

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, September 6, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 6, 2022, at 6:30 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 ABSENT:

Councilmember At-Large Patrick Harvey

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, September 6, 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 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 Tuesday, September 6, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – September 6.
- First and Last Name; and address

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Mayor Gordon stated that Item 2A would be discussed at the upcoming Regular City Council meeting on September 20, 2022.

I.2. BRIEFINGS / PRESENTATIONS

Mayor Gordon recessed the Briefing Session at 6:43 p.m. for City Council to convene into Executive Session.

I.2.A. *Discuss and finalize the Council Rules and Procedures.*

Item moved to the Regular City Council meeting held on September 20, 2022.

II. EXECUTIVE SESSION

The Executive Session was called into session at 6:45 p.m., and City Attorney Hager read the item into record.

- II.1 ***City Council shall convene into closed executive session pursuant to Section 551.072 Texas Govt Code to deliberate the sale, exchange, lease or value of real property owned by the City south of Wheatland, east of Main and west of SH 67.***

The Council closed the Executive Session at 7:32 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 7:40 p.m., with Mayor Gordon presiding.

Reverend Ginger Hertenstein, First Presbyterian Church of Duncanville, delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

III.1. **REPORTS**

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

Mayor Gordon offered his condolences to Mayor Green on the passing of his wife.

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

Councilmember McBurnett offered his condolences to Mayor Green, Councilmember Veracruz, and former Councilmember Dotson and congratulated Don Johnson on his 85th birthday.

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

No report.

III.2. **PROCLAMATIONS AND PRESENTATIONS**

III.2.A. ***Recognition of Keep Duncanville Beautiful Fall 2022 Curb Appeal Residential Properties.***

Danny Johnson, Parks Superintendent, presented the item.

III.2.B. ***Proclamation in recognition of 9/11 Day of Service and Remembrance in Duncanville 2022.***

Councilmember Koontz read the proclamation.

III.2.C. ***Proclamation in recognition of Constitution Week, September 17-23, 2022.***

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

Joe Cole, 434 E Mona Ave. – submitted a comment on the agendas.

Betty Taylor, 422 Oleander St. – submitted a comment on the former CVS building. Ken Bain, 938 Cambridge Drive - spoke on the Danieldale Road repairs.

III.4. CONSENT AGENDA

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

III.4.A. *Consider the Minutes for the:*

***August 2, 2022, City Council Regular Meeting
August 8, 2022, City Council Special Meeting
August 9, 2022, City Council Budget Meeting
August 9, 2022, City Council Special Meeting
August 15, 2022, City Council Special Meeting
August 16, 2022, City Council Regular Meeting
August 25, 2022, City Council Special Meeting
August 30, 2022, City Council Special Meeting***

III.4.B. *Consider a Resolution approving a mosquito ground control agreement between Dallas County, Texas, on behalf of the Dallas County Health and Human Services Department, and the City of Duncanville.*

III.4.C. *Consider a Resolution approving the terms and conditions of 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, 2022, through September 30, 2023, for a cost not to exceed \$58,264.00.*

III.4.D. *Consider a Resolution approving the North Central Texas Housing Corporation assigning Single-Family Mortgage Revenue Bond authority.*

III.4.E. *Consider a Resolution approving a Cooperative Purchasing Agreement with Webuildfun, Inc. through BuyBoard Contract #592-19 for the purchase and installation of outdoor fitness equipment in the expenditure amount of \$249,388.19.*

Item moved to Individual Consideration.

III.4.F. *Consider a Resolution approving the Interlocal Agreement between the City of Duncanville and Dallas County to provide Food Establishment Inspections, with a minimum of two (one every six months).*

- III.4.G. Consider a Resolution authorizing approval of a Paving and Paint Incentive Grant by the Duncanville Community and Economic Development Corporation (DCEDC) to Advance Alliance Inc., doing business as, Advance Health Care acting by and through Kizee Group LLC and its duly authorized representative, in the amount of \$92,000 for paving and \$9,750 for paint, not to exceed \$101,750, for a building located at 111 W. Danieldale Road, Duncanville, Texas, 75137.**
- III.4.H. Consider a Resolution authorizing approval of a Paving Incentive Grant by the Duncanville Community and Economic Development Corporation (DCEDC) to Rupesh Singla of Singla Dental, PLLC in the amount of \$44,300 for a building located at 541 W. Wheatland Road, Duncanville, Texas, 75116.**
- III.4.I. Consider a Resolution authorizing the donation of an out of service fire truck to South Van Zandt County Volunteer Fire Department.**

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember At-Large Patrick Harvey absent. Items passed.

ITEMS FOR INDIVIDUAL CONSIDERATION

- III.4.E. Consider a Resolution approving a Cooperative Purchasing Agreement with Webuildfun, Inc. through BuyBoard Contract #592-19 for the purchase and installation of outdoor fitness equipment in the expenditure amount of \$249,388.19.**

Councilmember Koontz requested the item be moved to Individual Consent.

Parks and Rec Director Stevenson presented the item.

Councilmember Koontz voiced his concerns of the equipment not being used over time.

Councilmember McBurnett stated he would like know if the monies can be used elsewhere and would encourage citizens to use the Recreation Center.
to provide basic wellness

Councilmember Greg Contreras made a motion to approve the item as stated, Mayor Pro Tem Joe Veracruz seconded the motion. The vote was cast 4 for, 2 against (Councilmember Don McBurnett and Councilmember Jeremy Koontz), with Councilmember At-Large Patrick Harvey absent. Item passed.

- III.5.A Consider an Ordinance amending the Code of Ordinances by adding new Chapter 12E "Special Events".**

Parks and Rec Director Stevenson presented the item.

Background:

- Staff initiative to review existing ordinances and the process associated with their execution.
- The Special Event Ordinance was previously in the Comprehensive Zoning Ordinance (CZO) chapter of the Code of Ordinances.
- Special Events are not tied to land use designations; therefore, it was recommended to be moved out of the CZO.

Highlights:

- The new Special Events Ordinance is essentially the same as the previous ordinance and outlines the process and regulations for entities other than the City to host events.
- Minor Changes
 - Establishes the Special Events Permit (SEP) Coordinator as the staff person responsible for guiding the process with the applicants.
 - Reduces the threshold for permit requirements from 250 to 75 persons.
 - Lengthens the time necessary to process the permit from 14 to 30 working days.
- Councilmember Greg Contreras made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against, with Councilmember At-Large Patrick Harvey absent. Item passed.

III.5.B. Consider a Resolution approving a Special Event Alcohol Permit to Holy Spirit Catholic Parish, 1111 W. Danieldale Rd., as provided in Exhibit A; providing for the possession, distribution and consumption of beer and wine at such special event in accordance with Section 12.205 of the Code of Ordinances; providing for regulations and conditions for such use; providing for a waiver of applicable distance requirements under Section 12-201 of the Code of Ordinances.

Parks and Rec Director Stevenson presented the item. Festival Information:

- Holy Spirit Catholic Parish, located at 1111 W. Danieldale Rd., has applied for a Special Event Alcohol Permit on September 24, 2022, for their Annual Fall Festival.
- Holy Spirit Catholic Parish has been part of the Duncanville community since 1972 and has held its annual Fall Festival for over 30 years. The festival includes food, games, music, a children's parade, and a health fair. The Fall Festival will begin at 9:00 AM and end at 7:00 PM, with 1,200 anticipated participants. The event will be open to the public.
- Holy Spirit Catholic Parish requests authorization for the sale and consumption of alcohol during the event. The Texas Alcoholic Beverage Commission (TABC) does not require a controlled location of the alcohol to sell beer and wine. Staff and volunteers must follow all state and local laws and regulations. Holy Spirit Catholic Parish has secured services to sell beer and wine if approved.

Sec. 12-205 – Sale of Alcohol at Special Events:

- Sale of alcohol at special events: an individual may obtain from the city council, upon application, a special event alcohol permit, allowing for the sale of beer or alcoholic beverages for a special event. Such permit may only be considered upon receipt of a completed application and a copy of a current permit from TABC authorizing the permittee to sell, dispense or otherwise serve alcohol at the location. The application and TABC permit must be submitted for consideration in no later than the Thursday two weeks prior to the regularly scheduled city council meeting preceding the event. If the event is to be held within 300 feet of any church, public or private school or public hospital then prior to issuance of a permit the individual must obtain a variance from the city council, in accordance with section 12- 201 (d). The permit shall be valid for the length of the event, not to exceed 14 consecutive days.

Nearby Schools:

- Brown's Early Academy – 1.0 mile
- Smith Elementary Academy – 1.0 mile
- Daniel Intermediate School – 1.1 miles
- Village Tech Schools – 1.3 miles

Nearby Churches

- Trinity United Methodist Church – 0.6 miles
- The Church of Jesus Christ of Latter-day – 0.9 miles
- Grace Place Church of Christ – 1.5 miles
- First Free Will Baptist Church – 1.5 miles

Councilmember Greg Contreras made a motion to approve the item as stated, Mayor Pro Tem Joe Veracruz seconded the motion. The vote was cast 5 for, 1 against (Councilmember Jeremy Koontz), with Councilmember At-Large Patrick Harvey absent. Item passed.

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

No action.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Public Works Department Quarterly Report.

Interim Public Works Director Culton presented the item.

III.6.B. Receive the Neighborhood Services Quarterly Report.

Director of Planning and Neighborhood Services Tennant presented the item.

ADJOURNMENT

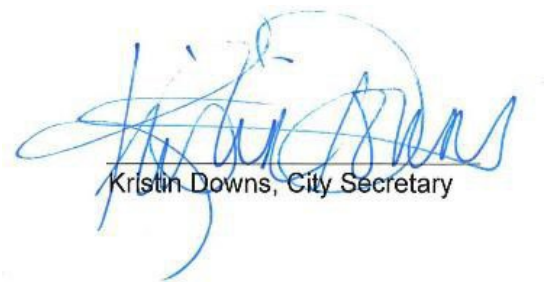
The meeting was adjourned at 8:59 p.m.

APPROVED:



MAYOR

ATTEST:



Kristin Downs, City Secretary