.
 - 20% of participants are expected from outside of the City.
 - o The travelling team is contractually obligated by ALW to stay in Duncanville hotels (Hilton Garden Inn).

Policy Explanation

July 20, 2021 - Council Meeting

- Mater Dei \$25,000 grant
 - o \$10,000 will be spent in the Los Angeles, California market
 - o \$15,000 will be spent in the Best Southwest and Dallas area

August 6, 2021 – Council Meeting

- Bishop Sycamore \$25,000 grant
 - o \$10,000 will be spent in the Columbus, Ohio media market
 - o \$15,000 will be spent in the Best Southwest and Dallas area

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremy Koontz). Item passed.

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

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of May 31, 2021.*

Interim Finance Director Atmore presented the item.

III.6.B. *Receive the Fire Department Quarterly Report.*

Fire Chief Rohde presented the item.

III.6.C. *Receive the Police Department Quarterly Report.*

Interim Police Chief LiVigni presented the item.

Mayor Gordon recessed the Regular Session at 9:59 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:05 p.m. and City Attorney Hager read the item into record.

II.1 *City Council shall convene into closed executive session pursuant to Section 551.07(1) and (2) of the Texas Gov't Code to seek legal advice from the City Attorney regarding pending legal proceedings and/or on the following subjects:*

- A. *City of Duncanville v. Winn Properties;*
- B. *Financial audit of internal procedures of the City; and*
- C. *Advanced water metering agreements.*

The Council closed the Executive Session at 11:02 p.m.

Regular Session was reconvened into session at 11:03 p.m.

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

No action was taken.

IV. ADJOURNMENT

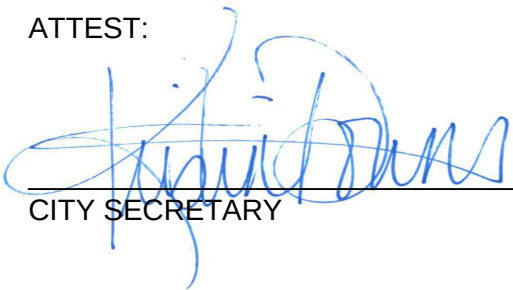
The meeting was adjourned at 11:04 p.m.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY

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