Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, October 17, 2023

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, October 17, 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
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 Assistant City Manager David Kees reviewed each item.

2. CITY COUNCIL CALENDAR

Reviewed by City Secretary Chiquita Taylor.

3. BRIEFINGS / PRESENTATIONS

Item 4H. Councilmember McBurnett inquired as to the amount owed as we have liquidated damages from the project due to delays. Interim Director of Public Works, Jacqueline Culton stated that generally liquidated damages are reflected at the end instead of an offset.

Item 4R. Councilmember Koontz requested this item be moved to Individual Consideration item 5D. Seconded by Councilmember McBurnett.

A. ***Council to receive a presentation from representatives of Linebarger, Goggan, Blair & Sampson, LLP regarding their efforts to collect delinquent taxes on behalf of the City for the term of July 1, 2022 through June 30, 2023.***

PRESENTED

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

Mayor Gordon recessed the Briefing Session at 7:02 p.m.

EXECUTIVE SESSION

The Executive Session was called into session at 8:39 p.m.

1. ***City Council shall convene into Executive Session pursuant to Section 551.072 of the Texas Government Code, to Deliberate the Sale, Exchange, Lease or Value of Real Property owned by the City north of Wheatland, east of Main, and west of State Highway 67, and to seek legal advice from the City Attorney regarding the same.***

The Council closed the Executive Session at 9:37 p.m. and reconvened into regular session at 9:38p.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 7:09 p.m. with Mayor Gordon presiding.

Pastor Demond Tolliver delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

1. **REPORTS**

   A. ***Mayor's Report.***
   Mayor Gordon gave thanks to Linda Lydia for putting together the Pink Diamond Bike Ride.

   B. ***Councilmembers' Reports***
   Councilmember Contreras wished Mayor Gordon a Happy birthday and commented on the bike ride. Councilmember McBurnett commended staff for the success of Hispanic Heritage Month and PIP Days volunteers on improving properties. He specifically thanked Noel Garcia for Family Field Day. Councilmember Koontz commented that the Pink Diamond Ride was a great event and increased from last year. He also reminded everyone of Chess in the Park on Saturday at Pyburn Park.

   C. ***City Manager's Report.***
   Interim ACM Kees recognized council and staff for PIP Days and the success of the Hispanic Heritage Festival. He also acknowledged the Police Department and others for participation in National Night Out. Mr. Kees reminded all the library will be closed on November 10th. He also introduced new staff Kurt Kasson as the new Building Official and James McKey as the new Building Inspector.

2. **PROCLAMATIONS AND PRESENTATIONS**
   None

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:

Patricia Ebert
115 S Greenstone
Item 5C - Third party inspection services

Gail Slaggert
1405 S. Main St.
Commended Police and Fire Departments

Grady Smithey
1806 Cedar Hill Rd.
Support of Duncanville Community Theater

Judy Smithey
1806 Cedar Hill Rd.
Support of Duncanville Community Theater

Heather Winkelman
310 N. Merrill Ave.
Support of Duncanville Community Theater

LaKoya London
3805 Olney Ct.
Issues with CBD Shop - GM Tobacco

Amy Jackson
934 Cambridge Drive
Support of Duncanville Community Theater

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:***

B. ***Consider a Resolution for an offer of a Hotel Occupancy Tax Grant for the FY23-24 budget in the amount not to exceed $60,000 to the Great American Shoot-Out.***

C. ***Consider a Resolution authorizing a five-year engagement for professional auditing services with Pattillo, Brown & Hill, LLP with an annual anticipated expenditure of $56,500, providing for a total anticipated expenditure of $282,500.***

D. ***Consider a Resolution approving the Interlocal Agreement between the City of Duncanville and Dallas County to provide Highway Accident Investigation Services in an amount not to exceed $59,000.00.***

E. ***Consider a Resolution authorizing the donation of six in-car digital video recorders (DVR) and accessory equipment and sixty-five body-worn cameras and accessory equipment to the Kennedale Police Department and the Hutchins Police Department.***

F. ***Consider a Resolution approving the terms and conditions of a multi-use agreement by and between the City of Duncanville and the Texas Department of Transportation for the installation and use of a license plate reader (LPR) camera adjacent to the roadway.***

G. ***Consider a Resolution awarding a bid and authorizing an agreement with Caldwell Country Chevrolet for a Chevrolet Tahoe in an expenditure amount of $49,235.00, attached hereto and incorporated herein as Exhibit A; awarding a bid; and authorizing an agreement with Defender Supply for vehicle upfitting in an expenditure amount of $9,307.75, attached hereto and incorporated herein as Exhibit B, for a total expenditure amount of $58,542.75.***

H. ***Consider a Resolution authorizing change orders eight through twelve for IFB 21-002 Danieldale Road Street Reconstruction and Subsurface***

Utility Improvements Project, using project contingency funds, for a total expenditure amount of $103,775.04.

I. *Consider a Resolution authorizing execution of change order one for RFB 23-0003, Swan Ridge Drive Reconstruction and Beaver Creek and Shady Tree Place Waterline Replacement, in an expenditure amount of $51,260.00, authorizing an appropriation of $78,571.00 in additional funding to establish a project contingency for the execution of future change orders, for a total contract amount not to exceed $2,726.451.00.*

J. *Consider a Resolution authorizing a Regulatory Services Agreement with the Trinity River Authority of Texas for lab analysis of water and wastewater analysis, industrial inspection, and sampling services for a one-year term, effective October 1, 2023, through September 30, 2024, with the option to renew up to four additional one-year terms in an estimated contract amount not to exceed $180,000.00 subject to approval by City Council and authorized funding.*

K. *Consider a Resolution awarding RFP 23-0023 Municipal Annex Building Roof Replacement to Alto Vista Roofing to replace the roof at the municipal annex building located at 103 East Wheatland Road through the City's competitive bid process in a total estimated expenditure amount of $150,000.00.*

L. *Consider a Resolution authorizing a Professional Services Agreement with Steven C. Miller, P.E., for engineering consultant services for a one-year term, effective October 1, 2023, through September 30, 2024, with the option to renew for up to four additional one-year terms in an estimated contract amount not to exceed $165,000.00; and authorizing the Interim City Manager to negotiate and execute the Professional Services Agreement after approval as to form by the City Attorney.*

M. *Consider a Resolution awarding bid RFB 23-0022 Summit Pump Station Generator and authorizing a contract with Texan Municipal and Industrial to furnish and install a standby generator for the Summit Water Pump Station through the City's competitive bid process in a total estimated expenditure amount of $579,469.00.*

N. *Consider a Resolution awarding bid RFB 23-0017 Street Mill and Overlay Program to Anderson Asphalt & Concrete Paving, LLC., for mill and overlay street improvements through the City's competitive bid process and authorizing a contract for a one-year term, effective October 1, 2023, through September 30, 2024, with the option to renew up to three additional one-year terms in a total estimated expenditure amount not to exceed $1,600,000.00.*

O. *Consider a Resolution adopting revisions to the City of Duncanville's Charity Care Policy as required by the State of Texas Ambulance Supplemental Payment Program.*

P. *Consider a Resolution authorizing the emergency procurement of a Horton Type I Ambulance from Southern Emergency & Rescue Vehicle Sales, LLC located in Comanche, Texas, in the expenditure amount of $345,706.95.*

Q. *Consider a Resolution authorizing the procurement of (1) one Stryker Power Pro 2 Stretcher and (1) one Stryker MTS Power Loading System with floor plate from Stryker Corporation for a total expenditure amount of $65,003.27.*

R. *Consider a resolution amending the FY 2023-2024 Master Fee Schedule for Planning and Neighborhood Services.*
Item moved to Individual Consideration item 5D.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

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

Resulting from discussion in executive session, the council directs appropriate city staff to discuss the continued relationship with the Duncanville Community Theatre and the use of the building located at 106 S, Main. At this time, no official action is to be taken as a result of the executive session.

B. ***Consider a Resolution approving Amendment #1 to the Guaranteed Maximum Price with CORE Construction Services of Texas, Inc., in the proposed amount of $265,927.11, including $175,000.00 as a project contingency for the execution of future change orders, to provide for additional construction services for the new Fire Station No. 271, for a revised total Guaranteed Maximum Price of $7,857,835.11, and authorizing the Interim City Manager to negotiate and execute the amendment after approval as to form by the City Attorney and any future contract change orders not exceeding $50,000.00.***

Interim Director of Public Works, Jacqueline Culton presented this item along with Joshua Honeycutt with CORE Construction and Corey Durrant with Brown, Reynolds, and Watford (BRW) Architects. Ms. Culton stated the project is ninety percent complete. We are seeking a contract amendment for city supplied materials and labor. Mr. Honeycutt discussed the provisions of the project. The scope of the project changed as well as equipment changes. Asking to raise the GMP to cover costs. Ms. Culton reviewed the costs of the project. She stated the contingency amount is for potential water pressure issues. Mayor Gordon asked about the maximum cost as addressed previously and how the contingency funds will be used. Councilmember Contreras asked if in summary if one hundred percent of additional costs are from the city requesting items that were overlooked. Ms. Culton said yes.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

C. ***Consider a Resolution ratifying the increase in the spending authorization level by $49,901.43, from $70,000 to $119,901.43, which was approved for one-time procurement of building inspection services due to staffing shortages. The unit amount with an estimated annual expenditure of seventy thousand dollars ($70,000.00). The ratification would hereby approve the additional forty-nine thousand, nine-hundred and one dollar and forty-three cents ($49,901.43) authorization increase.***

Planning and Neighborhood Services Director Jeremy Tenant and Development Services Managing Director Gus Garcia presented this item. Mr. Tenant stated during 2022 and 2023 with the vacant position for Building Inspector and a Building Official for much of that period we had to use a third-party contractor. We anticipate only using them on an emergency or as-needed basis. Some invoices from 2022 were not paid and were paid from the FY2023 budget. Currently, we have past invoices in need to be payment. Mayor Gordon clarified that we are ratifying an expenditure that was already paid. Mr. Hager stated yes.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

D. ***Consider a resolution amending the FY 2023-2024 Master Fee Schedule for Planning and Neighborhood Services.***

Gus Garcia presented this item. Mayor Gordon asked if there could be a hardship consideration as it relates to garage sale permits to waive the fee. City Attorney Hager stated there would have to be criteria set as the time of permit application. This would be difficult to implement as we would be asking for personal information from the applicant and validation of information. Councilmember Contreras stated there is no charge for garage sale permits in DeSoto, Lancaster, and Cedar Hill. He would like us to stay in line with neighboring cities. Councilmembers Gooden, McBurnett, and Veracruz indicated they are in favor of removing the twenty-five-dollar fee for garage sale permits. Councilmember Koontz asked about the fee for permanent food trucks or food trucks that are at a location for an extended period. Mr. Garcia stated we do not have a fee for this type of permanent food truck. We would have to come back to council with a fee for this type of food truck. Mr. Hager stated the business would need a Special Use Permit (SUP) for the type of business that identifies a site for the food truck court. This would be an annual fee for an extended temporary food truck. Councilmember Cherry-Brown asked if we always needed a permit for garage sales. Mr. Garcia said yes.

Councilmember Gooden asked about the master fee schedule to cover the cost of inspections. Mr. Garcia stated the seventy-five-dollar fee for inspections covers the cost to the third-party inspector if used so there is not a deficit.

Councilmember Jeremy Koontz made a motion to approve the item with the removal of the twenty-five-dollar garage sale permit fee, Mayor Pro Tem Greg Contreras seconded the motion. The vote was cast 7 for, 0 against.

6. STAFF AND BOARD REPORTS

Mayor Gordon recessed the regular session at 8:32p.m. and read the executive session item into the record.

ADJOURNMENT

The meeting was adjourned at 9:39p.m.

APPROVED:

Chiquita Taylor

CITY SECRETARY