

Duncanville City Council Meeting Minutes

Regular City Council Meeting

Tuesday, September 20, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 20, 2022, at 6:00 p.m. in the City Council Briefing Room and City Council Chambers 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 Greg Contreras
Councilmember Karen Cherry

COUNCIL ABSENT: Councilmember Patrick Harvey

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read each item into the record. City Manager Ferrell-Benavides reviewed each item.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. **Discuss and finalize the Council Rules and Procedures.** Assistant to the City Manager David Kees made a formal presentation. The City Council asked staff to make additional changes; one councilmember not two on slide 34b. City Attorney Hager asked that an appendix be established for the Rules of Procedure and attach same to the Home Rule Charter. Changes should be emailed to the City Manager and the Assistant to the City Manager so the Rules can be brought back to Council for action.

I.2.B. **Councilmember Koontz requested an item: Discussion on the Ladd Property.** Councilmember Koontz presented the item providing a history of the recent activity related to the Ladd Property. The Council has a copy of a document related to proposed use of the Ladd Property following community work. Mr. Ladd clarified that he had been opposed to every use proposed so far. He stated he was opposed to leaving the property just as it is and asked about funding. He stated various groups offering support. He noted the proposed ordinance that the citizen committee prepared. Council discussed specifics including funding and professional landscape architects to prepare a plan. It was noted there is no budget funding in the Fiscal Year 2023 adopted Budget to fund professional engagements. City Attorney Hager stated the City needs to have a trigger to release the reverter to avoid litigation and possibly of using the property.

The Briefing Session was adjourned at 7:10 p.m.

II. EXECUTIVE SESSION

No Executive Sessions were held.

III. REGULAR SESSION

CALL TO ORDER. The City Council convened into Regular Session at 7:22 p.m., Mayor Gordon presiding and all City Councilmembers except Councilmember At Large Patrick Harvey who was absent.

INVOCATION. The invocation was delivered by Chaplain Ruiz.

PLEDGES. Mayor Gordon led the assembly in reciting the Pledge of Allegiance and the Texas Pledge of Allegiance.

III.1. REPORTS

III.1.A. Mayor's Report. Mayor Gordon mentioned the upcoming Coffee with the Mayor on Thursday, September 22, 2022, at the Recreation Center at 12 Noon to 1:00 p.m.

III.1.B. Councilmembers' Reports

Councilmember McBurnett spoke about upcoming PIP. He encouraged to volunteer for Meals on Wheels Program. He thanks City staff for helping a citizen out related to problems with water service.

Councilmember Contreras spoke about the upcoming event in the City's Park to celebrate National Hispanic Heritage Month on Saturday, September 24, 2022.

Councilmember Cherry thanked the Police Department and staff for their walk-through Hollywood Park. She expressed appreciation for the District 4 Connect event.

III.1.C. City Manager's Report. Utilities Customer Service received a number of senior discount inquiries. Opportunities for free vaccination and other health related shots. The Recreation Center has new classes including cheering leading. Also reported a number of Police Department activities as well as the Boo Bash. She noted five of the City's Firefighters who climbed the stair climb in Dallas honoring 911. She introduced Ms. Kristin Downs who will be transitioning as Chief Operating Officer at the Police Department and introduced City Secretary Janie Willman who had been working alongside of Ms. Downs.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Proclamation recognizing September 15 to October 15, 2022, as National Hispanic American Heritage Month. Mayor Gordon read the proclamation, and presented it to Pastor Jaime Andrade, from Centro Familiar Cristiano.

III.2.B. Proclamation Recognizing October 4, 2022 as National Night Out. Councilmember Veracruz read the proclamation and presented it to Police Chief LiVigni, Assistant Police Chief Stogner, and Crime Prevention Officer Michelle Arias.

III.2.C. Proclamation Recognizing October as National Crime Prevention Month. Councilmember Contreras read the proclamation and presented it to Police Chief LiVigni, Assistant Police Chief Stogner, and Crime Prevention Officer Michelle Arias.

III.3. CITIZENS' INPUT

Mayor Gordon read comments received by electronic mail from the following individuals.

Gilbert Cavello, 703 San Juan Dr, Duncanville, regarding the Mudhook Bar and Grill and need for amended allowances for commercial establishments to have extended hours for loud events.

Brittany Hall, 1023 Stewart Avenue, Duncanville, regarding the Mudhook Bar and Grill and the need for the City to evolve.

Benjamin Bain, 102 Walnut Street, Duncanville, regarding increasing noise from Mudhook Bar and Grill and suggestion that the business relocate to Wheatland Plaza.

Denise Wynn, 247 Merribrook Trail, Duncanville, regarding a request to designate the Ladd Property a preserve through an ordinance

Erika Browning, 442 E. Cherry Street, Duncanville, thanking the City Manager regarding work related to all-terrain vehicles and Police Department for making the City's streets safer. Support for the Ladd Property proposed ordinance.

Tedra Williams, 866 Astaire Avenue, Duncanville, regarding a variety of topics, including District 4 Meet and Greet, enforcement of law regarding speeders and the need to revisit the City's noise ordinance, and the Ladd properties.

Allen Conley, 1214 Wellington Dr., Duncanville, regarding the need for the City's leaders to look for ways to make families stronger and not supporting things that will hurt or weaken families.

Joe Cole, 434 E. Mona Avenue, Duncanville, regarding the need for the City to change the winter average billing water.

Charles McGuffey, 1626 S. Greenstone Lane, Duncanville, regarding speeding down Greenstone Lane south of Danieldale and the need for bridge lights in Greenbriar Estates to be operable.

Citizens Public Comment Period.

Patricia Ebert, 115 South Greenstone, Duncanville, regarding the Ladd Property.

Judy Smithey, 1806 Cedar Hill Road, Duncanville, regarding the Duncanville Community Theatre

Grady Smithey, 1806 Cedar Hill Road, Duncanville, regarding the Duncanville Community Theatre

Ruth Carlson, 822 Sherrill Boulevard, Duncanville, regarding a big thank you to Duncanville citizens

Bryan Kaeser, 100 S. Main #213, Duncanville, did not speak but registered opposition to the Agenda Item on the Chamber of Commerce.

Jak Banks, 7206 Lost Canyon Drive, Dallas, regarding the Chamber of Commerce.

Gale Sliger, 1405 S. Main Street, Duncanville, regarding Main Street.

Mark Graysdale, 1215 Wellington Drive, Duncanville, regarding the Charles F. Ladd Nature Preserve.

Margaret Geiger, Fairmeadows, Duncanville, regarding Noise Ordinance.

Allen Conley, 1214 Wellington, Duncanville, regarding the bigger picture.

J. Reece Edwards, 226 Mizell Street, Duncanville, regarding landscaping and the Ladd Ordinance Preserve.

Ron Thompson, 603 Katherine Court, Duncanville, regarding support for the Ladd Ordinance.

Emily Bridges, 418 Oleander Street, Duncanville, regarding the Ladd Property.

Royce Milam, 623 S. Alexander Avenue, Duncanville, regarding the development of the Ladd Preserve.

Shannon Roberts, 906 Rock Canyon, Duncanville, regarding the Ladd Property Ordinance.

III.4. CONSENT AGENDA. The following may be acted upon in one motion. A City Councilmember may request items be removed from the Consent Agenda for individual consideration.

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

III.4A. Consider the Minutes for the September 6, 2022 City Council Regular Meeting.

III.4B. Consider a Resolution authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, FY 23 Bullet-Resistant Shield Grant Program, to provide funding for the Police Department to purchase twenty-five (25) bullet-resistant shields for Police Officers, with a total grant value of \$250,125.

III.4C. Consider a Resolution authorizing an application acceptance for and receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, FY23 ALERRT Travel Assistance Grant, to provide funding for the Police Department, to send Police Officers to Advanced Law Enforcement Rapid Response Training (ALERRT) with a total grant value of \$1,000.

- III.4D. Consider a Resolution approving the terms and conditions of Contract Amendment #3 to the Standard Form of Agreement RFQ 20-0011 with Brown Reynolds Watford Architects, Inc. for architectural and engineering design services for Fire Station No. 1 due to an increase in the Guaranteed Maximum Price from \$4.5 million to \$7,591,908. in the amount not to exceed \$197,000.**
- III.4E. Consider a Resolution approving the Landscape Maintenance Agreement with the Texas Department of Transportation (TxDOT) for landscape improvements along U.S. IH 20 beginning at North Cedar Ridge Drive and ending east of North Cedar Ridge Drive.**
- III.4F. Council to consider authorizing the City Manager to sign and execute the settlement agreement and mutual general release with Anh Ngoc Tran in regards to the City of Duncanville Municipal Court case No. 200318004, and further authorizing as part of the settlement a payment Baston Law, PC in the amount of \$39,717.34.**
- III.4G. Consider approval of a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed \$15,215.68 to the Duncanville Chamber of Commerce for maintenance repairs, landscaping upgrades, computer upgrades, and signage while serving as the Duncanville Official Visitors Center.**

The Mayor announced this agenda item was pulled from consideration at the request of the City Manager.

- III.4H. Consider an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp. Mid-Tex Division regarding the company’s 2022 rate review mechanism (RRM) 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 tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this ordinance 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.**
- III.4I. Consider a Resolution authorizing a consent to assignment of Contract IFB-19-001 Traffic Signal Maintenance from Siemens Industry Inc. to Yunex LLC.**
- III.4J. Consider a Resolution approving Republic Services of Texas, LTD.’s request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 4.4% for residential collection and commercial services.**
- III.4K. Consider a Resolution authorizing a Cooperative Purchasing Agreement with Equalis Group.**

Councilmember McBurnett made a motion to approve the items as stated [with the removal of Item 4G], Councilmember Koontz seconded the motion. The vote was cast, 6 for, 0 against, with Councilmember At Large Harvey absent. The motion carried.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION.

- III.5A. Conduct a Public Hearing (2022-06) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit “SUP” for Short-Term Rental on Duncanville Estates 1, Block C, Lot 4, City of Duncanville, Dallas County, Texas, more commonly known as 103 South Capri Drive.**

The Mayor announced this agenda item was pulled from consideration at the request of the City Manager.

III.5B. Conduct a Public Hearing (2022-07) for consideration and action regarding the request of Stuart and Ruth Carlson, applicants, representing Lydia W. Carlson, owner, to include a Specific Use Permit “SUP” for Short-Term Rental on River Oaks, Block K, Lot 5, City of Duncanville, Dallas County, Texas, more commonly known as 350 Linklea Drive.

The Mayor announced this agenda item was pulled from consideration at the request of the City Manager.

III.5C. Conduct a Public Hearing for consideration and action regarding the request of Stuart and Ruth Carlson, applicants and owners, to include a Specific Use Permit “SUP” for Short-Term Rental on Irwin Keasler Dev Red Bird 5, PT Lot 0006, Duncanville, Dallas County, Texas, more commonly known as 822 Sherrill Boulevard.

The Mayor announced this agenda item was pulled from consideration at the request of the City Manager.

III.5D. Conduct a Public Hearing for consideration and action regarding the request of Deborah Cantwell, Applicant and Owner, to include a Specific Use Permit “SUP” for Carport on Skyview Estates Inst 1, Block B, Lot 14, more commonly known as 1607 Sparta Drive, Duncanville, Dallas County, Texas.

Senior Planner Nathan Warren presented the agenda item.

Request:
To allow a 660 sq. ft. Carport to be allowed at the petitioned address.
Future Land Use Map Designation
Low Density Residential
Zoning District
SF-10 Single-Family Residential District
Code Section & Requirements
Section 3.03 – Permitted Use Chart
Carport(s) must obtain a SUP in all residential districts; are not allowed in retail, office, commercial and industrial districts; are not allowed in downtown districts

Code Section & Requirements – Comprehensive Zoning Ordinance

- Per 4.13(D)(4) Miscellaneous Standards:
- Type B accessory buildings, including carports, 400 square feet or less shall be built with materials that are durable and resistant to deterioration.
- Profiled panels, deep ridge panels, and concealed fastener systems are permitted.
- All vertical and horizontal structural members of carports shall be of 14-gauge steel or aluminum.
- Vertical supporting members shall be a minimum of three inches in diameter for circular posts or three inches by three inches for tubular posts.
- Low or single pitch carport roofs shall be of maintenance free materials (minimum 26-gauge steel or aluminum).
- Exterior finish for metal materials shall be baked enamel finish or painted to the manufacturer's specifications; unpainted metal finish is prohibited.
- The use of corrugated metal, plastic, or fiberglass panels is prohibited.

Section 7.02(B) – Carport

An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, open on two or more sides for the shade and shelter of private passenger vehicles.

18 Mailings were sent out.
0 Replied in Favor.
0 Replied Not in Favor.

Proviso(s)/Condition(s) for Consideration
The carport will not be built with the identified prohibited materials.
The carport will not encroach into any setback.

Public Hearing opened at 8:36 p.m.

Deborah Cantwell, 1607 Sparta Drive, Duncanville, applicant spoke in favor of the request.
Paul Hardin Cantwell, 1607 Sparta Drive, Duncanville, applicant spoke in favor of the request.

There was no one to speak in opposition of the agenda item.

Motion to close the Public Hearing at 8:38 p.m.

Motion by Councilmember McBurnett to close the Public Hearing at 8:38 p.m. and second by Councilmember Koontz. The vote was cast, 6 for, 0 against, with Councilmember At Large Harvey absent. The motion carried.

The Public Hearing was closed at 8:38 p.m.

The Mayor called for the Council's comments.

Councilmember McBurnett noted that the City Council should look at the City's ordinance because there are a number of these kinds of requests to come through for the P&Z and the Council's consideration. He favors a faster better process. Councilmember Contreras noted that these kinds of accessory structures are authorized. He agreed that the staff might review the requirements related for possible change. City Manager Ferrell-Benavides noted that staff would bring this back with the Council's comments in a discussion with Council with history and some recommendations. Mayor Gordon suggested that building materials should be considered during the review process.

Motion by Councilmember Koontz in favor of granting the Specific Use permit with adoption of an ordinance, and second by Councilmember Contreras. The vote was cast, 6 for, 0 against, with Councilmember At Large Harvey absent. The motion carried.

III.5E. Consider an Ordinance amending the Code of Ordinances by amending Chapter 2 'Administration', by repealing Article I. 'In General' Sections 2-1, 2-2, 2-3 and 2-4 and Reserve for Future Use; by adding new Article V 'Boards and Commissions' to provide for a list of different boards, appointments, qualifications, establishment, membership and other duties.

City Secretary Downs presented the agenda item. Ms. Downs reported the City Council held a Special Meeting on July 21, 2022 Meeting to discuss Boards and Commissions.

A number of changes were recommended. She reported that Ordinance 2454 has been created for Boards and Commissions allowing staff and citizens to have one place to view the Boards and Commissions process and regulations. The Ordinance provides consistency regarding Appointments and Qualifications The Boards, Committees, and Commissions created in the Ordinance are the Arts Commission, the Community Engagement Advisory Board, the Multicultural Commission with sub boards. An updated application is available in City Hall and on the City's website for citizens to use to apply for service.

Councilmember Contreras indicated he heard from citizens who serve on the City's boards struggling with obtaining a quorum. He asked the City

Attorney about flexibility on what constitutes a quorum. Councilmember Koontz said he wanted to hear the City Attorney's response. City Attorney Hager stated quorums are set by state law for Planning & Zoning Commission, Board of Adjustment, and the CDEDC quorum's are set by state law. The Economic Development Corporation, their quorums are set by the Board's Bylaws. He noted that as a practical matter if you get less than 50 percent, then the Council should consider if it will accept recommendations. He noted that it is up to the Council to establish the standards. The City Council asked to have modifications in future Ordinance reviews to include lowering the number of members for quorum in the Arts Commission to be lowered from 9 to 7 members, to allow for further study of quorums required for boards, committees, and commissions not determined by state law, and to allow the boards themselves to determine which meeting dates and times might serve to improve the board's ability to obtain quorum for the conduct of business.

Motion by Councilmember Koontz to adopt the ordinance as written and second by Councilmember Contreras. The vote was cast, 6 for, 0 against, with Councilmember At Large Harvey absent. The motion carried.

- III.5F.** Consider an Ordinance creating Classified Positions under Civil Service in the Police and Fire Departments; providing a Pay Scale under Civil Service; repealing all Ordinances in conflict herewith; and, providing a severability clause; providing a repealing clause.

Human Resources Director Seigel presented the item. Classified Positions under Civil Service:

Section 1. The classified positions under Civil Service in the Police Department shall be as follows:

P1 Assistant Chief (appointed) 2
P2 Police Lieutenant 5
P3 Police Sergeant 6
P4 Police Patrol Officer 50

Section 2. The classified positions under Civil Service in the Fire Department shall be as follows:

F1 Assistant Fire Chief (appointed) 1
F2 Division Chief – EMS 1
F3 Battalion Chief 3
F3 Fire Marshal/Battalion Chief 1
F4 Fire Captain 6
F4 Deputy Fire Marshal 1
F5 Fire Engineer 6
F6 Fire Fighter 33

Motion by Councilmember McBurnett to adopt the Ordinance as written, and second by Councilmember Veracruz. The motion was cast, 6 for, 0 against, with Councilmember At Large Harvey absent.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Monthly Financial Report as of July 31, 2022.

Managing Director of Fiscal Services Atmore presented the report.

I.V. ADJOURNMENT

Mayor Gordon adjourned the meeting at 9:06 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY