

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, September 5, 2023

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 5, 2023, at 6:01p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT:

Mayor Barry L. Gordon
Councilmember At-Large DeMonica Gooden
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry-Brown
Mayor Pro Tem Greg Contreras

COUNCIL ARRIVING AT:

COUNCIL ABSENT:

WORK SESSION / BRIEFING

1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and Interim City Manager Brown reviewed each consent agenda item.

Councilmember McBurnett asked for input from Police Chief Mark Livigni on his opinion of the repeal of the curfew ordinance. Chief LiVigni stated this ordinance has been in effect since 1994 and has been a tool to make contact with individuals. It is now used as more of a well-being ordinance to check on minors and individuals.

Councilmember Contreras asked about HB 2127 and our ability to enforce the ordinance. Chief Livigni stated we would not be able to enforce the ordinance.

Councilmember Koontz requested item 4B. be moved to individual consideration.

Item 4C -Mayor Gordon asked what the percentages are for employees and city retirees. Human Resources Director Todd Siegel stated it is about 80 percent employees and 20 percent retirees. Councilmember Contreras stated that he sees the cost for retirees has increased. Mr. Siegal stated the Human Resources consultant advised we were overfunding the retirees. This amount has been reduced by five percent each year for the past five years.

Councilmembers Contreras and McBurnett requested item 4D. be moved to individual consideration. Councilmember Contreras requested to see the tree survey.

Item 4E Councilmember McBurnett asked why there was a delay in invoicing if the work was completed in September 2022. Managing Director of Operations Jacqueline Culton stated the agreement was based on an estimate of forty-plus thousand and now it is around sixty thousand. We have been speaking with the vendor as to the justification for the increase. They stated flagging is most of the overage. Councilmember Gooden asked what is flagging. Ms. Culton stated it is for directing traffic for about two months on and off. She stated there is no interest on the invoice owed.

Item 4G-Councilmember McBurnett thanked staff for being proactive on this project.

Item 4I - Councilmember Koontz verifies this is a van that we already own. Chief LiVigni wanted to bring this to the council to keep everyone informed.

Item 4J - This is a service that allows EMS to communicate with a doctor for protocol for EMS services.

Items 4B and 4D were moved to Individual Consideration.

2. CITY COUNCIL CALENDAR

City Secretary Chiquita Taylor reviewed the council calendar.

3. BRIEFINGS / PRESENTATIONS

- A. *Briefing regarding the City of Lancaster's submission of an application to the Federal Emergency Management Agency, Hazard Mitigation Grant*

Program, to fund the Best Southwest Residential Safe Room Rebate Program in the total amount of \$240,000.00.

This item was presented by Emergency Management Operations Coordinator Lauren Sanchez for a grant application through FEMA. This grant provides a rebate for homeowners building a safe room at their residence. A total of forty safe rooms would be available through the grant. This grant will be through the City of Lancaster for the four Best Southwest cities. Thirty-one people have reached out with interest in the program. Councilmember Koontz asked if there is a length of time that the city has to use for funds. Ms. Sanchez stated the time is usually three years. There are plans as far as outreach to let citizens know this program is available. Emergency Management plans to have meetings to inform citizens of the availability of the grant. Applications will be online and as accessible as possible.

B. *FY 2023-24 Proposed Budget update and briefing to include Council amendments from the August 10, 2023, budget workshop.*

Budget Administrator Jennifer Otey presented updates to the budget. Delaying the compensation to January 2024 to fund the TMRS adjustment and includes a one-time Stipend for full time employees. Mayor Gordon if the city was segregating the stipend between public safety and other employees and stated he would like all to receive the same amount. Councilmember Gooden would also like all to get a stipend. Ms. Otey stated there was no differentiation between public safety and other employees. ICM Brown would adjust the amount if the council is in agreement. Fire and Police received a plan adjustment January 1st, and everyone will receive a two percent increase in January. Staff will send out communication to employees on the plan for the pay adjustment.

In the interest of time, Mayor Gordon moved the executive session to the end of the meeting. Briefing Session was adjourned at 7:06 p.m.

EXECUTIVE SESSION

The Executive Session was convened at 12:33 a.m. on September 6, 2023. City Attorney Hager read the item into record.

1. ***City Council shall convene into closed executive session pursuant to Section 551.074, of the Texas Government Code, Personnel, to deliberate the duties and/or appointment of the City Manager under the Home Rule Charter and, pursuant to Section 551.071 of the Texas Government Code, to seek legal advice from the City Attorney on the same topic.***
2. ***City Council shall convene into closed executive session pursuant to the Tex Govt Code Sections 551.071 and 551.074 to seek legal advice concerning Chapter 2, Administration, Article III Code of Ethics, Division 2, Code of Ethics for appointed board and commission members.***

Mayor Gordon closed the Executive Session at 2:10a.m. on September 6, 2023, and reconvened into regular session.

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 7:18 p.m. with Mayor Gordon presiding.

Pastor Joyce Marable of Crossroads of Life Church delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

1. REPORTS

A. *Mayor's Report.*

Mayor Gordon commended Public Works staff for response to issues caused by wind and individuals who had to respond to them over the Labor Day weekend.

B. *Councilmembers' Reports*

Councilmember Koontz thanked everyone who participated in the Bio Blitz at the Ladd Property. They documented over 200 species on the property bringing the total to over 1100 species.

Councilmember Contreras thanked the Parks team and Police staff for cleaning up a homeless issue in District 5. He would like to schedule a meeting on the homeless issue in Duncanville.

C. City Manager's Report.

Interim City Manager Brown commented on the 67th citizen's police academy, the TCOLE audit, and the Police department Fentanyl Town Hall at Village Tech.

2. PROCLAMATIONS AND PRESENTATIONS

A. Recognition of Keep Duncanville Beautiful Fall 2023 Curb Appeal Residential Properties.

Presented by Assistant Parks Director Tyler Agee

B. Presentation of the Keep Duncanville Beautiful Fall 2023 Business Beautification Award Plaque and Proclamation to Cox Farms Market - Duncanville located at 1026 S. Main St.

Mayor Pro Tem Contreras read the proclamation and it was received by Tyler Agee for Cox Farms Market.

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 view the live meeting or previous meetings click on the link below.

<https://duncanvilletx.new.swagit.com/views/454/>

To submit a comment via email the following information is required:

- Submit a comment by 4:00 p.m. on _
- Email city.secretary@duncanvilletx.gov
- Email title: Public Comment – _
- First Name, Last Name, and Address

Mayor Gordon read the item into record. The following spoke during the Citizens Input Period:

Michaela Jones - 206 N. Main Street
Thanked city economic development

Emily Bridges 418 Oleander
Thanked those who came out for Bio Blitz

Shannon Roberts 906 Rock Canyon
Spoke on Item 4D in support of restoration of the trees at the fire station.

Monte Anderson - 111 E. Davis
Spoke on items 5F & 5G.

Lakoya London -722 Wren Ave

CBD Shop that is not carding people and police brutality

Laurel Stone 4315 San Gabriel Dr.
not present

Karen Thrasher 201 S. Rosemont Dallas, TX
not present

Tom Whelan 500 N. Akard
Spoke on Item 5F.

4. **CONSENT AGENDA**

Mayor Gordon requested City Secretary Chiquita Taylor read the Consent Agenda Items.

A. ***Consider the Minutes for the following City Council Meetings:***

[August 1, 2023 Regular City Council Meeting](#)

[August 3, 2023 Special Called Meetings](#)

[August 15, 2023 Regular City Council Meeting](#)

B. ***Consider an Ordinance of the city council of the City of Duncanville, Texas repealing Ordinance 2345R codified as Chapter 12 of the Code of Ordinances, Article IX, Curfew Hours for Minors, effective September 1, 2023, to comply with newly amended state law.***

Item moved to Individual Consideration item 5H.

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

D. ***Consider a Resolution of the city council of the City of Duncanville, Texas, approving a variance to the requirements to provide replacement trees on the property located at 306 and 308 West Camp Wisdom Road, Duncanville, Dallas County, Texas; and providing for an effective date.***

Item moved to Individual Consideration item 5I.

E. ***Consider a Resolution ratifying the Crossing Surface Installation Agreement between BNSF Railway Company and the City of Duncanville for the installation of pedestrian crossing at W. Davis Street; and hereby approve the additional \$13,547.94 payment.***

F. ***Consider a Resolution approving the terms and conditions of Professional Services Agreement 23-0033 with Dunaway Associates for the design of Harrington Park Wastewater Aerial Reroute and Improvement, with a contract amount of \$63,800.00 and an additional appropriation of \$12,760.00 as a project contingency for a total amount not to exceed \$76,560.00.***

G. ***Consider a Resolution authorizing an amendment to Professional Services Agreement 23-0004 with Dunaway Associates for additional professional engineering services as part of the Softwood Drive Sanitary Sewer Aerial Crossing Repair Design Project in the amount of \$14,450.00, not exceeding a total contract amount of \$99,250.00.***

H. ***Consider a Resolution approving the terms and conditions of Amendment No. 1 to the Household Hazardous Waste Interlocal Agreement between Dallas County and the City of Duncanville, Texas, to provide household hazardous waste services, including a disposal event and disposal services at the Dallas County fixed site household hazardous waste collection location from October 1, 2023, through September 30, 2024, as part of the Dallas Area Household Hazardous Waste Network, for a cost not to exceed \$53,481.00.***

I. ***Consider a Resolution authorizing the vehicle make-ready services with Jr's Custom Auto for the upfitting of the Police SWAT Van in the expenditure amount not to exceed \$45,000.00.***

J. ***Consider a Resolution approving the renewal of an interlocal agreement between the City of Duncanville and Dallas County Hospital District d/b/a***

Parkland Health & Hospital System, to provide BioTel/EMS System services, in the amount of \$138,671.30 for a two-year term.

- K. *Consider a Resolution authorizing an amendment to Contract 19-001 with Yunex, LLC, to provide for additional fiber installation services in an amount not to exceed \$25,500.00 to expand the Traffic Division's Intelligent Traffic Systems Fiberoptic Network for a total contract amount not to exceed \$189,941.00.*
- L. *Consider a Resolution authorizing the approval for the continuation in expenditure of funds for Mike Conduff of the Elim group to provide annual governance and leadership coaching for the City of Duncanville in the amount not to exceed \$25,000 for the full term of the agreement.*

Councilmember Jeremy Koontz made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. *Take any necessary action as a result of the Executive Session.*
No action taken.
- B. *Appeal to the City Council for Permitting of Livestock at 1342 South Main Street.*

Police Chief Mark LiVigni presented the appeal of the permitting of livestock at 1342 South Main Street. Mayor Gordon read the statute and referred to City Attorney Hager. Mr. Hager stated the statute discussed the agricultural operations. He does not believe this is the item before us as this address is not an agricultural operation. Texas Municipal League's definition of Agricultural Operation under HB 1750 - Mr. Hager stated the definition of agricultural operation. Mayor Gordon does not believe the appeal should go forward considering this new bill. Chief Livigni presented the ordinance and the violation of the applicant as well as the history regarding the instant Livestock SUP. He gave the council a copy of the violation to review. Mr. Hager stated the applicant did not have consent from the adjacent property owners to have livestock on the property. motion to deny appeal. Councilmember McBurnett requested to hear from Public Works. Jacqueline Culton and Matt Bryant spoke on behalf of Public Works. Mr. Bryant stated the property has a sanitary sewer manhole in the yard. In case of emergency, we do not know if we will have access to the area. Plan once goats are removed. the lateral sewer lines have become exposed. Councilmember McBurnett asked if the applicant was present and if there was a language barrier. The applicant was not present. Chief Livigni stated a letter notifying the owner of the appeal was sent out by certified mail in English and Spanish to applicant. He does not believe there has been a language barrier. To avoid confusion in making the motion, Mr. Hager suggested we have a roll call vote on this item using the "goat" or "no goat" as to the vote.

Appeal was granted.

Councilmember Jeremy Koontz made a motion to grant the appeal and allow goats on the property, Councilmember Joe Veracruz seconded the motion. The vote was cast 4 for, 3 against (Mayor Barry L. Gordon, Councilmember Karen Cherry-Brown, and Mayor Pro Tem Greg Contreras).

- C. *Presentation and deliberation of the FY 2023-24 proposed budget and conduct a Public Hearing.*

Budget Administrator Jennifer Otey presented the overview of the FY2023-24 city budget.

The public hearing was opened at 8:42pm

Terry Webb 11708 CR 4090 Scurry, TX

Thanked council for considering updated service credits and COLA in the budget.

Emily Bridges 418 Oleander

Liked rec center enhancements.

Shannon Roberts 706 Rock canyon
Support for master plan

Councilmember Koontz asked ICM Brown to discuss what he meant by this being a very conservative budget. Mr. Brown explained with the city not having a permanent Finance Director or City Manager, he felt we should not make more decisions until after the audit and these key positions are filled. Mayor Gordon asked about the tax rate increase proposed in the budget. Ms. Otey explained that a large portion of the budget is salary and benefits. Mayor Gordon stated we really need the proposed tax rate in this budget to continue providing current services to the city. Councilmember Cherry-Brown asked about the general Fund budget and the proposed overage. She asked if we have funds for all the projects proposed. Ms. Otey said yes. Councilmember Gooden asked about the excess in the general fund of 75-day reserve instead of the 60 days standard by lowering the proposed tax rate slightly instead of the proposed rate. Ms. Otey cautioned that the excess should not be used for recurring costs instead of one-time expenditures. ICM Brown said the additional reserves allow us to be able to handle emergencies when they may occur. Mayor Gordon asked about the updated service credits and Cost of Living allowances and asked if we are committed to making this happen for our retirees. ICM Brown stated yes. Councilmember Contreras asked about lowering the proposed tax rate as opposed to putting the full burden on the citizen. Mr. Contreras would like to have a discussion on a lower tax rate instead of the proposed rate. He would like to know what that reduction would look like for the citizens and the city. Ms. Otey stated a rate in the middle, would reduce the reserve by about \$750,000. She reiterated we do not want to use one time money for a recurring expense.

Councilmember Jeremy Koontz made a motion to close the public hearing, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

The public hearing closed at 8:47pm

- D. ***Consider a Resolution authorizing a contract with Prime Controls, sole source procurement to replace the City's existing SCADA (Supervisory Control and Data Acquisition) System software and equipment, and to provide ongoing maintenance, for a total expenditure amount not to exceed \$480,000.00.***

Utility Superintendent Matt Bryant presented the SCADA software expenditure. Councilmember McBurnett stated this is a needed improvement and asked about the useful life of the system. Mr. Bryant stated it is about five years.

Mayor Pro Tem 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.

- E. ***Council to consider a resolution appointing a director to the board of the North Central Texas Housing Finance Corporation.***

ICM Brown stated each local government unit should appoint a director to this Board. The previous director is no longer serving on the Council.

Councilmember Koontz volunteered to represent the city of the board and Councilmember McBurnett requested to serve as the alternate.

Mayor Pro Tem Greg Contreras made a motion to elect Councilmember Koontz to the board Councilmember Joe Veracruz seconded the motion. The vote was cast 7 for, 0 against.

Councilmember McBurnett will serve as alternate.

- F. ***Consider an Ordinance amending The Code of Ordinances by amending Chapter 5 'buildings and general building regulations', article ii 'building code', division 2 'international building code' by amending section 5-27 "amendments to building code"; by amending subsection (27), by repealing section 903.2.11.9 buildings over 6,000 sq. Ft. And replacing it***

with new section 903.2.11.9 "buildings over 6,000 sq. Ft."; providing for additional amendments to the international building code, 2015 edition regarding sprinkler system; providing a severability clause; providing a repealing clause; providing a savings clause; providing a penalty for violation of this ordinance not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

Managing Director of Development Services Gus Garcia presented this item as a change to the ordinance. This change would allow alternate methods for fire suppression for buildings up to 12,000 square feet and removed the provision for firewalls to define separate buildings. Assistant Fire Chief Greg Chase provided input on the purpose of the firewalls and the necessity for sprinklers in buildings. Fire Marshal Steve Blanchard stated the majority of the businesses in the city fall under Group B. He does not agree with the ordinance focusing on Group M businesses. Discussion continued on the implications of the ordinance change and how it will affect existing businesses and new businesses coming into the city. Mr. Hager stated item F and item G should read the same thus the discussion including item G from the Fire Marshal.

Councilmember Don McBurnett made a motion to approve items with the amendment to the classification of occupancy provision by removing Group M from the ordinance, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

- G. Consider an Ordinance amending The Code of Ordinances by amending chapter 9 'fire prevention and protection', article iv 'fire code', by amending section 9-51 "amendments", by amending subsection (43), by repealing section 903.2.11.9 'new buildings over 6,000 sq. Ft and existing buildings over 12,000 sq. Ft. And replacing it with new section 903.2.11.9 "new buildings over 6,000 sq. Ft. And existing buildings over 12,000 sq. Ft."; providing for additional amendments to the fire code, 2015 edition regarding sprinkler system; providing a severability clause; providing a repealing clause; providing a savings clause; providing a penalty for violation of this ordinance not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.**

Councilmember Don McBurnett made a motion to approve item with the amendment to the classification of occupancy provision by removing Group M from the ordinance, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon recessed the meeting at 11:01pm.
The meeting reconvened at 11:10pm

Councilmember Don McBurnett made a motion to extend the meeting past midnight, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 1 against (Councilmember Joe Veracruz).

- H. Consider an Ordinance of the city council of the City of Duncanville, Texas repealing Ordinance 2345R codified as Chapter 12 of the Code of Ordinances, Article IX, Curfew Hours for Minors, effective September 1, 2023, to comply with newly amended state law.**

Chief Livigni was available to answer questions on this item. Councilmember Koontz voiced his concerns over the repealing of this ordinance. Chief Livigni stated the city is prohibited by state law from enforcing this ordinance. If it remains on the books, it may confuse new officers as it would be unenforceable and put the city at risk. After further discussion and input from Mr. Hager, ICM Brown asked that this ordinance not be left on the books as it puts officers and the city at risk. Councilmember Koontz suggested the city present a formal protest of the resolution to the state. Councilmember Contreras agreed. Mayor Gordon stated he would be willing to present this protest to the North Central Texas Council of Governments to get support from other cities on this item.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Barry L. Gordon seconded the motion. The vote was cast 5 for, 2 against (Councilmember Don McBurnett and Councilmember Jeremy Koontz).

- I. ***Consider a Resolution of the city council of the City of Duncanville, Texas, approving a variance to the requirements to provide replacement trees on the property located at 306 and 308 West Camp Wisdom Road, Duncanville, Dallas County, Texas; and providing for an effective date.***

Senior Planner Nathan Warren was available to answer questions on this item. Mr. Warren stated there are forty protected trees to be removed. Councilmember McBurnett requested Fire Chief Rohde give his take on the item. Chief Rohde stated the trees are at the back of the property and the architectural drawing did not take the size of the trees into account. The trees will cause problems later as they can grow into power lines. Councilmember Koontz asked if the protected trees are removed, will they be relocated to another area. Mr. Warren stated there are no plans to relocate the trees as there would be a cost associated with it. Councilmember Contreras and McBurnett agreed that some of the trees should be replanted. Chief Rohde stated the trees were left by a former Nursery that was on the property. Many of the trees were diseased and needed to be removed. Mayor Gordon would like for the city to charge the cost of the tree removal to the architect that designed the plans. Councilmember Koontz stated a tree preservation plan should have been presented before construction. Discussion on available options continued with Mr. Hager presenting them to the council.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 0 for, 7 against (Mayor Barry L. Gordon, Councilmember At-Large DeMonica Gooden, Councilmember Joe Veracruz, Councilmember Don McBurnett, Councilmember Jeremy Koontz, Councilmember Karen Cherry-Brown, and Mayor Pro Tem Greg Contreras).

6. **STAFF AND BOARD REPORTS**

- A. ***Receive the Parks and Recreation Department Quarterly Report***
Parks Director Bart Stevenson presented this item.
- B. ***Council to receive an update on the FY2022 audit.***
Interim Finance Director Dennis Baldwin presented this item.
- C. ***Receive the Library Quarterly Report***
Library Director Julio Velasquez presented this item.

Mayor Gordon recessed the regular session at 12:29a.m. on September 6, 2023, for Executive Session.

Mayor Gordon reconvened the regular session at 02:10a.m. on September 6, 2023.

ADJOURNMENT

The meeting was adjourned September 6, 2023, at 02:11 a.m.

APPROVED:


CITY SECRETARY