

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, August 3, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, August 3, 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, August 3, 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, August 3, 2021, email citysecretary@duncanville.com and title the email “Public Comment – August 3rd”. 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_KzZk3yVET3igogrrmSL5-g

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 - approving the terms and conditions of a right-of-way (ROW) license agreement with Roderick Lee, property owner at 902 Cambridge Drive, for the use of City right-of-way to construct and maintain a private residential fence. When the subdivision was built, a CMU wall was constructed with a portion of the wall on Mr. Lee's property line and a portion on the City Right of way. The wall was destroyed when a vehicle crashed through it earlier this year, and Mr. Lee paid to have the wall demolished (there is no Homeowners' Association). Mr. Lee is requesting a Right of Way license to construct a new wrought-iron fence on the footprint of the old wall. There is a steep slope down from the sidewalk along Cockrell Hill to Mr. Lee's back yard. Allowing the RoW license will permit him to place the fence at the top of the slope instead of at the bottom. Mayor Gordon questioned if Mr. Lee would be accepting all costs. City Manager Ferrell-Benavides stated yes, all costs associated would be made by Mr. Lee. Item 4C - authorizing an increase to purchase agreement for providing foodservice products for the Duncanville Fieldhouse in the amount of \$50,000.00 for a new annual amount not to exceed \$100,000.00 with Ben E. Keith. The Duncanville Fieldhouse utilizes Ben E. Keith to purchase foodservice products, including food, cooking supplies, and serving

supplies for the General Store and The Grill. The increase is necessary due to two primary factors; staff has moved to one primary supplier of foodservice goods from 3 used previously, and this change will provide greater staff efficiency as well as provides more opportunities for volume discounts utilizing a single provider. Sales in both the General Store and The Grill have increased significantly from previous years with an expected total revenue of \$315,000.00 for FY21.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss overflow parking on unimproved surfaces for the Duncanville Fieldhouse on two portions within the City's property located at 1730 South Main Street, and 275 East US Highway 67.*

Parks and Rec. Director Stevenson presented the item. The Duncanville Fieldhouse converted from the Dallas StarCenter in 2010. The parking at the StarCenter accommodated two sheets of ice (eight teams at any one time). The parking at the Duncanville Fieldhouse accommodates six courts (24 teams at any one time), plus spectators. In 2016, the City partnered with Crossroads of Life Assembly of God Church to help provide overflow parking; the City constructed and maintains the gravel lot that exists today. Parking has occurred on the unimproved areas at the Fieldhouse since 2010. The unimproved areas on the Fieldhouse property have become rutted and hold water during rain events. Staff intends to improve these areas with millings from previous Public Works projects, like the efforts at the church overflow parking. Improvements will allow for a better driving surface and mitigate concerns for parking in grassy areas. Providing parking for 75-100 vehicles.

Council concluded for staff to move forward with the additional parking.

I.2.B. *Presentation and Discussion of the City Manager's Fiscal Year 2021-2022 Proposed Budget.*

City Manager Ferrell-Benavides presented the item.

Current Fiscal Out Look – All Funds

- Proposed tax ad valorem reduction of \$.016852; moving from \$0716852 to \$.70.
- 2% Cost of Living Adjustment to all full-time and part-time employees
- New Titles and 8.5 New Positions
- No proposed rate increase for Water, Sewer, Drainage and Garbage Collection this fiscal year.
- \$11,098,245 in Capital Improvements
- Allocation of \$1,000,000 from existing fund balance for P-25 Public Safety Radio for a total of \$2,188,003

\$63,655,211.00 Total Revenue – Moderate increase projected in Revenue.

\$68,844,315.00 Total Expenditure – One-time projects and fund balance being used for existing capital projects.

Mayor Gordon recessed the Briefing Session at 7:01 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 7:02 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 advice 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. *City of Duncanville v. Tommy Winn, et al, Cause No. CC-21-00211 in the County Court of Law #5 of Dallas County Texas.”*

The Council closed the Executive Session at 7:13 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 7:19 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Pastor Putnam, First Nazarene Church.

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

III.1. REPORTS

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

Mayor Gordon spoke on the Census Data.

III.1.B. *Councilmembers' Reports*

Councilmember Cooks spoke on teaming up with the Pelican House to provide Back-to-School supplies and encouraged all citizens to drop off some school supplies for the kids.

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

City Manager Ferrell-Benavides spoke on the Library, and the City website remodel.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Presentation of the Keep Duncanville Beautiful August 2021 Business Beautification Award Plaque and Proclamation to Jaynes Memorial Chapel located at 811 S. Cockrell Hill Road.*

Mayor Gordon presented the proclamation.

III.2.B. *Proclamation recognizing September 17-23, 2021 as Constitution Week.*

Councilmember Koontz 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:

Anna Silvas, 366 Halo St – submitted a comment on neighborhood parking issues.

Christina Craft-Rosales – submitted a comment on street parking.

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on no signage at the Ladd Property.

Jesus Baca Sr., 418 Allen Ave - spoke on Code Enforcement issues.

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 terms and conditions of a right-of-way (ROW) license agreement with Roderick Lee, property owner at 902 Cambridge Drive, for use of City right-of-way to construct and maintain a private residential fence.*

- III.4.B. Consider a Resolution approving a \$26,409.00 Hotel Occupancy Tax Grant for the FY 20-21 Budget to ALW Entertainment to directly enhance and promote tourism and the hotel industry.**

Item was moved to Individual Consideration after Item 5E.

- III.4.C. Consider a Resolution authorizing an increase to purchase agreement for providing foodservice products for the Duncanville Fieldhouse in the amount of \$50,000.00 for a new annual amount not to exceed \$100,000.00 with Ben E. Keith.**

- III.4.D. Consider a Resolution modifying the board make-up of the Tri-City Animal Shelter Advisory Committee.**

Councilmember Don McBurnett 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. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. Conduct a Public Hearing (2021-17) for consideration and action regarding the request of James Wilkins, Applicant and Owner, to include a Specific Use Permit "SUP" for Bed and Breakfast on J.H. Spruce Survey, Abstract No. 1297, Page 50, City of Duncanville, Dallas County, Texas, approximately 0.51 acre, more commonly known as 415 Hustead Street.**

City Planner Thibodeaux presented the item. James Wilkins, Owner and applicant, has requested to renew SUP for use of Bed & Breakfast. The business has been in establishment since 2006. The existing SUP Ordinance No. 1990 established renewal conditions. There are no proposed site modifications associated with this request.

Comprehensive Plan

- Future Land Use Plan designation of Low Density Residential
- Represents traditional, single-family neighborhoods with housing and living units for population with range of incomes and needs
- Associated areas should be protected from, but accessible to major roadways, commercial establishments, and industrial areas

Site Performance

Parking & Maneuvering

- No proposed modifications

Landscaping & Screening

- No proposed modifications

Notification

Twenty (20) notices were sent out for this public hearing. As of July 28, 2021, one (1) response has been received in favor of the request.

Planning and Zoning Commission Recommendation

At the July 19, 2021, Special Planning & Zoning Meeting, the Commission recommended approval (6-0) subject to maintaining the existing conditions of existing SUP Ordinance No. 1990, with exception of the existing renewal condition.

Mayor Gordon opened the Public Hearing at 7:46 p.m.

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

Mayor Gordon closed the Public Hearing at 7:47 p.m.

Ella Wilkins, owner spoke on her Bed and Breakfast.

Mayor Pro Tem 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. Item passed.

III.5.B. *Conduct a Public Hearing (2021-09) and consider approval regarding the request of Roland Ako, representing Italy Family Pharmacy, Inc, Owner and Applicant, to include a Specific Use Permit “SUP” to allow the use of Drive-Thru on Hopco Wedge, Tract 1, City of Duncanville, Dallas County, Texas, approximately 1.710 Acres, more commonly known as 102 E Danieldale Road.*

City Planner Thibodeaux presented the item. Roland Ako, representing Italy Family Pharmacy, Inc., owner and applicant. The owner has requested to allow the use of a Drive-Thru. Drive-Thrus have different stacking requirements based on associated uses. Pharmacy/medical office structure is to be developed/constructed first. Restaurant to be developed in the future when a tenant is found (will function as a pad site). Both structures proposed to have an associated Drive-Thru.

Comprehensive Plan

- Future Land Use Plan designation of Main Street District
- Envisioned as a mixed-use activity hub, but more automobile-oriented
 - o Automobile oriented does not refer to auto-related uses, i.e. fuel pumps
- Development desired to be oriented towards surrounding neighborhoods with more neighborhood-serving uses
- Subject request involves a mix of Pharmacy, Medical Office, and Restaurant uses

Site Performance

Parking & Maneuvering

- 37 parking spaces required, 42 spaces are proposed

Landscaping & Screening

- Proposed to be in conformance with the Zoning Ordinance

Signage

- Must comply with Chapter 16A of the Code of Ordinances

Planning and Zoning Commission Recommendation

At the July 19, 2021, Special Planning & Zoning Meeting, the Commission recommended approval (5-0) of the request as submitted with no additional special conditions.

Mayor Gordon opened the Public Hearing at 8:00 p.m.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 8:02 p.m.

Councilmember Cooks questioned how traffic would flow and if there would be a back up to Main Street.

City Planner Thibodeaux stated the applicant is working with staff and has created landscape islands to circulate the flow.

Mayor Pro Tem Harvey questioned if the Drive Thru would mesh with the bike lanes that will be constructed on Danieldale Road.

City Planner Thibodeaux stated are oriented to be away from the ingress/egress area. The bike lanes will be assigned properly to make sure motorists are aware and to pay attention.

Councilmember Koontz stated he would like to see Council's vision on the area before approving a drive thru.

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 (Councilmember Jeremy Koontz). Item passed.

III.5.C. Conduct a Public Hearing (2021-18) for consideration and action regarding the request of William Self, Applicant, and Owner, to include a Specific Use Permit "SUP" for Carport on Town and Country Estates Rep, Block A, Lot 26, approximately 0.21 acre, City of Duncanville, Dallas County, Texas, more commonly known as 710 Timber Trail.

City Planner Thibodeaux presented the item. William Self, Applicant, and Owner have requested to allow the construction/use of a Carport. A carport is proposed to be in conformance with height, setback, and material requirements and proposed to be oriented in the rear of the property (alley-fed lot). Parking will be in conformance with the Zoning Ordinance.

Comprehensive Plan

- Future Land Use Plan designation of Low-Density Residential
- Represents traditional, single-family neighborhoods, with housing and living units for the population with a range of incomes and needs
- The request is compatible with the Comprehensive Plan

Notification

Twenty-Seven (27) notices were sent out for this public hearing. As of this writing, no responses have been received.

Planning and Zoning Commission Recommendation

At the July 19, 2021 Special Planning & Zoning Meeting, the Commission recommended approval (6-0) of the request with no additional special conditions.

Mayor Gordon opened the Public Hearing at 8:10 p.m.

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

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

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.D. Conduct a Public Hearing (2021-10) for consideration and action regarding the request of Julius Okunola, representing the Redeemers Christian Church of God Victory House, Owner and Applicant, for a Planned Development "PD" to allow for an Event Center with modified standards on Shekinah Glory Addition, Block A, Lot 1, approximately 3.910 acres, more commonly known as 515 W Center Street, City of Duncanville, Dallas County, Texas.

City Planner Thibodeaux presented the item. Julius Okunola, representing The Redeemers Christian Church of God Victory House, Owner and Applicant, has requested to allow the use of an Event Center with modified standards. The subject property is composed of an existing place of worship and a parking area in the front along Center Street. The event Center development and associated site improvements are proposed to be oriented in the rear portion of the subject property. Aside from the additional use, the only performance standard needing variance-approval is regarding landscape buffers and associated vegetative screening

Comprehensive Plan

- Future Land Use Plan designation of "Public/Semi-Public (ISD)."
- Uses envisioned as public-serving
- Development standards similar to retail and office use while being convenient and accessible to all residents
- Proposed Event Center uses are generally commercial in nature. However, this proposal is intended by the applicant to be more in line with activities associated with retreat centers

Site Performance

Parking & Maneuvering

- 25 parking spaces required with additions, 39 spaces are proposed

Landscaping & Screening

- Proposed modifications associated with landscape buffers and vegetative screening as shown on the associated Landscape Plan exhibit

Signage

- Must comply with Chapter 16A of the Code of Ordinances

Notification

Twenty-Seven (27) notices were sent out for this Public Hearing. As of July 28, 2021, six (6) responses have been received in opposition.

Planning and Zoning Commission Recommendation

At the July 19, 2021, Special Planning & Zoning Meeting, the Commission recommended approval (6-0) subject to the following:

- A full, 15' landscape buffer with vegetative screen be provided along the full width of the western property boundary
- Site Plan and Landscape Plan exhibits be adopted as part the PD Ordinance
- Any potential future changes to the adopted plans be reconsidered and approved by P&Z and Council

Mayor Gordon opened the Public Hearing at 8:19 p.m.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Joe Veracruz seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 8:20 p.m.

Carol Emseedo and Julius Okunola, 515 W Center Street – spoke on the Victory House Retreat & Prayer Center.

Council voiced their concerns on the use for the property as an Event Center and not a Retreat Center, traffic that would occur, and noise levels due to the events.

Julius Okunola stated he does not agree with the word Event Center and the Retreat Center is more of a Prayer Center for people to come and rent for praying sessions.

Due to lack of clarity Council requested to table the item until the August 17, 2021 Regular City Council meeting to address concerns with conditions on hours of operation, maximum occupancy, and excluding the use of alcohol.

Councilmember McBurnett made a motion to table the item, Mayor Pro Tem Harvey seconded the motion. The vote was cast 6 for, 1 against (Councilmember Mark D. Cooks). Item tabled.

III.5.E. *Consider a Resolution to establish Juneteenth as a holiday in the City of Duncanville*

Item was requested by Councilmember Cooks.

HR Director Siegel presented the item. Currently, no Best Southwest City currently recognizes/observes Juneteenth.

Associated Costs

- Indirect Costs - \$62,000.00. This is based on the sum of daily rates for all full-time employees.
- Direct Costs – Minimal. Direct costs would only apply to Police/Fire Civil Service Classified employees who terminate employment after the Juneteenth Holiday and get paid out for the holiday if they did not use the hours that are annually front-loaded.

Mayor Pro Tem Mark D. Cooks 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.F. *Take any necessary action as a result of the Executive Session.***
No action was taken.

III.6. STAFF AND BOARD REPORTS

- III.6.A. *Receive the Parks & Recreation Quarterly Report.***
Parks and Recreation Director Stevenson presented the item.

Councilmember Cooks requested that the Keep Duncanville Beautiful Board let the Councilmembers know when they have events in their districts to help.

- III.6.B. *Receive the Fieldhouse Quarterly Report.***
Fieldhouse Manager Brasfield presented the item.

- III.6.C. *Receive the Monthly Financial Report as of June 30, 2021.***
Interim Finance Director Atmore presented the item.

- III.6.D. *Receive the Fiscal Year 2021 Third Quarter Investment Report as of June 30, 2021.***
Interim Finance Director Atmore presented the item.

IV. ADJOURNMENT

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

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY