

Duncanville City Council Meeting Minutes
Regular City Council Meeting
Tuesday, November 1, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, November 1, 2022, at 6:02 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
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Greg Contreras
Councilmember Karen Cherry

COUNCIL ARRIVAL AT: Councilmember Patrick Harvey arrived at 6:04 p.m.

COUNCIL ABSENT: Councilmember Joe Veracruz

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read each item into the record. City Manager Ferrell-Benavides reviewed each Consent Agenda item. She recognized Alex Hamby, Communications and Marketing Administrator, who introduced Francisco Ramos, Marketing and Communications Specialist.

I.2. BRIEFINGS / PRESENTATIONS

I.2A. Discuss the results of the Cedar Ridge Road Corridor Study. Mr. Quinten Plumer, one of the Engineers in charge of the Cedar Ridge Road Corridor Study, addressed the City Council. Staff was directed to bring this agenda item back to the first meeting in December with data to be delivered to the City Council by December 1. Do the worst conditions with the best possible costs and let the Council have the information in advance. It was decided to bring information back in December and January.

The Briefing Session adjourned at 6:59 p.m.

II. EXECUTIVE SESSION

No Executive Sessions were held.

III. REGULAR SESSION

CALL TO ORDER

The City Council convened into Regular Session at 7:09 p.m., Mayor Gordon presiding and all City Councilmembers except Councilmember Veracruz who was absent.

INVOCATION. The invocation was delivered by Pastor Jerry Gonzalez from Grace Place Church of Christ.

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 recognized Mr. Louis Rainey, owner of The Pelican House, as a Champion of the City of Duncanville. He was recognized for his generosity of food donations to the community at Thanksgiving, to our Police Officers, and hospital workers during the Pandemic.

III.1.B. Councilmembers' Reports.

Councilmember McBurnett encouraged people to volunteer for Meals on Wheels especially during the holidays. Commended the Fieldhouse personnel for Boo Bash. Spoke in support of the Duncanville High School, their coaches and the

character of the Duncanville High School Administration. He noted the school's marching band is going to state competition.

III.1.C. City Manager's Report. City Manager Ferrell-Benavides reported on a number of Community events. She welcomed Fire Chief Rhode after a brief absence. She introduced Mr. Francisco Ramos, Marketing and Communications Specialist.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. DECA Proclamation was presented by Councilmember At Large Harvey to Dr. Michelle Williams, DECA Advisor, and a DECA Program Student.

III.3. CITIZENS' INPUT

Mayor Gordon announced that in keeping with the City Council's Adopted Rules of Procedure on October 18, 2022, electronic mail comments will no longer be read aloud.

Paper copies of the comments received will be provided to the City Council at the dais. The comments will be made a part of the public record in the minutes.

Denise Wynn, 247 Merribrook Trail, Duncanville, Ladd Property Ordinance

Emily Bridges, 418 Oleander Street, Duncanville, Ladd Property proposed Ordinance

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

Diane Robbins, 310 Azalea Lane, Duncanville, Ladd Property proposed Ordinance

Sharla Salazar, PO Box 243, Frost, Texas, Ladd Land

Sarah Pablo, 2700 Arbor Court, Bedford, Ladd Land

Edith and Gene Smith, 203 Linda Lane, Duncanville, Ladd Property

Donna Barnes, 910 S. Avenue C, Duncanville, Ladd Property

Gilbert Cavello, 703 San Juan Drive, Duncanville, Short-Term Rentals

Patricia Ebert, 115 S. Greenstone Lane, Duncanville, Agenda Item 4E Transtar Machine, LLC Grant for \$175,000 and DCEDC City staff and DCEDC Board

Michelle Valadez, Katherine Court resident, rezoning of 723 Katherine Court

Citizens Public Comment Period.

Mark Graham, 410 Santa Fe Trail, Duncanville, Ladd Natural Land.

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

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

Councilmember McBurnett called for Point of Order related to acrimony expressed. Mayor Gordon indicated he understood the Point of Order but allowed the speaker to complete her remarks.

Erika Browning identified herself as a proxy for Emily Bridges, 418 Oleander Street, Duncanville, wished to speak for another person in proxy. Ms. Browning was informed that comments by proxy are not permitted.

John Guyon, 302 Willowbrook Drive, Duncanville, Ladd Property Nature Preserve Ordinance status.

Thomas Lackey, 1818 Seabrook, Duncanville, Ladd Property. He wanted to speak on a proxy basis. Mayor Gordon explained Mr. Lackey could express his own comments but that proxy comments are not allowed. He asked the City Council to reconsider the email provision.

Jim Jones, 1627 Nob Hill Circle, Duncanville, Ladd Property. Touched base on emails, people with mobility and disability issues.

- III.4. CONSENT AGENDA.** The following agenda items 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 the City Secretary read the Consent Agenda Items.

- III.4A. Consider a Resolution authorizing a micro-surfacing pavement treatment services contract with Viking Construction, Inc., through City of Grand Prairie Contract 21478, with an estimated expenditure amount of \$382,661.26.**
- III.4B. Consider a Resolution authorizing a pavement crack and joint sealing services contract with Curtco, Inc., through City of Grand Prairie Contract 21186, with an estimated expenditure amount of \$225,000.**
- III.4C. Consider a Resolution approving the purchase of traffic operations equipment, maintenance, and supplies from Paradigm Traffic Systems, Inc. using BuyBoard Contract 603-20, in an amount not to exceed \$170,000.**
- III.4D. Consider a Resolution approving the purchase of traffic operations equipment, maintenance, and supplies from Consolidated Traffic Controls, Inc. using Houston-Galveston Area Council of Governments (HGAC) Contract PE-05-21, in an amount not to exceed \$150,000.**
- III.4E. Consider a Resolution authorizing approval of an incentive grant by the Duncanville Community and Economic Development Corporation (DCEDC) to Transtar Machine LLC in the amount of \$175,000 for qualified expenditures for a building located at 1155 S. Cedar Ridge, Duncanville, Texas, 75137.**

Mayor Gordon stated that, during the Briefing Session, there was discussion about the language raised by Councilmember Koontz. The Council discussed the matter with the City Attorney. The City Attorney has modified the language. The language that the City Attorney is going to read is now the official language of this resolution.

City Attorney Hager read a statement related to the proposed change as follows. "The amended portion is in the second Whereas clause. Whereas Transtar Machine intends to own the building located at 1155 S. Cedar Ridge Drive, Duncanville, Texas intends to improve the off-site water line infrastructure, landscaping, signage, expand employment opportunities, redevelopment and upon completion of such structure, and make any necessary external repairs to enhance ADA compliance in order to relocate its business to said location, and approve the agreement as recited herein..." He noted he will send the changes to the City Secretary and that those changes are made and included in this evening's Resolution on the Consent Agenda.

Councilmember McBurnett made a motion to approve the items as stated, Councilmember Koontz seconded the Consent Agenda with the correction of Item 4E. The vote was cast, 6 for, 0 against. Councilmember Veracruz was absent. The motion carried.

III. ITEMS FOR INDIVIDUAL CONSIDERATION.

- III.5A. Conduct a Public Hearing and adopt an ordinance regarding the request of David and Damaris Moraila, applicants and owners, to include a Specific Use Permit "SUP" for Short-Term Rental on Presidential Estates 8th Inst. Block C, Lot 19, more commonly known as 723 Katherine Court, Duncanville, Dallas County, Texas, and consider adopting an ordinance approving the SUP.**

City Planner Nathan Warren presented this agenda item.

Mayor Gordon noted that with the vote of 2 to 2 from the Planning & Zoning Commission, it would require three-fourths vote of the City Council to make the change effective. Any single vote in opposition to the SUP would not make it approved.

Variance

Request:

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

Future Land Use Map Designation

Low Density Residential

Zoning District

SF-10 Single-Family Residential District

Code Section & Requirements

Section 3.04(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

19 Mailings Sent Out

1 Replied in Favor

6 Replied in Not In Favor

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

Proviso(s)/Condition(s) for Consideration

- No loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m.
- The SUP will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
- The property must continue to be in good standing by not having any outstanding issues related to taxes or code compliance provisions.
- A report must be submitted to Planning staff each January that indicates the following:
 - The number of nights the unit was rented as a Short-Term Rental in the previous year
 - Proof of payment of Hotel Occupancy Tax
 - Proof of current property insurance
- The property will be suspended or removed from the registration list for one (1) year if false or misleading information is provided, there has been a violation of the terms, conditions, or restrictions or if the Hotel Occupancy Tax has not been paid in a timely manner.
- Continued operation of a short-term rental following suspension or removal from the registration list will be considered a violation of the City of Duncanville's Comprehensive Zoning Ordinance.

Planning & Zoning Commission Recommendation

The Planning and Zoning Commission failed to approve the item by a vote of 2-2. This triggers a super majority to approve the request.

The Public Hearing was opened at 7:48 p.m.

There was no one to speak in favor of the request.

Cards completed by citizens not wishing to speak but in opposition to the request.
Sheila Warren, 626 Madison Court, Duncanville, Opposed to Agenda Item 5A.
B. Caldwell, 622 Madison Court, Duncanville, Opposed to Agenda Item 5A.

The following person spoke in opposition of the request.

Amelia Robledo, 911 Eisenhower Drive, Duncanville, Opposed to Agenda Item 5A, agenda pages 226-256.

Mayor Gordon asked for a motion to close the Public Hearing at 7:53 p.m.

Motion to close the public hearing at 7:53 p.m. by Councilmember McBurnett and second by Councilmember Koontz. The vote was cast, 6 for, 0 against. Councilmember Veracruz was absent. The motion carried.

It was determined that the applicant was not present.

During the Council discussion, Councilmember Contreras asked if the rental would be by room or by the entire house. Councilmember Koontz heard from a number of constituents opposed to the use itself in the neighborhood.

Motion to approve the SUP was made by Councilmember Koontz and second by Councilmember McBurnett. The vote was cast, 5 for, 1 against. Councilmember Cherry voted in opposition. Councilmember Veracruz was absent. The motion failed. With one councilmember absent, the motion would have to be approved unanimously to prevail.

IV. STAFF AND BOARD REPORTS

A. Receive the Parks and Recreation Quarterly Report.

Parks and Recreation Director Bart Stevenson presented the Quarterly Report. Director Stevenson introduced new employee Giovanni Bellman who started as a seasonal employee. We also hired an Assistant Director, Mr. Tyler Agee, who starts on November 10, from the City of Houston. He reported on the Department's successes.

Councilmember Koontz asked the City Manager for a progress report on the projects at Harrington Park Project; to look at some options to phase out some of the projects.

B. Receive the Library Quarterly Report.

Library Director Julio Velasquez presented the Quarterly Report. Director Velasquez noted staff updates: Hannah Olsen was reclassified as an Assistant Library Director, Circulation Clerk Emma Trapp was promoted to full time. New part time clerk Jennifer House was hired. Candace Garrett who worked in the City Secretary's Office returned to work in the Public Library, her original work home. He reported on the Department's outreach successes working with the Best Southwest Library Consortium. He highlighted activities and programs.

ADJOURNMENT

Mayor Gordon adjourned the meeting at 8:12 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY