

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, September 19, 2023

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 19, 2023, at 6:00p.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
Mayor Pro Tem Greg Contreras

COUNCIL ARRIVING AT:

COUNCIL ABSENT:

Councilmember Karen Cherry-Brown

WORK SESSION / BRIEFING

1. DISCUSS AGENDA ITEMS

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

Councilmember Koontz requested item C be moved to Individual Consideration. Councilmember McBurnett agreed. Item moved to 5H.

Councilmember Contreras requested item K and L be moved to Individual Consideration. Councilmember Gooden agreed.

Councilmember Gooden requested items M and O be moved to Individual Consideration. Councilmember Koontz agreed.

Councilmember McBurnett requested item P be moved to Individual Consideration. Councilmember Koontz agreed.

Items 4C, 4K, 4L, 4M, 4O, and 4P were moved to Individual Consideration.

2. CITY COUNCIL CALENDAR

City Secretary Chiquita Taylor reviewed the council calendar.

3. BRIEFINGS / PRESENTATIONS

In the interest of time, Mayor Gordon moved the Executive Session to the end of the regular session.

Briefing Session was adjourned at 7:00 p.m.

EXECUTIVE SESSION

The Executive Session was called into session at 9:49 p.m. and Mayor Gordon 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 of the Interim City Manager under the Home Rule Charter pursuant to Section 551.071 of the Tex Govt Code; and, Financial and Security Audit pursuant to Section 551.076 of the Texas Govt Code to seek legal advice from the City Attorney and Special Legal Counsel on the same topic.*

2. *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 Interim 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.

Mayor Gordon closed the Executive Session at 11:08 p.m. and reconvened regular session at 11:09p.m.

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 7:08 p.m. with Mayor Gordon presiding.

Councilmember Veracruz delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

1. REPORTS

A. *Mayor's Report.*

Councilmember Don McBurnett made a motion to extend Mayor's report beyond three minutes allotted, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

Mayor Gordon presented the Champions of the City award to Joe and Lupe Barrera.

B. *Councilmembers' Reports*

Councilmember Gooden recognized Cassandra Wright for assisting with a water leak and a higher-than-normal bill at her home. She assisted with helping resolve the issue and the level of customer service provided was great. Councilmember McBurnett agreed with the customer service excellence of Ms. Wright. He also wanted to recognize Emergency Management Operations Coordinator Lauren Sanchez for participating in an event at the Senior Center.

C. *City Manager's Report.*

ICM Brown recognized the Police department narcotics units that seized several fentanyl pills. He also stated Republic Service has returned to its normal pickup.

2. PROCLAMATIONS AND PRESENTATIONS

A. *Proclamation recognizing September 15 to October 15, 2023 as National Hispanic American Heritage Month.*

Mayor Gordon read the proclamation into the record in English and Spanish. It was received by Noel Garcia and staff from the Duncanville Recreation Center.

B. *Proclamation in recognition of Constitution Week, September 17-23, 2023*

Mayor Gordon read the proclamation into the record and presented it to Bobby Hill on behalf of the Daughters of the American Revolution.

C. *Proclamation for National Fire Prevention Week, October 8 - 14, 2023.*

Councilmember Veracruz read the proclamation into the record and presented it to Assistant Fire Chief Greg Chase.

D. *Proclamation Recognizing October 2023 as Domestic Violence Awareness Month.*

Councilmember Gooden read the proclamation into the record and was received by Police Chief Mark LiVigni.

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

Greg Smithey 1806 Cedar Hill Rd
Money for Duncanville Theater

Jack Long 13220 Woodhaven
Farmers Branch, TX 75234
Thank you to the council for the cost-of-living adjustment for retirees.

Judy Smithey 1806 Cedar Hill Rd
New production at Duncanville Community Theater

David Wheatley 611 Oriole Blvd. #703
Communication failures of city

Patricia Ebert 115 S Greenstone
Delays in Building Inspections

Gail Sliger 1405 S Main St.
support of tax rate increase

4. **CONSENT AGENDA**

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

- A. *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 2023 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.*
- B. *Consider a resolution authorizing a Grant of Hotel Occupancy Tax Funds from the Fiscal Year 2023-24 Budget in an amount not to exceed \$85,000 to Hoopfest Basketball Organization.*

- C. **Consider a resolution authorizing a Grant of Hotel Occupancy Tax Funds from the Fiscal Year 2023-24 Budget in an amount not to exceed \$222,000 to Esposure, Inc.**
Item was moved to individual consideration item 5H.
- D. **Consider a resolution authorizing a Grant of Hotel Occupancy Tax Funds from the Fiscal Year 2023-24 Budget in an amount not to exceed \$32,000 to Duncanville Community Theatre.**
- E. **Consider a resolution authorizing a Grant of Hotel Occupancy Tax Funds from the Fiscal Year 2023-24 Budget in an amount not to exceed \$63,000 to Duncanville Lions Club.**
- F. **Consider a resolution authorizing a Grant of Hotel Occupancy Tax Funds from the Fiscal Year 2023-24 Budget in an amount not to exceed \$20,000 to the Hilton Garden Inn Dallas/Duncanville, owned and operated by OCI Hospitality.**
- G. **Consider a resolution authorizing approval of an incentive grant by the Duncanville Community & Economic Development Corporation (DCEDC) to LRC Flooring, in an amount not to exceed \$4,824.87 for a building located at 651 Oriole Blvd. Duncanville, Texas, 75116.**
- H. **Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to DW Cedar Ridge, LLC, in an amount not to exceed \$267,153.00 for buildings located at 102-110 N Cedar Ridge., Duncanville, Texas, 75116.**
- I. **Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to Dolani Investments, LLC, in an amount not to exceed \$208,610.97 for a building located at 511 E. Camp Wisdom Road. Duncanville, Texas, 75116.**
- J. **Consider a resolution authorizing approval of an incentive grant by the Duncanville Community & Economic Development Corporation (DCEDC) to LDG SRV Holding, LLC dba: Lucent Dental Group, in an amount not to exceed \$31,000.00 for a building located at 607 N. Cedar Ridge Dr., Duncanville, Texas, 75116.**
- K. **Consider a Resolution approving and accepting the terms and conditions of an agreement with Dallas County on behalf of the Health and Human Services Department for food establishment inspection and environmental health services, attached hereto and incorporated herein as Exhibit "A", effective October 1, 2023, through September 30, 2024.**
Item was moved to individual consideration item 5K.
- L. **Consider a Resolution approving and accepting the terms and conditions of an agreement with Dallas County on behalf of the Health and Human Services Department for mosquito services, attached hereto and incorporated herein as Exhibit "A", effective October 1, 2023, through September 30, 2024.**
Item was moved to Individual Consideration item 5L.
- M. **Consider a Resolution approving Waste Management's request to the City of Duncanville to increase contract rates by 6.71% under the Solid Waste Disposal Agreement for solid waste disposal, effective October 1, 2023.**
Item was moved to Individual Consideration item 5M.
- N. **Consider appointments to various Boards and Commissions including Arts Commission, Audit Committee, 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, TIF (Tax Increment financing Reinvestment Zone Number One), and Tri-Cities Animal Control Board.**
The following modifications were made to the appointments:
Marlon Goff has agreed to serve on the TIF board.

Cozea Stephens will be moved from Park Board to Keep Duncanville Beautiful board.

- O. ***Consider a Resolution authorizing an agreement with SC Tracking Solutions for backflow device inventory and compliance management as part of the City's Backflow Prevention Assembly Testing Program for a one-year term with the option to renew up to four additional one-year terms in an expenditure amount of \$0.00.***

Item was moved to individual consideration item 5I.

- P. ***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 5.09% for residential collection and commercial services, effective October 1, 2023.***

Item was moved to individual consideration item 5J.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ***Take any necessary action as a result of the Executive Session.***

Councilmember Don McBurnett made a motion to extend the Interim City Manager Robert Brown's contract until a new City Manager is selected and reports, from October 1, 2023 to the end of the year, December 31, 2023, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

- B. ***Conduct a Public Hearing on the 2023 tax rate.***

Budget Administrator Jennifer Otey presented the item and reviewed information about the current and proposed tax rate.

Mayor Gordon opened the public hearing.

In favor

None

Opposed

None

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 Karen Cherry-Brown absent.

Mayor Gordon closed the public hearing at 8:09pm.

- C. ***Consider an Ordinance approving and adopting a budget for the City for the Fiscal Year October 1, 2023, through September 30, 2024; providing that expenditures for said Fiscal Year shall be made in accordance with said Budget and ratifying the revised budget FY 2022-2023 Budget (Section 7 of the attached ordinance).***

Ms. Otey recapped the budget ordinance.

Councilmember McBurnett stated we need to be transparent as we do not have an audit for FY2020-21 and are working through the FY2022 audit. Ms. Otey stated the numbers presented are projections based on current knowledge. Mr. McBurnett also asked for additional information on the Meter Replacement Fund and the Automated Metering Infrastructure. Mayor Gordon requested that the approval is based on the projections and dependent on the audit. City Attorney Hager stated all budgets are projections.

Councilmember Don McBurnett made a motion to approve the proposed budget for the City of Duncanville for Fiscal Year October 1, 2023, through September 30, 2024; providing that expenditures for said Fiscal Year shall be made in accordance with said Budget, be adopted. This budget will raise more revenue from property taxes than last year's budget by an amount of \$1,589,682, which is a 7.32 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$128,488. Mayor Pro Tem Greg Contreras seconded the motion. The

vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

- D. ***Consider an Ordinance of the City of Duncanville, Texas, levying Ad Valorem Taxes for the Year 2023 at a rate of \$0.646034 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, 2023, to provide revenues for current expenses and interest and sinking fund requirements.***

Councilmember Jeremy Koontz made a motion to approve the property tax rate be increased by the adoption of a tax rate of \$0.646034, which is effectively a 7.38 percent increase in the tax rate. Councilmember Don McBurnett seconded the motion. The vote was cast 5 for, 1 against (Councilmember At-Large DeMonica Gooden), with Councilmember Karen Cherry-Brown absent.

- E. ***Consider an Ordinance ratifying the Fiscal Year 2023-2024 Budget which raises more revenue from property tax than in the previous year.***

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

- F. ***Consider an Ordinance approving the Fiscal Year 2023-2024 Master Fee Schedule, which is attached hereto and incorporated herein as Exhibit "A".***

Jennifer Otey reviewed the Master Fee Schedule being proposed.

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 Karen Cherry-Brown absent.

- G. ***Consider an Ordinance regarding the City of Duncanville's Texas Municipal Retirement System (TMRS) benefits adopting: (1) Updated Service Credits (USC); and (2) an annuity increase, also referred to as Cost-of-Living Adjustment (COLA) for retirees and their beneficiaries.***

Jennifer Otey reviewed the benefit changes proposed.

Councilmember Joe Veracruz made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 5 for, 0 against, with Councilmember Karen Cherry-Brown absent.

Councilmember Contreras recused himself from the vote.

- H. ***Consider a resolution authorizing a Grant of Hotel Occupancy Tax Funds from the Fiscal Year 2023-24 Budget in an amount not to exceed \$222,000 to Esposure, Inc.***

Councilmember Koontz questioned the use of Hotel Occupancy Tax (HOT) funds for this item. Managing Director of Development Services Gus Garcia presented on this item with a background on Esposure. He stated Esposure is proposing twelve scheduled events over the next twelve months. Mr. Daniel Martin representing Esposure was available to answer questions. Councilmember Koontz clarified this business is about education and not just gaming. He stated his primary concern was about how HOT funds are being used and appreciates the detail of the presentation. City Attorney Bob Hager asked that the funds be divided on a per event basis so that all funds are not used for one or two events. Mr. Hager will write the agreement if the item is approved. Mr. Martin stated he is seeing clubs being developed in high schools and they are looking for places to compete. Councilmember Koontz would like to see a follow-up on the events the city is funding. Councilmember Contreras stated he appreciated the questions asked by Councilmember Koontz.

Councilmember Don McBurnett made a motion to approve the item as stated, with post agreement language proposed by Mr. Hager, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for and 0 against, with Councilmember Karen Cherry-Brown absent.

- I. ***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***

5.09% for residential collection and commercial services, effective October 1, 2023.

Jacqueline Culton reviewed the rate increase proposed by Republic Services. She stated they have met with Republic to discuss how to reduce costs. Councilmember Gooden stated she asked that this item be moved to individual consideration to provide transparency to the community.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

- J. Consider a Resolution authorizing an agreement with SC Tracking Solutions for backflow device inventory and compliance management as part of the City's Backflow Prevention Assembly Testing Program for a one-year term with the option to renew up to four additional one-year terms in an expenditure amount of \$0.00.**

Jacqueline Culton presented this item with John Wade of SC Tracking. Councilmember McBurnett asked Mr. Wade why the vendor is willing to perform this service for free and asked him to review the service. Mr. Wade stated SC Tracking is a web-based service that makes its money from backflow testing. Due to continuing fraud in the industry the company tests free of charge to its customers. Mr. McBurnett asked when would be considered a breach of contract and how many cities their company represents. Mr. Wade stated over two hundred cities. The business model is designed to take workload off city staff by sending letters and taking phone calls related to backflow testing.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

- K. Consider a Resolution approving and accepting the terms and conditions of an agreement with Dallas County on behalf of the Health and Human Services Department for food establishment inspection and environmental health services, attached hereto and incorporated herein as Exhibit "A", effective October 1, 2023, through September 30, 2024.**

- L. Consider a Resolution approving and accepting the terms and conditions of an agreement with Dallas County on behalf of the Health and Human Services Department for mosquito services, attached hereto and incorporated herein as Exhibit "A", effective October 1, 2023, through September 30, 2024.**

Councilmember Gooden asked if the contract included health inspections of restaurants and aerial spraying for mosquitos. Ms. Gooden also asked about the funding source. Managing Director of Developmental Services Gus Garcia stated this is budgeted each year for mosquito spraying. Councilmember Koontz asked for clarification. Mr. Garcia stated we asked for health inspections for food establishments and mosquito spraying. Dallas County Health and Human Services added both to the same contract. Mr. Koontz stated he is not in favor of the aerial spraying. Councilmember Contreras asked if we are pursuing filling the vacant health inspector position. Mr. Garcia stated we are interviewing for the position. Mr. Contreras asked why these agreements are joined together. Mr. Garcia stated that this is the first time. City Attorney Hager advised we can take items K and L together.

Councilmember Don McBurnett made a motion to approve the items K and L together, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Karen Cherry-Brown absent.

- M. Consider a Resolution approving Waste Management's request to the City of Duncanville to increase contract rates by 6.71% under the Solid Waste Disposal Agreement for solid waste disposal, effective October 1, 2023.**

Managing Director of Operations Jacqueline Culton explained this item.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 5 for, 1 against (Councilmember Jeremy Koontz), with Councilmember Karen Cherry-Brown absent.

6. STAFF AND BOARD REPORTS

No staff reports.

Mayor Gordon recessed the regular session at 9:41p.m. to convene the executive session.

ADJOURNMENT

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

APPROVED:


CITY SECRETARY