

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, September 17, 2024

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 17, 2024, at 5:31 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Councilmember At-Large DeMonica Gooden
Councilmember Joe Veracruz
Councilmember Don McBurnett
Mayor Pro Tem Jeremy Koontz
Councilmember Karen Cherry-Brown
Mayor Greg Contreras
Councilmember Kyle Pennebaker

COUNCIL ARRIVING AT:

COUNCIL ABSENT:

EXECUTIVE SESSION

The Executive Session was called into session at 5:31 p.m. and City Attorney Hager read the item into record.

The Council recessed the Executive Session at 6:27 p.m.

1. ***The City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney regarding Resolution 2024-264 delegating grants of Hotel Occupancy Tax revenues to the Duncanville Community and Economic Development Corporation.***
2. ***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).***
3. ***City Council shall convene in Executive Session pursuant to Section 551.072 of the Texas Government Code, to deliberate the sale, exchange, lease, purchase, or value of certain real property located south of Camp Wisdom Rd, north of Danieldale Rd, east of Cedar Ridge Dr, west of Cockrell Hill Rd, and, pursuant to Section 551.071 of Texas Government Code, to seek legal advice from the City Attorney regarding the same.***
4. ***The City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, to deliberate the sale, purchase or exchange of real property north of Wheatland South of I-20, East of Cedar Ridge Road, and West of SH 67.***

Mayor Contreras reconvened into Executive Session at 11:28 p.m.

The council closed the Executive Session at 11:40 p.m. and reconvened the regular session.

WORK SESSION / BRIEFING

Mayor Contreras called the Work Session into order at 6:30 p.m.

1. DISCUSS AGENDA ITEMS

Mayor Contreras read the item into the record, and City Manager Finch reviewed each item.

2. CITY COUNCIL CALENDAR

3. BRIEFINGS / PRESENTATIONS

Items A, B, and C were moved to a future meeting.

The briefing Session was adjourned at 7:02 p.m.

A. ***City Council to receive a briefing on equity in infrastructure management initiatives, discussion, and direction if any to the City Manager.***

B. ***City Council to receive a briefing on the status of the Cedar Ridge Road Reconstruction Project, provide for an opportunity for City Council to discuss, and provide direction if needed. This is part of the 2018 bond projects.***

C. ***City Council to receive a briefing on the status of the FY24 Mill and Overlay Project, provide for an opportunity for City Council to discuss, and provide direction if needed.***

D. ***The council will receive a briefing on the process for canceling meetings due to a lack of quorum, discuss the topic, and provide direction if needed.***

Attorney Hager clarified that the legal requirement is that the meeting cancellation be posted in the same manner as the meeting. Mr. Finch updated the council on the process of contacting members before a meeting to ask if they will be present.

E. ***Discuss the selection of a Mr. or Ms. Hispanic Heritage Festival to represent the City of Duncanville at the Best Southwest Hispanic Heritage Festival.***

The City Council discussed the names of possible nominees. Mayor Pro Tem Koontz deferred to the mayor for a nomination decision.

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 7:12 p.m. with Mayor Contreras presiding.

Pastor Michael Ridge delivered the Invocation.

Mayor Contreras led the Pledge of Allegiance and Texas Pledge.

1. REPORTS

A. ***Mayor's Report.***

Mayor Contreras commented on yesterday's success of the Mexican Independence Day event. He thanked Lolecia Day and Victor Barrera with Economic Development, Parks and Recreation, and the volunteers.

B. ***Councilmembers' Reports***

Mayor Pro Tem Koontz requested additional time.

Councilmember Don McBurnett made a motion to approve the additional time requested, Councilmember DeMonica Gooden seconded the motion. The vote was cast 7 for, 0 against.

He commented on the Mexican Independence Day event in English and Spanish. Councilmember Veracruz thanked staff for their work in putting on the event as well. Councilmember Gooden reviewed this month's upcoming events in the city and commented on the Arts Commission funding. Councilmember McBurnett commented on the city and Arts Commission events. He thanked Lauren Sanchez with Emergency Management for educating the community on emergency preparedness and asked for volunteers for the upcoming PIP (Property Improvement Program) Days.

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

Mr. Finch commented on the department's executive staff meeting and their pride in their departments. He recognized the police department for assisting the Duncanville ISD Police Department at football games.

2. PROCLAMATIONS AND PRESENTATIONS

A. *Proclamation recognizing September 15 to October 15, 2024 as National Hispanic American Heritage Month.*

Presented by Mayor Contreras in English and Economic Development Director Victor Barrera in Spanish.

B. *Proclamation designating October as National Arts and Humanities Month.*

Presented by Public Information Officer Alex Hamby.

C. *Proclamation proclaiming October 6 - 12, 2024, as Fire Prevention Week throughout this community, urging all the people of Duncanville to learn "Smoke Alarms: Make them work for you!", and to participate in the many public safety activities and efforts of Duncanville's fire and emergency services during Fire Prevention Week 2024.*

Presented by Fire Chief Chris Connelley and Fire Marshal Steve Blanchard.

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 citysecretary@duncanvilletx.gov
- Email title: Public Comment – _
- First Name, Last Name, and Address

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

Gail Sliger
1405 S. Main St.
Arts funding

Louis Webb
11708 CR 4090
Scurry, TX
Duncanville Theater funding

Mac Browning
442 E. Cherry St.
Support of Arts funding

Judy Smithey
1806 Cedar Hill Rd.
Duncanville Theater

Heather Winkleman
310 N. Merrill Ave.

Duncanville Theater

Amy Jackson
934 Cambridge Dr.
Duncanville Theater

Jack Long
13220 Woodhaven Dr
Farmers Branch, TX
Budget

Terry Webb
11708 CR 4090
Scurry, TX
Budget/Duncanville Theater

Phillip James
910 Green Terrace Lane
Protected bicycle lanes

Teresa Montgomery
519 Allen Ave.
Wheatland Plaza

Julie Wimbley
515 Allen Ave.
Wheatland Plaza

Reginald and Madeline Schwoch
(email)
Duncanville Theater

Diane Dillard
239 Mizell (email)
Parking issues

4. **CONSENT AGENDA**

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

- A. ***Consider the Minutes for the August 27, 2024, Special City Council Meeting.***
- B. ***Consider a Resolution approving an amendment to the Municipal Materials Management Agreement by and between Republic Services of Texas, LTD. and the City of Duncanville to increase contract rates by 5.30% for residential collection and commercial services, effective October 1, 2024.***

RES 2024-311

- C. ***Consider a Resolution approving an amendment to the Solid Waste Disposal Agreement by and between Waste Management of Texas, Inc. and the City of Duncanville to increase contract rates by 5.76% for solid waste disposal, effective October 1, 2024.***

RES 2024-310

- D. ***Consider a Resolution approving the terms and conditions of Amendment No. 2 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 Home Chemical Collection Center from October 1, 2024, through September 30, 2025, as***

part of the Dallas Area Household Hazardous Waste Network, for a cost not to exceed \$54,981.00.

RES 2024-315

- E. Consider a Resolution authorizing an amendment to the professional services agreement with MRB Group, P.C., for design engineering services for drainage improvements in an amount of \$18,500.00, for a total contract not exceeding \$63,500.00.**

RES 2024-323

- F. Consider a resolution of the City Council of the City of Duncanville, Texas, approving a negotiated settlement between Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable rate making expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.**

This item was moved to individual consideration item 5P.

- G. Consider a Resolution for approving and adopting an updated Fund Balance Policy for the City of Duncanville**

RES 2024-328

- H. Consider a Resolution authorizing an Interlocal Cooperation Agreement with the North Central Texas Council of Governments for orthophotography, lidar, and derivative data services with renewal option for four additional one-year terms, in an estimated contract amount not to exceed \$104,990.00, subject to City Council appropriation.**

RES 2024-316

Mayor Pro Tem Jeremy Koontz made a motion to approve the consent agenda, Councilmember At-Large DeMonica Gooden 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. Open and hold the continued Public Hearing on the FY 2024-25 Proposed Budget**
Presented by Budget Administrator Jennifer Otey. Councilmember Gooden asked about funding for the Arts. Ms. Otey stated that the current budget reflects what is proposed and will be amended if changes are approved by the council.

Mayor Contreras opened the public hearing at 8:27 p.m.

Erika Browning
442 E. Cherry St.

Patricia Ebert
115 S. Greenstone

Mayor Pro Tem Jeremy Koontz made a motion to close the public hearing, Councilmember At-Large DeMonica Gooden seconded the motion. The vote was cast 7 for, 0 against.

Mayor Contreras closed the public hearing at 8:32 p.m.

C. *Conduct a Public Hearing on the 2024 tax rate.*

Ms. Otey presented items 5C - 5H.

Mayor Contreras opened the public hearing at 8:38 p.m.,

No speakers

Councilmember At-Large DeMonica Gooden made a motion to close the public hearing, Mayor Pro Tem Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

Mayor Contreras closed the public hearing at 8:39 p.m.

D. *Ordinance approving and adopting a budget for the City for the Fiscal Year October 1, 2024, through September 30, 2025*

Councilmember Don McBurnett moved the proposed budget for the City of Duncanville for Fiscal Year October 1, 2024. Through September 20, 2025; providing that expenditures for said Fiscal Year shall be made in accordance with said Budget, be adopted. This budget will raise more total property taxes than last year's budget by \$934,496, or 4.03%, and of that amount, \$44,316 is tax revenue to be raised from new property added to the tax roll this year, Councilmember Karen Cherry-Brown seconded the motion.

Councilmember At-Large DeMonica Gooden made a motion to amend the primary motion by reducing the property tax of \$934,496 by \$387,000 to \$547,496 and increase the appropriation of fund balance from zero to \$387,000, Councilmember Kyle Pennebaker seconded the motion. The vote was cast 3 for, 4 against (Councilmember Joe Veracruz, Councilmember, Councilmember Don McBurnett, Mayor Pro Tem Jeremy Koontz, and Councilmember Karen Cherry Brown)

Primary motion stands. The vote was cast by record vote 5 for, 2 against (Councilmember At-Large DeMonica Gooden and Councilmember Kyle Pennebaker).

Councilmember Don McBurnett made a motion to reconsider the vote, Councilmember Pennebaker seconded the motion; The vote was cast by record vote 3 for and 4 against (Councilmember Joe Veracruz, Councilmember Don McBurnett, Mayor Pro Tem Jeremy Koontz, and Councilmember Karen Cherry-Brown) Motion fails.

APPROVED

ORD 2523

E. *Consider an Ordinance of the City of Duncanville, Texas, levying Ad Valorem Taxes for the Year 2024 at a rate of \$0.614834 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the corporate limits of the City of Duncanville as of January 1, 2024, to provide revenues for current expenses and interest and sinking fund requirements.*

Councilmember Gooden recommended reducing the tax rate by one cent and using the excess fund balance to make up the difference.

Councilmember Don McBurnett made a motion that the property tax rate be increased by the adoption of a tax rate of 0.614834, which is effectively a 4.63 percent increase in the tax rate; Councilmember Joe Veracruz seconded the motion; the vote was cast by record vote 6 for and 1 against (Councilmember Kyle Pennebaker)

APPROVED

ORD 2524

F. Consider an Ordinance ratifying the Fiscal Year 2024-2025 Budget which raises more revenue from property tax than in the previous year.

Councilmember At-Large DeMonica Gooden made a motion to approve the item as stated, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 7 for, 0 against.

Councilmember Gooden stated she was not opposed to the items in the budget but wanted to discuss reducing the tax rate. Mayor Contreras also wanted to clarify his support of the budget and the process but wanted to discuss lowering the tax rate for the citizens.

Councilmember McBurnett stated that the city's projects, including public works, increased retirement benefits, facilities, and street projects, will require revenue in the budget to support them.

ORD 2525

G. Civil Service Ordinance amending the pay plan

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large DeMonica Gooden seconded the motion. The vote was cast 7 for, 0 against.

ORD 2526

H. Approve the FY 2024-2025 Master Fee Schedule

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

RES 2024-325

I. Consider appointments to various Boards and Commissions including Zoning Board of Adjustment, City Planning & Zoning Commission, Community Engagement Board, Duncanville Community and Economic Development Corporation Board (DCEDC), Duncanville Neighborhood Vitality Commission, Keep Duncanville Beautiful Board, Library Advisory Board, Multicultural Commission, Park & Recreation Advisory Board, Sign Control Board, and TIF (Tax Increment financing Reinvestment Zone Number One).

Presented by City Secretary Taylor and Mr. Finch

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large DeMonica Gooden seconded the motion. The vote was cast 7 for, 0 against.

RES 2024-321

J. Conduct a Public Hearing and consider adopting an Ordinance amending the Comprehensive Zoning Ordinance and Map, as heretofore amended, by amending the existing Local Office Retail (LOR) District to grant a Specific Use Permit to allow for a Banquet or Event Center on real property located on Grace Properties, Block A, Lot 1, ACS 2.001, more commonly known as 119 East Daniieldale Road, Duncanville, Dallas County, Texas.

Presented by Planning Director Nathan Warren.

Mayor Contreras opened the public hearing at 9:15 p.m.

Shawkat Albess(applicant)
887 Mary Dr.
Waxahachie, TX

Spoke in opposition:

Erika Browning
442 E. Cherry St.

Lisa Debose
141 Brookside

Cynthia Washington-Porter
120 Brookside Dr.

Gail Sliger
1405 S. Main St.

Angela Bostick
141 Brookside Dr.

Councilmember At-Large DeMonica Gooden made a motion to close the public hearing, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

Mayor Contreras closed the public hearing at 9:29 p.m.

Councilmember Pennebaker asked about the vote at the Planning and Zoning Commission meeting as well as clarification on the minutes of the meeting. Mr. Warren and the applicant, Shawkat Albess, clarified the requirements of the Specific Use Permit (SUP) regarding the fencing. Councilmember Cherry-Brown asked if they would be open to a wooden fence. She also asked about parking spaces. Mr. Warren stated there are 75 spaces. Mr. Hager asked if the opposition votes represented 20% of the notifications sent out. Mr. Warren stated that thirty-three mailings were sent out, with twelve being opposed to this, which is more than twenty percent in opposition. Mr. Hager stated that this item would require a 3/4 vote from the council to pass. Councilmember Pennebaker mentioned there would be no alcohol sales. Mr. Warren stated there are no alcohol sales, but alcohol is permitted to be served. Mayor Contreras asked about alcohol being served and the occupancy. Mr. Warren stated this would be determined at the Certificate of Occupancy (CO) level determined by the Fire Marshal. Mayor Pro Tem Koontz asked Attorney Hager about requirements being added to the ordinance. Mayor Contreras has concerns about the noise with this location being close to a residential neighborhood. Councilmember Cherry-Brown asked if the parking will be on the back of the building. Mr. Warren stated yes. Councilmember Gooden considers the views of the people in the surrounding neighborhood. Asked about the conditions of the SUP. Mr. Warren stated that there is a ten-year sunset.

Councilmember Kyle Pennebaker made a motion to amend the motion to approve by adding the requirement for an eight-foot wooden fence along the north perimeter of the building, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 4 for, 3 against (Councilmember At-Large DeMonica Gooden, Councilmember Don McBurnett, and Mayor Pro Tem Jeremy Koontz).

DENIED

K. *Consider a Resolution creating a fund and adoption of a policy known as the Duncanville Arts Fund*

Presented by Mr. Finch. This policy would require a budget amendment as the budget was approved earlier. This would require any expenditure less than ten thousand dollars to be approved by the Duncanville Community and Economic Development Commission (DCEDC), and if the expenditure is over

ten thousand dollars, be approved by the DCEDC, Arts Commission, and the City Council prior to committing Hotel Occupancy Tax funds.

Mayor Pro Tem Koontz thanked the staff for putting this together. Mayor Contreras does not want to exclude the council from the decisions of ten thousand dollars or less. Councilmember Pennebaker asked what amount the fifteen percent represents. Mr. Finch stated that this year it would be approximately \$138,000. This amount would change from year to year. He also asked if an entity has the ability to go directly to the council and bypass the Arts Commission. Mr. Finch stated they would not if they were using the fifteen percent Arts funds. They can go to the DCEDC not requesting Arts funds. Councilmember Gooden recommended that the policy move forward as presented.

Councilmember Kyle Pennebaker made a motion to approve the item with the amendment to require city council approval of expenditures of twenty thousand dollars or more, whether approved or denied by the Arts Commission or DCEDC. Mayor Greg Contreras seconded the motion. The vote was cast 6 for and 1 against (Councilmember Don McBurnett).

Res 2024-324

- L. Consider a resolution casting a ballot for places 11-14 on the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.**
Presented by Assistant to the City Manager David Kees.

RES 2024-330

- M. Consider a resolution nominating up to five candidates for election to the Board of Directors of Dallas Central Appraisal District.**
Presented by Mr. Kees.

Councilmember Don McBurnett made a motion to table the item, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 7 for, 0 against.

TABLED

- N. Consider approving Resolution 2024-329 selecting _____ as the 2024 Hispanic Heritage Festival honoree for the City of Duncanville.**
Presented by Parks and Recreation Director Bart Stevenson.

Mayor Pro Tem Jeremy Koontz made a motion to nominate Jorge Ruiz with alternate number one Amy Robledo and alternate number two Chris Ruiz, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

RES 2024-329

- O. Consider an Ordinance amending the code of ordinances by amending chapter 12 'Miscellaneous Offenses and Provisions', Article XXVI 'Mobile Food Vendors and Mobile Vending Units', to allow for exemptions to commissary requirements for certain mobile food vendors.**
Presented by Mr. Kees.

ORD 2527

- P. Consider a resolution of the City Council of the City of Duncanville, Texas, approving a negotiated settlement between Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable rate making expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings**

clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

Presented by Finance Director/CFO Richard Jackson.

Councilmember Gooden asked Attorney Hager to clarify the item. Mr. Hager reviewed the requirements of the item for clarification.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 7 for, 0 against.

RES 2024-326

6. STAFF AND BOARD REPORTS

A. *Receive a briefing on the Investment Policy, Council discussion, and provide direction if needed.*

Presented by Mr. Jackson.

B. *Receive a presentation from the Duncanville Police Department on revising Chapter Four—Animals and Fowl City Ordinance to comply with state legislation changes and best practices, Council discussion on the proposed changes, and direction if needed.*

Presented by Assistant Chief of Police Ron Wilcots and Senior Animal Control Officer Chad Chamberlain.

Councilmember Gooden asked about the minimum acreage and if the current residents with chickens would be grandfathered. Mr. Chamberlain stated that currently, there is no minimum acreage, only the size of the coupe. The current chickens would be grandfathered, but not for roosters.

C. *Council to receive a briefing on the use of 103 Main Street, the building across the parking lot from City Hall, and discussion with the City Manager on the use of the building.*

Presented by Mr. Finch.

Mayor Contreras recesses the regular session to reconvene into Executive Session at 11:24 p.m.

ADJOURNMENT

The meeting was adjourned at 11:41 p.m.

ATTEST:

CITY SECRETARY