Duncanville City Council Meeting Minutes
Regular City Council Meeting
Tuesday, November 15, 2022

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, November 15, 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
Mayor Pro Tem Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Greg Contreras
Councilmember Karen Cherry

Mayor Gordon announced that Councilmember At Large Patrick Harvey will be attending the City Council Meeting but will be late.

COUNCIL ARRIVAL AT: Councilmember Patrick Harvey arrived at 7:14 p.m.

1. WORK SESSION / BRIEFING

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

2. BRIEFINGS / PRESENTATIONS

   2A. Provide an update on the Danieldale Road Street and Subsurface Utilities Reconstruction Project.

   Interim Public Works Director Jacqueline Culton presented this agenda item briefing. It was noted that to make changes to the project as currently in place would cost an additional $800,000 to $1 million dollars (rounded up).

   2B. Discuss City Council Calendar for Year-end 2022 and Potential Events. City Secretary Janie Willman and City Manager Aretha Ferrell-Benavides covered the November and December Calendars presented this evening. There was brief discussion related to developing a calendar for a full year to be able to corroborate with other community stakeholders.

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

EXECUTIVE SESSION
City Council convened into closed Executive Session immediately following the Briefing Session at 6:35 p.m. pursuant to Section 551.071(2) of the Texas Government Code to seek legal advice from the City Attorney concerning deed restrictions, legal obligations and legal position concerning City owned real property, being 42.419 acres of real property ±, Walnut Bond Addition being Block A, Lot 1, James Anderson Scurry, Abstract No. 17 more commonly known as 609 W. Danieldale Road, Duncanville, Texas.

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 called to order at 8:09 p.m. with all City Councilmembers in attendance.
INVOCATION. The invocation was delivered by Pastor Abril Goforth of the First United Methodist Church.
PLEDGES. The Mayor led the assembly in reciting the Pledge of Allegiance and the Texas Pledge of Allegiance.

1. REPORTS

A. Mayor's Report Motion by Councilmember Contreras and second by Councilmember McBurnett to allow the Mayor to exceed three minutes. The motion carried by a vote of 7 to 0.

The Mayor announced the need for blankets to be provided to the Tri-Cities Animal Shelter. The City Council is still accepting applications for the City's boards, committees, and commissions. Interested persons should see the City Secretary for additional information.

Mayor Gordon announced is that there is no formal action to be taken as a result of the Executive Session. Except the City Council is instructing the City Attorney to write a resolution to denominate of the city owned real property being 42.419 acres of real property plus or minus the Walnut Addition being Block A, Lot 1, James Anderson Scurry, Abstract No. 17 more commonly known as 609 West Danieldale Road, Duncanville, Texas to be denominated as the Charles F. Ladd Nature Area. Nature area being defined under Texas Parks and Wildlife Code 24.001 as a site having valuable or vulnerable natural resources, ecological processes, or rare, threatened, or endangered species of vegetation or wildlife that is the Charles F. Ladd Nature Area. A resolution in this regard will be presented to the City Council at the first meeting in December.

City Attorney Robert Hager asked the Mayor's permission to be recognized. He informed the assembly that following the City Council's direction to him to use this manner. He explained that one of the reasons is that this is the process of using a resolution instead of an ordinance is related to the denominating or naming assets to the City through a resolution. He informed the assembly that he tried to use as much of the ordinance language that was developed through the collaboration by the community groups. Mr. Hager also explained the difference between terms such as natural area, natural preserve, etc. He noted the ordinance language provided by the citizen groups was instructive and he put much of the language in the actual definition that appears in the Texas Parks Code that matches state law. He noted he would be bringing the language in December.

Mayor Gordon asked the assembly to comply with the maximum room capacity noting the assembly is right on the edge of the maximum capacity. He asked the assembly's cooperation with the advice provided by Fire Chief Rohde.

Mayor Gordon informed the Council and assembly that he had filed a notarized document, Affidavit of Conflict, with the City Manager and the City Secretary to recuse himself during Agenda Item 5B. Wheatland Plaza, noting that Councilmember Veracruz will preside during that part of the meeting. He stated he would return after Agenda Item 5B.

B. Councilmembers' Reports. There were no City Councilmembers' Reports.

C. City Manager's Report. City Manager Ferrell-Benavides stated that in lieu of a report, she was introducing Mr. Tyler Agee, who was hired as the city's new Assistant Director of Parks and Recreation. Ms. Ferrell-Benavides detailed Mr. Agee's educational credentials and professional experience.

2. PROCLAMATIONS AND PRESENTATIONS
None.

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.

There were no electronic mail comments received.

Citizens Public Comment Period.
Mayor Gordon read two public comment cards for individuals who did not wish to speak but to have their comments written into the public record:

Paul and Angela Beaty, 1639 Nob Hill Circle, Duncanville, in support of Ladd Preservation advocacy.

Celeste Beavers, 331 Cedar Creek Drive, Duncanville, make Ladd Property a Nature Preserve.

The following individuals addressed the City Council.

Jim Jones, 1627 Nob Hill Circle, Duncanville, Ladd Preserve.

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

Jennifer Woolsey, 1020 Dora, Duncanville, Ladd Land.

Emily Bridges, 418 Oleander Street, Duncanville, Ladd.

Shanna Gabel, 602 Cavan Road, Duncanville, Ladd Project.

Maryanne Romano, 639 Sherrill, Duncanville, Ladd Property.

Denise Wynn, 247 Merribrook, Duncanville, Ladd.

Kate Wynn, 247 Merribrook Trail, Duncanville, Ladd.

Annemarie Bristow, 802 Haines, Duncanville, departed, did not speak. Ladd Property Nature.

Michael Wesley, 331 Cedar Creek, Duncanville, Nature Preserve.

Reece Edwards, 226 Mizell Street, Duncanville, Ladd Preserve.

Dianna Shelton, 311 Calder Avenue, Duncanville, Ladd Land Ordinance.

Keitelynn She Hen, 211 Calder Avenue, Duncanville, departed, did not speak. Ladd Land.

John Kraskifwicz, 1203 Coventry, Duncanville, departed, did not speak, Ladd Property.

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

Christen Griffith, 901 Sleepy Hollow Drive, Cedar Hill, Ladd Property.

Mari Vega, 611 Oriole Blvd, #1004, Duncanville, Ladd Land Nature Reserve & Vision.

Shannon Roberts, 906 Rock Canyon, Duncanville, Ladd Nature Preserve Ordinance.

Darrell Margum, 1112 Spring Lake Drive, Duncanville, Ladd.

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.

4A. Consider appointments to various Boards and Commissions including the City Planning and Zoning Commission, the Arts Commission, and the Community Engagement Advisory Board with the adoption of the attached Resolution.

City Planning & Zoning Commission
Appointments to fill remainder of 1st Year for a two-year term for 2022-2024
Jarred Davis and Alex J. Wheeler

Appointment to fill remainder of 2nd Year for a one-year term for 2022-2023
D. Bailey Wynne

Arts Commission
Appointments to fill inaugural three-year terms
Ron Thompson, Angela Thorpe-Harris, Tiffiney Wyatt, Tim Perry, and Anne Perry

Community Engagement Advisory Board
Appointment to fill an inaugural two-year term Joe Cole

4B. Consider a Resolution to award a contract for RFP #22-0019 Term Contract for Disaster Debris Monitoring and Consulting Services to Debris Tech, LLC for the unit prices proposed.

4C. Consider a Resolution to award contracts for RFP# 22-0020 Term Contract for Disaster Debris Removal, Reduction, Disposal, and Other Related Services to Custom Tree Care, Inc., Ceres Environmental Services, Inc., and Crowder Gulf for the unit prices proposed.

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION.

5A. Conduct a Public Hearing regarding the request of Robert Jordan, applicant and owner, to include a Specific Use Permit "SUP" for Carport on Green Hills 5th Inst. 3rd Sec., Block 2, Lot 5, more commonly known as 1203 Green Hills Road, Duncanville, Dallas County, Texas, and consider adopting an ordinance to amend the Comprehensive Zoning Ordinance.

City Planner Nathan Warren presented this agenda item.

Request:
To allow a 400 sq. ft. carport to be allowed at the petitioned address

Future Land Use Map Designation
Low Density Residential

Zoning District
SF-13 Single-Family Residential District

Code Section & Requirements
Section 3.03 – 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.

13 Mailings Sent Out
2 Replied in Favor
0 Replied in Opposition

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.

Planning & Zoning Commission Recommendation
The Planning & Zoning Commission recommended approval of the item by a vote of 4-0

The Public Hearing was opened at 8:51 p.m.

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

There was no one to speak in opposition the request.

Mayor Gordon asked for a motion to close the Public Hearing at 8:52 p.m.

Motion by Councilmember McBurnett to close the Public Hearing at 8:52 p.m. and second by Councilmember Koontz. The vote was cast, 7 for, 0 against. The motion carried.

The Public Hearing was closed at 8:52 p.m.

Mayor Gordon asked if there were any questions or comments by the City Council.

It was determined that the applicant was present.

There were no questions for staff or the applicant.

Motion by Councilmember McBurnett to approve the Specific Use Permit and second by Councilmember Cherry. The vote was cast, 7 for, 0 against. The motion carried.

