

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, August 2, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, August 2, 2022, at 5:02 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Mayor Pro Tem Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Councilmember At-Large Patrick Harvey – 5:11 p.m.

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, August 2, 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, August 2, 2022, email citysecretary@duncanville.com and title the email “Public Comment – August 2nd”. 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, August 2, 2022
- Email citysecretary@duncanville.com
- Email title: Public Comment – August 2nd.
- 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.

WORK SESSION / BRIEFING

Citizen comments will not be heard during the Work Session/Briefing but will be heard during the Regular Session.

Mayor Gordon recessed Briefing Session at 5:04 p.m. for Council to move into Executive Session.

3. EXECUTIVE SESSION

The Executive Session was called into session at 5:05 p.m. and City Attorney Hager read the item into record.

- A. “The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to discuss appointments, dismissals and/or duties to the Planning and Zoning Commission, Board of Adjustment, Duncanville Community and

Economic Development Corporation Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).”

- B. “City Council shall convene into closed executive session pursuant to Section 551.071 and 551.074 of the Texas Government Code to seek legal advice from City Attorney and to deliberate concerning a complaint under Sec. 2-54 and 2-55 of the Code of Ordinances of former City Councilmember, to wit: Former City Councilmember Place 4 Mark Cooks.”

The Council recessed the Executive Session at 6:00 p.m.

Mayor Gordon reconvened Briefing Session at 6:02 p.m.

Mayor Gordon stated Briefing Session Items 1, 2, and 3 are moved to the end of the Regular Session after Staff and Board Reports.

1. **DISCUSS POSSIBLE APPOINTMENTS AND DISMISSALS FOR THE BOARD AND COMMISSION APPLICANTS FOR THE FOLLOWING BOARD AND COMMISSIONS:**

- Audit Committee
- Board of Adjustment
- City Planning & Zoning Commission
- Duncanville Community and Economic Development Corporation Board (DCEDC)
- Duncanville Neighborhood Vitality Commission
- Keep Duncanville Beautiful Board
- Library Advisory Board
- Multicultural Social Engagement Partnership
- Park & Recreation Advisory Board
- Sign Control Board
- TIF (Tax Increment Financing Reinvestment Zone Number One)
- Tri-Cities Animal Control Board

Item moved until after Staff and Board Reports.

2. **DISCUSS APPOINTMENTS, DISMISSALS, DUTIES AND/OR ELIMINATION, CREATION OR COMBINATION OF ADDITIONAL BOARDS OR COMMISSIONS.**

Item moved until after Staff and Board Reports.

3. **EXECUTIVE SESSION**

Item moved until after Staff and Board Reports.

- A. “The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to discuss appointments, dismissals and/or duties to the Planning and Zoning Commission, Board of Adjustment, Duncanville Community and Economic Development Corporation Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).”
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4. **DISCUSS AGENDA ITEMS**

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Item 4B - a Resolution approving the terms and conditions of Professional Service Agreement #22-0030 for a Sanitary Sewer Evaluation Survey of Basin DD and portions of Basin DA and Basin TA, with Burgess & Niple, Inc., for a total cost not to exceed \$99,344.61. Councilmember At-Large Harvey questioned how long it would take for the entire City to be evaluated. Matt Bryant, Utilities Superintendent, stated twelve to thirteen years.

5. BRIEFINGS / PRESENTATIONS

- A. Presentation and Discussion of the City Manager's Fiscal Year 2022-2023 Proposed Budget.
City Manager Ferrell-Benavides presented the item.

Councilmember Harvey requested to see measurements and reports of the Customer Service program once the program had been established.

Mayor Gordon recessed the Briefing Session at 7:03 p.m.

III. **REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M. or immediately following the 5:00 pm Work Session/Briefing)**

The City Council convened into Regular Session in the Council Chambers at 7:14 p.m. with Mayor Gordon presiding.

Pastor Chris Gutierrez, Arise Church, delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. REPORTS

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

Mayor Gordon spoke on the new broadcasting system SwagIT and spoke on Coffee with the Mayor moving to the fourth Thursday of the month with a new time of 12:00 p.m.

Mayor Gordon also recognized and thanked Jeff Smith, McDonald's, for donating \$5,000.00 to the Duncanville Fieldhouse BOSS Camp.

Mayor Gordon recognized Greg Zylka as the Champion of the City.

III.1.B. **Councilmembers' Reports**

Councilmember Contreras thanked Staff for the newly installed stop signs in District 5 being ignored and for working with TxDot to place larger stop signs and additional signage.

Councilmember McBurnett encouraged citizens to volunteer with the Visiting Nurse Associations for Meals on Wheels.

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

City Manager Ferrell-Benavides spoke on the City's upcoming events.

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" 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.

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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.

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- Email title: Public Comment – August 2nd.
- 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:

Gilbert Cavello, 703 San Juan Dr. – submitted a comment on speeding vehicles.

Alan Yeldell, 727 Flamingo Way – submitted a comment on speeding vehicles.

Anna Silvas, 366 Halo – submitted a comment on speeding vehicles.

Betty Taylor, 422 Oleander St. – submitted a comment on speeding vehicles.

Emily Bridges, 418 Oleander St. – submitted a comment on the Candlelight neighborhood.

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on AMI and the proposed budget.

Sheri Clark, 447 Lou Ave – submitted a comment on speeding vehicles.

Grady Smithey, 1806 Cedar Hill Road – spoke on the completion of Wintergreen Road.

Mark Cooks, 1106 Bradley Drive – spoke on the Consent Items.

III.4. CONSENT AGENDA

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

- III.4.A. *Consider a Resolution awarding a bid for the purchase and installation of eight HVAC units for the building at 103 E Wheatland Rd by a cooperative purchasing agreement with Trane in the expenditure amount of \$116,859.00.***
- III.4.B. *Consider a Resolution approving the terms and conditions of Professional Service Agreement #22-0030 for a Sanitary Sewer Evaluation Survey of Basin DD and portions of Basin DA and Basin TA, with Burgess & Niple, Inc., for a total cost not to exceed \$99,344.61.***
- III.4.C. *Consider a Resolution awarding a bid for the purchase of parts and repair services for Pierce fire engines through a cooperative purchasing agreement with Siddons-Martin Emergency Group in the expenditure amount not to exceed \$250,000.00.***
- III.4.D. *Consider a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed \$32,000 to the Duncanville Community Theatre.***
- III.4.E. *Consider a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed \$53,000 to the Duncanville Lion's Club.***
- III.4.F. *Consider a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed \$60,000 to the Great American Shoot-Out (GASO).***

III.4.G. Consider a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed \$19,200 to the Duncanville Chamber of Commerce for the establishment and maintenance of the Duncanville Visitor Center.

Councilmember At-Large Patrick Harvey 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 and consider an Ordinance of the City of Duncanville, Texas, adopting Chapter 12D "Youth Program Standards of Care"

Parks and Rec Director Stevenson presented the item.

- Staff contacted by the Texas Department of State Health Services (DSHS) regarding exemption from daycare licensure for the City's camp programs
- Municipalities are exempt from licensure but exemption requires submission of forms along with proof of adoption of Standards of Care
 - State's minimum operational standards for the care of youth
- Staff contacted the City Attorney to initiate the creation of the Standards of Care for inclusion in the Code of Ordinances

Standards of Care

- Highlights of the Standards of Care:
 - Hiring practices
 - Monitoring of the program
 - Staff training
 - Staff ratios
 - Discipline
 - Health and safety requirements
 - Staff responsibilities
- The program cannot be advertised as a daycare
- Affirms the program is not licensed by the State
- Standards of Care provided to parents of program participants

Mayor Gordon opened the Public Hearing at 7:55 p.m.

In Favor:
No one spoke.

Opposed:
No one spoke.

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

Public Hearing closed at 7:56 p.m.

Mayor Gordon questioned if the current Site Director meets all the qualifications.

Mr. Stevenson stated currently he is not aware however, next year the Site Director will have to meet all the qualifications.

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. Item passed.

III.5.B. *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 Police Department Quarterly Report.*

Receive the Police Department Quarterly Report.

Chief of Police LiVigni presented the item.

2. DISCUSS APPOINTMENTS, DISMISSALS, DUTIES AND/OR ELIMINATION, CREATION OR COMBINATION OF ADDITIONAL BOARDS OR COMMISSIONS.

City Secretary Downs presented the item.

Zoning Board of Adjustment

- Reduce the number of Alternate members
 - Remove term limits from Alternate members

Library Advisory Board

- Reduce to 7 members.
- Help find tasks for the board to do.

Sign Control Board

- Work closely with Neighborhood Services on illegal signage.

Keep Duncanville Beautiful Board

- Have a set number of members instead of unlimited members

Neighborhood Vitality Commission

- Update the description and duties of the board.

Multicultural Social Engagement

- Separate Multicultural and Social Engagement.

Create Social Engagement Board

- Social Engagement Board
 - 5 members
 - Work with City Attorney if the board cannot have quorum rules to continue to conduct business.

Create Multicultural Board

- Multicultural Board with sub boards

Hispanic/Latino Commission

The commission shall advise the City Council on issues relating to the quality of life for the City's Hispanic/Latino community and shall recommend programs and policies designed to alleviate any inequities that may confront Hispanics and Latinos in social, economic, and vocational pursuits including education, youth services, housing and community development, cultural arts, economic development, health, civic engagement, and transportation.

Commission on African American Affairs

Our purpose is for many African American Leaders and communities throughout the State to join together as the voice of physical, emotional and spiritual realities facing Arizonans of African American Decent expressing constructive concerns to the leaders of the great State of Arizona. The Commission of African American Affairs will give you tools to begin to discover solutions for our communities through articulating the needs and developing strategies. Together we can renew the dream, and with forethought and drive, orchestrate our destiny.

Woman's Commission

Women's Commission is to provide a formal forum for citizen review of the City's diversity efforts, salary equity, and to serve as an advisory board to the Council. The Commission shall not become involved in political issues nor in matters which are outside of the City's jurisdiction. The Commission shall recommend improvements on matters related to the status of women and implement specific projects and programs as approved by the Mayor and City Council with the following areas of responsibility: 1)

Review the City of Phoenix diversity efforts regarding recruitment, hiring, placement, and promotional programs, and salary equity to identify strengths and weaknesses; and to make recommendations of changes needed. 2) Define, review, and prioritize the problems of women as those problems relate to the City. 3) Recommend possible solutions to those problems. 4) Develop short range and long-range goals and objectives for improving the status of women. 5) Evaluate projects as requested by the Mayor and Council. 6) Recommend persons to serve on City standing committees, advisory boards and ad hoc committees. 7) Assist in efforts to provide information and educational programs to improve the status of women. 8) Provide written reports to the Council regarding recommendations, submit special reports at the request of the Council, and submit an annual report of its activities to the Council in December of each year.

- Multicultural board would conduct business w/out a quorum rule
 - Work with City Attorney if the board cannot have quorum rules to continue to conduct business.

Create an Arts Commission

- making recommendations concerning the future design, operation, and use of city facilities devoted to the arts and other cultural activities.
- making recommendations to create opportunities for all citizens of the City to have access to the arts and the means of cultural expression.

Update Ordinance

- Any member who is absent from three (3) consecutive, regularly scheduled meetings shall be automatically removed from office and shall be replaced by the city council; provided, however, the city council may determine that the member had appropriate excuses for the absences and may allow the member to remain on the board, or commission if these excuses are reported to the board or commission in advance.
 - Liaison appeal to need for removal
- Members must be a resident for six months
- Any member who is absent from three (3) consecutive, regularly scheduled meetings shall be automatically removed from office and shall be replaced by the city council; provided, however, the city council may determine that the member had appropriate excuses for the absences and may allow the member to remain on the board, or commission if these excuses are reported to the board or commission in advance.
 - Liaison appeal to need for removal
- Members must be a resident for six months
- City Council should strive to appoint members from each district.
- Expand city limits; same as DISD limits
 - Parks
 - Library
 - Leisure service boards
- Required Training
 - Texas Open Meetings Act
 - Public Information Act
 - City Training
 - Oath of Office
 - All Boards
 - Certificate of Appointment
 - Video to show and make official
- Define board vs commission
 - Look at changing names
 - Could change quorum
- Define in term limits
 - One year off then can reapply to the board
- City Council to meet with all boards

Councilmember Contreras stated he did not remember Council agreeing to expand city limits the same as the DISD limits.

Councilmember Veracruz and Councilmember Koontz explained; to allow more applicants, uses of the same parks and leisure services, and the possible help with grants.

City Attorney Hager stated a rule can be set to only allow one or two appointed members outside the city limits.

Mayor Gordon requested to reword the automatic removal in attendance to Council may remove.

Mayor Gordon recessed Regular Session at 8:36 p.m.

3. EXECUTIVE SESSION

The Executive Session was called into session at 8:45 p.m. and City Attorney Hager read the item into record.

- A. “The City Council shall convene into Executive Session pursuant to the Texas Government Code Section 551.074 (Personnel) to discuss appointments, dismissals and/or duties to the Planning and Zoning Commission, Board of Adjustment, Duncanville Community and Economic Development Corporation Board, and TIF (Tax Increment Financing Reinvestment Zone Number One).”
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{Mayor Gordon recused himself at 8:45 p.m.}

Executive Session was adjourned at 9:18 p.m.

Briefing Session was reconvened at 9:20 p.m.

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

City Attorney Hager read the action for Item 3B:

City Council has hereby acknowledged that the complaint dated June 9, 2022, filed by a citizen, states a Prima Facia Violation Action of Section 2-55(e) of the Code of Ordinance; the Council has lost jurisdiction to consider any mediation.

{Mayor Gordon returned at 9:24 p.m.}

Mayor Gordon read the action for Item 3A:

City Council will conduct a final vote of the nominations at the August 16, 2022, City Council Regular meeting.

The following individuals have been nominated:

City Planning & Zoning Commission

- Appointment for one year 2022-2023
 - Betty Culbreath
- Appointment for two-year terms 2022-2024
 - Misty Bain
 - Charles Smith
 - Jana McBroom

Zoning Board of Adjustment

- Appointment for two-year terms 2022-2024
 - Bobby Lydia
 - Lewis Fulbright
 - Stephanie Rutherford

DCEDC

- Appointment for two-year terms 2022-2024
 - Kenneth Govan

- Leah Carter

TIF

- Appointment for two-year terms 2022-2024
 - Allen Conley
 - Kenneth Bain

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- Park & Recreation Advisory Board
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- TIF (Tax Increment Financing Reinvestment Zone Number One)
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Mayor Gordon stated City Council will conduct a final vote of the nominations at the August 16, 2022, City Council Regular meeting.

The following individuals have been nominated:

Audit Committee

- Appointment for a one-year term 2022-2023
 - Sue Clark

Park & Recreation Advisory Board

- Appointment for two-year term 2022-2024
 - Kim Malone
 - Beth Farrell
 - Calvin Well

Library Advisory Board

- Appointment for two-year term 2022-2024
 - Barbara Boddie
 - Shanna Gabel
 - Jan Knoll
 - Cindy Clinton

Keep Duncanville Beautiful

- Appointment for two-year term 2022-2024
 - J.W. Wright
 - Shelleye Warner

Sign Control Board

- Appointment for two-year term 2022-2024
 - Carolyn Cardoza
 - Zebulon Williams

Duncanville Neighborhood Vitality Commission

- Appointment for two-year term 2022-2024
 - Robert Romero
 - Jennifer Lott Hagler
 - Melanie Clay

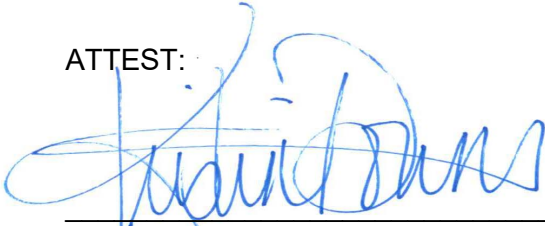
IV. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY