

Duncanville City Council Meeting Minutes
Regular City Council Meeting
Tuesday, October 18, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, October 18, 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 Greg Contreras
Councilmember Karen Cherry

COUNCIL ARRIVAL AT:

Councilmember Jeremy Koontz arrived at 6:01 p.m.
Councilmember Patrick Harvey arrived at 7:28 p.m.

1. WORK SESSION / BRIEFING

Mayor Gordon announced that normally the City Manager introduces Consent Agenda Items. He noted that this evening, Oncor Representative Kenneth Govan is present to answer questions related to Oncor's role in Street Light Installation. Mr. Govan noted that other commitments prohibit his remaining past 6:20 p.m. Mayor Gordon asked for consensus of the Council to rearrange the order of the Agenda Items. There was no objection from the City Council.

2. BRIEFINGS / PRESENTATIONS

2A. Councilmember Koontz requested an item: Discussion of the City of Duncanville Street Light Policy

Public Works Executive Assistant Breanna Davis made a presentation.

Councilmember Koontz asked if the Street Light Policy is codified. City Attorney Robert Hager provided input related to the City's Policies. Kenneth Govan indicated that the current agreement provides for bulbs being changed out to using LED lights noting the LED lights are brighter and cleaner. Councilmember Koontz stated the City's policy is barebones and that he would like to see the City come back with best practices noting that different parts of the City are handled differently. City Manager Ferrell-Benavides noted she will get with Parks and Recreation and Neighborhood Vitality to develop best practice policies. Councilmember McBurnett asked about possible costs. Mr. Govan stated the cost could vary from \$1,000 to \$5,000 depending on what is already installed at the site where a new light is requested. City Manager Ferrell-Benavides indicated staff would bring back policies to the first meeting in December.

1. DISCUSS AGENDA ITEMS

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

The Briefing Session adjourned at 6:35 p.m.

EXECUTIVE SESSION

None.

REGULAR SESSION – CONVENE INTO THE COUNCIL CHAMBERS AT 7:00 P.M. OR IMMEDIATELY FOLLOWING THE 6:00 P.M. WORK SESSION / BRIEFING

CALL TO ORDER

The Mayor announced the meeting was called to order with the entire City Council except Councilmember Harvey who is on his way to the meeting.

INVOCATION. The invocation was delivered by Councilmember Veracruz.

PLEDGES. The assembly recited the Pledge of Allegiance and the Texas Pledge of Allegiance.

1. REPORTS

A. Mayor's Report. The Mayor indicated his report would exceed the three-minute time limit. In keeping with the Council's Rules of Procedure, he asked for Councilmembers for their consideration to allowing him to exceed the three-minute rule. Motion by Councilmember Contreras and second by Councilmember McBurnett to allow the Mayor to exceed the three-minute rule. The motion was approved by a vote of 6 to 0. Councilmember Harvey was absent the meeting at this time. Mayor Gordon related to the death of Michael Curry, a homeless individual. Mr. Louis Raney of The Pelican House¹ wants to do a food drive in Mr. Curry's memory. The food will be distributed through a local church. Tiffany Jackson died recently. Ms. Jackson became a star in the Women's National Basketball Association. Mayor Gordon read a memorial statement into the record. Mayor Gordon reported on the PIP Program. In recognition of the PIP to recognize Betty Dunn, her volunteers, and the United Methodist Church of Duncanville, Councilmember McBurnett, Councilmember Contreras, and City staff who worked on the PIP Program to come to be recognized by the City Council. Coffee with the Mayor is at the Senior Center at Noon on Thursday.

B. Councilmembers' Reports

Councilmember McBurnett: Police Open House event and acknowledged Operation Clean Duncanville Event, Winter averaging is coming up soon.

Councilmember Koontz: The City is still accepting applications for the City's Boards and Commissions. The City is accepting applications for the Community Engagement Board, the Arts Commission, the Multicultural Commission, and the Planning & Zoning Commission. The information and application is on the City's website. The Duncanville Library has a book club for young children, kids aged 6 to 12. We went to TML and it was an educational experience.

Councilmember Contreras: Thanked the Mayor for preparing a proclamation for Ron White who passed away recently.

C. City Manager's Report. The Council approved a senior citizen's water utility discount in the last budget. We are going to do more advertising to get the information to our senior citizens of the discount available. Thanked Jeremy Tennant to get the staff team assembled for the PIP Program. The Senior Center hosts ongoing events. She noted that as of October 1st, the Library will no longer be charging late fee fines. She congratulated new Assistant Police Chief Freis on his promotion to the position of Assistant Chief of Police.

2. PROCLAMATIONS AND PRESENTATIONS

None.

3. CITIZENS' INPUT

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

Gilbert Cavello, 703 San Juan Drive, Duncanville, street lamp policy and need for more street lamps.

Thomas "Toby" Lackey, 1818 Seabrook Drive, Duncanville, Ladd Property ordinance.

Betty Taylor, 422 Oleander Street, Duncanville, Candlelight area conditions and Ladd Property.

David DeRocha, 418 Oleander Street, Duncanville, Ladd Property.

David and Heather Ripley, 202 Willow Wood Place, Duncanville, Ladd Property Nature Preserve.

Citizens Public Comment Period.

Mari Vega, 604 Oriole Blvd, #1004, Duncanville, Ladd Land Ordinance.

Erika Browning, 442 E. Cherry Street, Duncanville, Nature Preserve Ordinance.

Nancy Gutierrez, 730 Middale Road, Duncanville, Ladd Property.

Emily Bridges, 418 Oleander Street, Duncanville, Ladd Property and kudos to staff.

Mark Graham, 410 Santa Fe, Duncanville, Ladd Natural Area.

Councilmember At Large Harvey arrived at 7:28 p.m.

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 asked for Consent Agenda Item 4C to moved to Items for Individual Consideration.

- 4A. Consider a Resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied, authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel.
- 4B. Consider a Resolution authorizing the terms and conditions of Professional Services Agreement 23-0004 with Dunaway Associates for the design of Softwood Drive Sanitary Sewer Aerial Crossing Repair in the amount of \$84,800.
- 4D. Consider a Resolution approving the Interlocal Agreement between the City of Duncanville and Dallas County to provide Highway Accident Investigation Services.
- 4E. Consider adopting the City Council Rules and Procedures.

Motion by Councilmember Koontz to adopt the Consent Agenda with the removal of Item 4C, and second by Councilmember McBurnett. The vote was cast, 7 for, 0 against. The motion carried.

5. **ITEMS FOR INDIVIDUAL CONSIDERATION.**

- 5A. Conduct a Public Hearing for consideration and action regarding the request of Ted Straub, applicant, representing Philip S. Nickel, Jr., owner, to include a Planned Development/Neighborhood Office Retail District on Irwin Keasler Dev. Red Bird 4, Block 15A, Lot 1, Less Row & PT of ABND Tower Crest Dr., ACS 0.886CALC, more commonly known as 700 West Camp Wisdom Road, Duncanville, Dallas County, Texas.

City Planner Nathan Warren presented this agenda item.

Request:

A zoning change to allow development of a drive-thru coffee shop.

Future Land Use Map Designation

Retail/Commercial

Current Zoning District

Neighborhood Office Retail (NOR) District

Proposed Zoning District

Planned Development (PD) District

Modifications to base NOR zoning regulations:

Allowance of a Drive-Thru

Exclusion of Building Articulation Design Standard

Relief from Buffer Depth Screening Requirement

25 ft. Setbacks

13 Mailings Sent Out

At the time of the Meeting Agenda Publication, one (1) response had been received in favor of this request.

Mayor Gordon opened the Public Hearing at 7:43 p.m.

There were no persons to speak in favor of the item.

Mari Vega, 611 Oriole Blvd. #1004, Duncanville spoke in opposition.

Mayor Gordon asked for a motion to close the Public Hearing at 7:45 p.m.

Motion by Councilmember Koontz to close the Public Hearing at 7:45 p.m. and second by Councilmember McBurnett. The motion carried by a vote of 7 to 0.

The Public Hearing was closed at 7:45 p.m.

Councilmember Contreras recommended that the City Manager review to ensure there is no obstruction to visibility within the radius required, continuous monitoring, and make adjustments as needed with right turns only.

Wyatt Pop with Olson, 4700 Tennyson Parkway, Plano, addressed the City Council to answer questions related to the alignment.

Motion by Councilmember McBurnett and second by Councilmember Koontz to consider the request with the City Manager reviewing to ensure there is no obstruction to visibility within the radius required, continuous monitoring, make adjustments as needed with right turns only. The motion carried by a vote of 6 to 1. Councilmember Koontz voted in opposition.

Councilmember At Large Harvey left the City Council Chambers at 8:08 p.m. and returned immediately.

- 5B. Conduct a Public Hearing for consideration and action regarding the request of Tiesha Lewis, Applicant and Owner, to include a Specific Use Permit “SUP” for Short-Time Rental on Huntington Park 1st, Block A, Lot 1, more commonly known as 919 Green Hills Road, Duncanville, Dallas County, Texas.

City Planner Nathan Warren presented this agenda item.

Variance Request:

To allow a short-term rental at the petitioned address.

Future Land Use Map Designation

Low Density Residential

Zoning District

SF-13 Single-Family Residential District

Code Section & Requirements

Section 3.04(B)(8) – Short-Term Rental Standards

Code Section & Requirements – Comprehensive Zoning Ordinance

Defined as a residential unit offered for rental to guests for residential purposes for a period of one (1) to thirty (30) nights. Examples include, but are not limited to, Airbnb, HomeAway, and other brokers. Such rentals may include a shared room, a single room, or the entire dwelling unit between a homeowner and tenant.

Section 3.04(B)(8) – Short-Term Rental Standards

Short-Term Rental permit must be obtained, and proof of ownership must be provided

Short-Term Rentals:

Must obtain a SUP in all residential and office/retail districts

Not permitted in commercial and industrial districts

Allowed by right in downtown districts

16 Mailings Sent Out

0 Replied in Favor

4 of 16 Mailings Replied in Not In Favor

20 Total Responses Not in Favor

Three-fourths vote of Council required to Approve request per Article VI, Section 6.02 of the Comprehensive Zoning Ordinance

Mayor Gordon opened the Public Hearing at 8:10 p.m.

Ms. Tiesha Lewis, applicant, 919 Green Hills Road, Duncanville, spoke in favor of the request.

There was no one to speak in opposition.

Mayor Gordon asked for a motion to close the Public Hearing at 8:15 p.m.

Motion to close the Public Hearing at 8:15 p.m. by Councilmember Contreras and second by Councilmember At Large Harvey. The vote was cast, 7 for, 0 against. The motion carried.

Motion by Councilmember McBurnett to approve the request and second by Councilmember Harvey. The vote was cast, 7 for, 0 against. The motion carried.

- 5C. Consider amending the Code of Ordinances by amending Chapter 12 “Miscellaneous Offenses and Provisions”, Article XXIII “Secondary Metal Recyclers”, by amending Section 12-256 ‘Definitions’ by adding the definition of ‘Catalytic Converter’ and by adding a new Section 12-260A ‘Possession of Catalytic Converter.’

Police Chief Mark LiVigni introduced Assistant Chief Chris Freis. Assistant Chief Chris Freis presented the agenda item.

Motion by Councilmember McBurnett to approve the request and second by Councilmember Harvey. The vote was cast, 7 for, 0 against. The motion carried.

- 5D. Consider an Ordinance amending Chapter 19 “Traffic”, Article VI “Stopping, Standing and Parking”, Section 19-116 “No Parking and/or Placement of Oversized Vehicle(s), Storage Unit, Cargo Container, or Recreational Vehicle on City Streets” by repealing Section 19-116 “No Parking and/or Placement of Oversized Vehicle(s) Storage Unit, Cargo Container, or Recreational Vehicle(s), Storage Unit, Cargo Container, or Recreational Vehicle on City Streets”.

Police Chief Mark LiVigni presented the agenda item. Following a formal presentation, the City Council considered action.

Councilmember Contreras indicated that the Council should consider this in a workshop session.

Councilmember Koontz indicated that the Council should consider this in a workshop session.

Councilmember McBurnett made a motion to table this agenda item to November 15, 2022 and second by Councilmember Cherry.

City Manager Ferrell-Benavides addressed the suggestion that this agenda item be brought back in the form of a workshop item. She asked for the Council’s direction as to whether the requirements should be more stringent or softer. She noted the reason for this item is that the City receives complaints and calls for service. She asked for the Council to give her feedback.

The vote was cast, 7 for, 0 against. The motion to table this agenda item to November 15, 2022 carried.

- 4C. Resolution of the City Council of the City of Duncanville, Texas, to award the contract for Bank Depository Services to a bank located in the City of Duncanville, awarding a two-year contract with a total estimated expenditure of as proposed by the selected bank; authorizing the City Manager or her designee to negotiate and execute the appropriate documents; and providing for an effective date.

Mayor Gordon stated he requested this item be moved from the Consent Agenda to Items for Individual Consideration as he has personal reservations relating to the contract award to Wells Fargo.

Fiscal Services Director Atmore introduced this agenda item. She introduced Mr. Tim Brennan to explain the contract.

Following Mayor Gordon’s remarks related to his personal considerations related to allegations of ongoing problems with Wells Fargo, which in recent history have been alleged but not proven to have some practices that should not be happening.

He noted his reservations to past practices, not the current allegations that have yet to be proven, the City Council considered action.

City Attorney Hunter Mattocks called a point of order related to the Mayor’s remarks going over three minutes. The Council voted on the point of order. The vote was cast, 6 in favor, 1 against. Mayor Gordon voted in opposition.

Councilmembers stated their respective stances on the considerations of possible changes to another bank; the impact such a change would have on City staff, the City’s customers, and the banking relationships with the local banking branch. Mayor Gordon closed the discussion noting that this is the best move for the City to move forward despite his voting his heart.

Motion by Councilmember McBurnett to approve the Resolution and second by Councilmember Harvey. The vote was cast, 6 for, 1 against. The motion carried. Mayor Gordon voted in opposition.

6. STAFF AND BOARD REPORTS

A. Receive the Police Department Quarterly Report.

Assistant Chief Stogner presented the report. Councilmember Koontz asked for details on citations for traffic stops (what the stops are for, etc.) to the next quarterly report, focusing on the top ten violation categories. The Annual Racial Profiling Report presented once a year provides very specific information. Assistant Chief Stogner indicated that if a citation is issued, there can be more information brought forward. Chief LiVigni noted that stops are based on reasonable reason of violation. Absent a citation being issued, there is no record of the reason for persons being stopped in an efficient manner. The additional information is to be presented with the delivery of the next Quarterly Report. Information was also requested on the number of arrests made following a traffic stop.

ADJOURNMENT

Mayor Gordon adjourned the meeting at 9:38 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY