

Duncanville City Council Meeting Minutes Regular Meeting Tuesday, August 4, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, August 4, 2020, at 6:00 p.m. via video conference with a quorum to wit:

COUNCIL VIA VIDEO CONFERENCING:

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

STAFF VIA VIDEO CONFERENCING:

IT Director Tracy Beekman
Finance Director Richard Summerlin
Economic Development Director Jessica James
Public Works Director Greg Ramey
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert Hager

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 by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, August 4, 2020, 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 video conference. There will be no public access to a physical location.

To submit public comments, email citysecretary@duncanville.com and title the email "Public Comment – August 4th. All public comments submitted by 4pm on Tuesday, August 4, 2020 will be provided to the City Council members and entered into the record for the August 4, 2020 City Council Special Meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_eBdgMaH9SMiXlobTGAmK7Q

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

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 Interim City Manager Frederiksen reviewed each item. Item 4A - appointment of Nigel Robinson as a member of the Duncanville Civil Service Commission filling the vacancy of former Commissioner Curtis Smith through October 31, 2021. Interviews were conducted with three candidates; a unanimous recommendation was made for appointment of Nigel Robinson. Item 4B - a Resolution approving the terms and conditions of the Inter-local Agreement by and between the City of Duncanville, Texas, ("Duncanville"), and the City of Cedar Hill, Texas, ("Cedar Hill"), for services related to the Green Ribbon Landscape Project on US 67. Item 4D - an amendment to Resolution 2020-004 approved on January 21, 2020 for an increase in the amount of \$30,001.00 at the approved rate for a new annual amount up to \$102,501.00 with Visiting Nurse Association. Due to the pandemic of COVID-19 there has been an increase in the number of seniors receiving meals, this will supplement funds for the program.

Councilmember Jameson requested Item 4B be moved to individual consent.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss City owned properties obtained through previous foreclosures.*

Economic Development Director James presented the item. The following properties were obtained by the City of Duncanville through previous tax-foreclosures that did not sell at the Dallas County Sheriff's Sale. The City is currently paying to maintain these lots, but the City is not receiving any property taxes on them.

- 4 Belmont Pl.
- 923 Jungle Dr.
- 805 W. Wheatland Rd.
- 302 S. Venice Dr.
- 118 Jewell Ln.
- 110 W. Magnolia Ln.
- 403 W. Daniieldale Rd.
- 609 W. Daniieldale Rd.
- 727 S. Cockrell Hill Rd.

Council Options:

Option One – City Council can authorize City Manager or his designee to discuss purchase opportunities with adjacent property owners and other interested parties.

Option Two – City Council can retain ownership of these properties and market them through the Duncanville Urban Land Bank Authority (DULBA) that was established in Resolution No. 2015-012017. If City Council elects to utilize the DULBA, then a future action item will be needed to determine the administration and structure of the DULBA in order to effectively utilize the Authority.

- Moving administration of the DULBA from the Neighborhood Vitality Commission to the DCEDC.
- Modifying the structure of the DULBA to include commercial development properties.

Staff Recommendations:

- 4 Belmont Pl. – Discuss potential purchase with adjacent property owners.
- 923 Jungle Dr. – Market property as a single-family residential lot.
- 805 W. Wheatland Rd. – Keep for potential future park.
- 302 S. Venice Dr. – Keep for potential future park.
- 118 Jewell Ln. – Discuss potential purchase with adjacent property owners.
- 110 W. Magnolia Ln. – Discuss potential purchase with adjacent property owners.
- 403 W. Daniieldale Rd. – Discuss potential purchase with adjacent property owners.
- 609 W. Daniieldale Rd. – Move forward with marketing of property.
- 727 S. Cockrell Hill Rd. – Move forward with marketing of property.

Councilmember Jameson would like a real estate agent to look over the properties and provide ways to market the properties.

City Attorney Hager stated the only two ways the City can generally dispose of a property is by auction or closed bid. Unless it is a commercial property, the residential properties might be hard to dispose of and that is why the Urban Land Bank Authority was formulated to provide more options. The commercial properties could be dealt with through Economic Development to use that property as an incentive. The residential property would have to go to bid unless there was another way to handle it through the Urban Land Bank Authority.

Council concluded the following:

- To engage with a Real Estate agent to help market the individual residential lots.
- To discuss the properties more in depth at a later Council meeting.
- To rescind the Duncanville Urban Land Bank Authority (DULBA) at a later Council meeting.

Councilmember Cooks stated he would like for the Planning and Zoning Commission to look at the Commercial properties.

Mayor Gordon recessed the Briefing Session at 7:06 p.m. for City Council to convene into Executive Session.

II. **EXECUTIVE SESSION**

The Executive Session was called into session at 7:08 p.m. and City Attorney Hager read the item into record.

II.1 *City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:*

1. *City of Duncanville v. Rosa Juanita, et al Cause No. DC-20-10002 District Court of Dallas County Texas.*
2. *EON Reality Agreements and Lease.*

The Council closed the Executive Session at 7:17 p.m.

III. **REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M.)**

The City Council convened into Regular Session in the Council Chambers at 7:23 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem McBurnett.

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

III.1. **REPORTS**

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

Mayor Gordon provided an update on the COVID-19 pandemic and encouraged everyone to wear masks and social distance.

Mayor Gordon offered his condolences and spoke on the passing of Duncanville Fire Engineer Dan Kendall.

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

Mayor Pro Tem McBurnett encouraged everyone to complete their 2020 census.

Councilmember Anderson spoke about the Small Local Business Group.

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

None.

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"

Public Comments submitted by email to the City Secretary via citysecretary@duncanville.com. All public comments submitted by 4pm on

Tuesday, August 4, 2020 will be provided to all City Council members and will be entered into the record for the August 4, 2020 City Council Meeting.

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 comments were provided via email for the Citizens Input Period:

Crystal Dabney – wrote on the development of the City.

Patricia Ebert – supported the selling of city-owned property.

Nancy Bell – is not in favor of Item 4B.

Pat Haake – is not in favor of Item 4B.

Misty Bain – wrote on the Duncanville Land Bank, 609 W. Danieldale, and Item 4B.

III.4. CONSENT AGENDA

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

III.4.A. *Consider a Resolution confirming the Interim City Manager's appointment of Nigel Robinson as a member of the Duncanville Civil Service Commission filling the vacancy of former Commissioner Curtis Smith through October 31, 2021.*

III.4.B. *Consider a Resolution approving the terms and conditions of the Inter-local Agreement by and between the City of Duncanville, Texas, ("Duncanville"), and the City of Cedar Hill, Texas, ("Cedar Hill"), for services related to the Green Ribbon Landscape Project on US 67.*

Item was moved to Individual Consent.

III.4.C. *Consider a Resolution approving the proposal for city paid employee and retiree medical and prescription plan with Blue Cross Blue Shield of Texas for an one year agreement.*

III.4.D. *Consider a Resolution authorizing an amendment to Resolution 2020-004 approved on January 21, 2020 for an increase in the amount of \$30,001.00 at the approved rate for a new annual amount up to \$102,501.00 with Visiting Nurse Association using Interlocal Cooperative Contract with the City of Grand Prairie Contract #17124, for the senior meal program service.*

III.4.E. *Receive the newly required Certification of Additional Sales and Use Tax to Pay Debt Service required under SB2.*

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.4.B. *Consider a Resolution approving the terms and conditions of the Inter-local Agreement by and between the City of Duncanville, Texas, ("Duncanville"), and the City of Cedar Hill, Texas, ("Cedar Hill"), for services related to the Green Ribbon Landscape Project on US 67.*

Councilmember Jameson explained her reasons for moving the item to Individual Consideration and is not in agreement with the Cedar Hill entry monument in Duncanville city limits.

Public Works Director Ramey presented the item.

Inter-local Agreement Summary:

- Cedar Hill will take lead on procurement action for the landscape construction contract

- Duncanville and Cedar Hill will conduct construction quality assurance in respective areas
- Cedar Hill will manage the construction contract and invoicing
- Duncanville will maintain the landscaping on the east side of the Wintergreen Rd Gateway. Cedar Hill will maintain the landscaping on the west side of the Wintergreen Rd Gateway (within Duncanville City Limits – TxDOT Right-of-Way). Includes permission for Cedar Hill to enter City.
- Duncanville and Cedar Hill will use separate water and electric meters

Various Councilmembers voiced their comments and concerns on the previous briefings for the monument and the location of the sign.

Interim City Manager Frederiksen stated the agreement is for the Joint Grant Funding and for the City of Cedar Hill to take the lead on maintaining the landscaping.

Councilmember Jameson made a motion to table the item until the August 18, 2020 City Council Meeting. No second to the motion was made.

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

- III.5.A. Consider a Resolution authorizing Linebarger Goggan Blair & Sampson, LLP, to obtain an order of sale which will allow for the foreclosure of; and, to authorize the sale of the properties by Dallas County at public sale in accordance with Section 34.05 of the Texas Property Tax Code, for the following properties: 1208 Crest Lane, 212 Hamilton Street, 11 Royal Avenue, and 307 W. Camp Wisdom Road.**

Finance Director Summerlin presented the item.

Mayor Pro Tem 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.B. Consider a Resolution amending Resolution 2020-009 calling the General Election of May 2, 2020, and amending Resolution 2020-009R postponing said election to November 3, 2020 for the purpose of electing one Councilmember Mayor, District 2 and District 4 for a two (2) year term; Resolution is hereby amended by extending early voting by personal appearance to begin on Tuesday, October 13, 2020 and shall continue through the fourth day before election day; providing for extending hours during early voting; and by extending early voting by mail until the election date; designating polling places; authorizing execution of any amendments to joint election contract for the November 3, 2020 Election.**

City Secretary Downs presented the item. On July 27, 2020 Governor Greg Abbott issued a proclamation suspending Section 85.001(a) of the Texas Election Code to expand the early voting period for the November 3, 2020 elections. The early voting period for any election authorized to occur on November 3, 2020 will begin on Tuesday, October 13, 2020 and last through Friday, October 30, 2020. This expansion will allow for increased in-person voting opportunities for the November 3, 2020 elections while maintaining appropriate social distancing standards in response to the COVID-19 disaster. Additionally, the proclamation suspends a portion of Section 86.006(a-1) to allow a voter to hand deliver their marked mail ballot to the early voting clerk's office before election day.

Mayor Gordon stated Mayor and District 4 have been elected and sworn in due to unopposed candidates.

Mayor Pro Tem 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. Item passed.

- III.5.C. Consider a Resolution appointing _____ as a member of the Governing Body to participate and cast ballots on behalf of the City of Duncanville at the North Central Texas Council of Governments'**

(NCTCOG) via conference to elect a new Executive Board on August 14, 2020.

Interim City Manager Frederiksen presented the item. The North Central Texas Council of Governments' (NCTCOG) Bylaws calls for an annual membership meeting ("General Assembly") to elect a new Executive Board. The General Assembly takes place in person every year in the month of June but due to COVID-19, the meeting will be held via videoconference on August 14, 2020 at 11:00 a.m. this year. As a NCTCOG member, the City of Duncanville is permitted one voting participant at the General Assembly via video conference. A live stream of the meeting is available for all others interested in viewing the Assembly meeting.

The City of Duncanville appoints Mayor Gordon, as a member of the governing body to participate and cast ballots on behalf of the City of Duncanville at the North Central Texas Council of Governments' General Assembly via videoconference on August 14, 2020.

Councilmember At-Large Patrick Harvey 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.D. Discuss and consider a Resolution approving an amendment to the City of Duncanville Economic Incentive Policy to preclude economic incentive offers to business enterprises without a specified end-user or owner.

Interim City Manager Frederiksen presented the item. The City of Duncanville will, on a case-by-case basis, consider providing grants and tax abatements as an incentive for economic development in Duncanville. The City Council and the Duncanville Community and Economic Development Corporation (DCEDC) have an approved policy they use when considering economic development incentive requests.

Councilmember Johnette Jameson has requested the following amendment to the City of Duncanville Economic Incentive Policy:

"Amend the City of Duncanville Policy Statement and Guidelines for Economic Development Grants and Tax Abatements to exclude any and all Tax Abatement offers to speculative business propositions. Any request for a tax abatement must include the name of the business and the specific type of business that would be conducted in order to be considered."

Councilmember Jameson stated Council should know the following when a tax abatement is requested; who it is you are offering it to and what will the business bring to the City. Speculative buyers are coming in to buy a piece of property and use the tax abatement as an incentive for their property and are not telling Council what business they will bring in.

Council voiced their opinions and agreed; the DCEDC Board needs to be involved to provide feedback to Council.

City Attorney Hager stated:
A motion to defer Agenda Item 5D until Council can have a Joint Meeting with the EDC (Economic Development Corporation) to discuss.

Councilmember At-Large Patrick Harvey made a motion to approve the motion provided by City Attorney Hager, Councilmember Mark D. Cooks 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.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the FY20 Third Quarter Investment Report as of June 30, 2020.
No questions.

III.6.B. Receive the Monthly Financial Report as of June 30, 2020.
No questions.

III.6.C. *Receive the Parks & Recreation Quarterly Report.*

No questions.

III.6.D. *Receive the Fieldhouse Quarterly Report.*

Parks Superintendent Hamilton presented the report.

Councilmember Jameson questioned with the COVID-19 pandemic how the Fieldhouse was monitoring the cleanness of the facility.

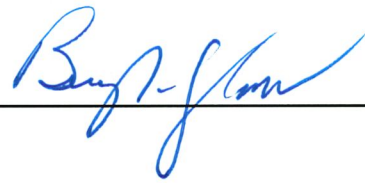
Superintendent Hamilton spoke on all the precautions Fieldhouse staff was taking and assured Council on their priority to keep it going.

IV. ADJOURNMENT

The meeting was adjourned at 9:38 p.m.

APPROVED:

MAYOR



ATTEST:

CITY SECRETARY