5.B. Conduct a Public Hearing and consider adopting an ordinance approving the request of Monte Anderson, applicant and owner, to include a Planned Development/Local Office Retail District on Wheatland Plaza Shopping Center, Block 1, Lot A & ABND Alley, more commonly known as 402 East Wheatland Road, City of Duncanville, Dallas County, Texas.

Mayor Gordon reiterated his earlier statement that he had filed a notarized document, Affidavit of Conflict, with the City Manager and the City Secretary to recuse himself during Agenda Item 5B. Wheatland Plaza. He announced that he was recusing himself, turning presiding duties for the meeting over to Councilmember and Mayor Pro Tem Veracruz, providing the Citizen Comment cards to Mr. Veracruz. Mayor Gordon stated he would return after Agenda Item 5B.

Mayor Pro Tem Veracruz presided over the meeting after Mayor Gordon left the City Council Chambers.

City Planner Nathan Warren presented this agenda item.

Request:
A zoning change to allow mixed-use commercial and multi-family development

Future Land Use Map Designation
Retail/Commercial

Current Zoning District
LOR - Local Office Retail District

Proposed Zoning District
PD - Planned Development District

Setbacks
0 – 10-foot building setback in place of the required
25-foot building setback

15-foot minimum side setback in place of the required
25-foot side setback

20-foot minimum rear setback in place of the required
25-foot rear setback

Lot Size
No minimum or maximum rules dictating lot size if the site were to be further subdivided

Building Height
Maximum height within Subarea 1 is one (1) story
Maximum height within Subarea 2 is three (3) stories
Allow a fourth floor for roof access structures, roof terraces and stairwells on the residential building up to 5% of the ground floor area
Maximum height within Subarea 3 is two (2) stories
Maximum height within Subarea 4 is one (1) story
Maximum height of two (2) stories within 25 feet of single-family residential structures

Building Lot Coverage
Maximum 45% lot coverage

Design Standards
Allow DD-UL, Downtown District – Urban Living, design standards within the PD

Exemption from building articulation requirements set forth in the Comprehensive Zoning Ordinance

Main entrances to building suites allowed at the rear of a building if they follow aesthetic design requirements for front entrances.

Design Standards
Multifamily residential component to include:

Ground floor level at least 10 feet tall for buildings in Subarea 2

Buildings in Subarea 2 will have a minimum of 15% window glass area on facades facing Wheatland Rd.

Buildings in Subarea 3 will have a minimum of 10% window glass area on facades facing externally

The use of a porch, balcony, or significant entry feature along a total of 50% of the linear length of a façade (any floor on that façade site counts in calculating distances between elements that protrude or modify the plane of the building) for externally facing façade areas of buildings in Subarea 2 and 3

Screening and Buffering
Exemption from screening requirements for dumpsters behind existing buildings

All buildings over 1,000 square feet in ground area to have a flat roof and a 3-foot parapet wall to screen rooftop equipment

All equipment must be set back 5 feet minimum from the exterior roof boundary.

Parking
Permit permeable surfaces for required parking in areas of high stormwater activity where additional drainage is required and for other parking or driving surfaces subject to approval by the City Engineer

Allow required parking to be blocked during approved community events, except parking in high traffic areas or emergency uses

Shared Parking Agreement

Landscaping
Allow a variable width buffer along the property line and into the unutilized street right-of-way

5% of the lot area to be landscaped

Additional Requests
Exemption from Residential Proximity Slope
Exemption from Intersection Visibility Triangle

Proposed Uses:
Residential
Live/Work Unit
Mixed-Use Development
Multiple-Family Dwelling

Proposed Uses:
Educational, Institutional, Public and Special Uses
Adult Day Services
Art Gallery and Museum
Medical, Clinic or Office
Medical, Rehab Care (w/o live-In)
Place of Worship
Radio or TV Broadcasting w/o Tower
Research and Development Lab (tech)
School (business/trade/vocational, college/university, primary/secondary public and private)

Recreational and Entertainment Uses
Amusement, Indoor
Amusement, Outdoor (temporary)
Banquet or Event Center
Theater, Indoor Only
Theater, Performing Arts

Retail and Service Uses
Art Instruction Studio
Art Studio
Bar (>75% Alcohol Sales)
Financial Institution
Food Truck Park
Grocery, Local Scale
Grocery, Neighborhood Scale
Gym and Fitness Facilities
Nursery, Retail
Personal Care Service Shop
Postal Mart
Professional Office, Local Scale

Retail and Service Uses (Continued)
Restaurant, Limited Seating
Restaurant, Seated Service
Retail, Convenience Store
Convenience Store w/ Restaurant
Retail, Local Scale
Retail, Neighborhood Scale
Retail, Sundry
Seasonal Sales
Tattoo or Piercing Studio
Alcohol Production and Tasting/Tap Room, Micro w/ Food Sales
Boutique Hotel
Laundry, Dry Cleaning Drop-Off/Pick-Up
Laundromat

Automotive and Transportation Uses
Auto Dealership (inside only)

53 Mailings Sent Out
1 Replied in Favor
0 Replied in Opposition

Planning & Zoning Commission Recommendation
The Planning and Zoning Commission recommended approval of the item by a vote of 4-0.

The Public Hearing opened at 9:06 p.m.

The following individuals turned in Citizen Comment cards as reflected below.

in favor of and in opposition to the request but expressed they did not wish to speak.

Christopher Duncan, 1225 Kings Highway, Dallas, indicated support but did not wish to speak.

Allen Conley, 1214 Wellington Drive, Duncanville, indicated support and opposition but did not wish to speak, [noting the project is] without firm rules.

Rev. Dr. Ginger Hertenstein Conley, Duncanville. indicated support and opposition but did not wish to speak. She will email to explain her perspective.

There was no one to speak only in opposition to the request.

The following individuals spoke in favor of the request.

Erika Browning, 442 East Cherry Street, Duncanville, with reservations.

Patricia Ebert, 115 South Greenstone Lane, Duncanville, opposed to some items in the resolution.

Kevin Young, 919 Eisenhower Drive, Duncanville, in general in support of the development with hesitations.

Jim Jones, 1627 Knob Hill Circle, Duncanville, in support and may want to consider rezoning Main Street.

Mayor Gordon asked for a motion to close the Public Hearing at 9:17 p.m.

Motion by Councilmember McBurnett to close the Public Hearing at 9:17 p.m. and second by Councilmember Koontz. The vote was cast, 6 for, 0 against. Mayor Gordon was absent the Council Chambers having recused himself. The motion carried.

Mayor Pro Tem Veracruz called for the Council's questions and comments.

The applicant and owner, Monte Anderson, 100 South Main Street, addressed the City Council noting he has his zoning consultant Jim Kumon from Minneapolis, Minnesota, with him via cellular phone as the technical support was lacking to allow attendance electronically. Mr. Anderson noted the zoning consultant was available in case there are technical questions. He made a presentation to the City Council.

Following the presentation, the City Council asked for the City Manager's guidance or recommendation. City Manager Ferrell-Benavides noted a need for legal guidance related to the questions and concerns raised by the City Council.

Councilmembers raised questions related to the specifics presented. Councilmember Koontz indicated he raises questions because his constituents live in an area bordering the proposed development and not because he is against the project. Councilmember Contreras noted this item needs to be a workshop because of the complexity of the proposed development to work through the Council questions raised. Councilmember Harvey noted he is in support of the proposed development but that the City Council needs to obtain more information and suggested that phasing in the development might be considered.

Following questions and concerns raised by the City Council, Mr. Anderson addressed the City Council's noting his desire to complete the proposed development without so many restrictions as were brought up during Council's questions and comments.

City Attorney Hager informed the City Council that he needs more information to be able to formulate an ordinance that will protect the City Council's decisions and citizens' interests with more detail. He noted he wants to write an ordinance that can be enforced which will also work for the developer.

Mayor Pro Tem Veracruz made a recommendation that the City Council convene in Executive Session because the City Council has questions and needs legal advice. City Attorney Hager stated that the City Council can now convene into Executive Session at 10:34 p.m. to obtain legal advice from the City Attorney related to Agenda Item 5.B. The City Council reconvened into Open Session at 11:06 p.m.

Mayor Pro Tem Veracruz announced he would accept a motion related for Item 5.B.

Motion by Councilmember McBurnett for continuance of Item 5.B. until December 6, 2022 and second by Councilmember Koontz. The vote was cast, 5 for, 0 against. Councilmember Harvey did not return following the Executive Session. Mayor Gordon having recused himself was absent the City Council Chambers. The motion carried.

Mayor Pro Tem Veracruz announced the City Council would await Mayor Gordon's return to the City Council Members. Assistant City Manager Robert Brown sat in the City Manager's place as City Manager Ferrell-Benavides attended the meeting in the public seating.

Mayor Gordon asked that the record reflect he rejoined the City Council Meeting at 11:11 p.m.

5.C. Consider a resolution approving a signage incentive grant by the Duncanville Community & Economic Development Corporation (DCEDC) to Day Drink Wine & Cocktail Lounge, LLC in the amount of $6,657.38 for qualified expenditures for a building located at 215 W Camp Wisdom Rd, Suite #5, Duncanville, TX 75116. 215 W Camp Wisdom Rd 729 - 732D.

Economic Development Manager Clay Mansell introduced this agenda item.

Following a Council question, the City Council considered action.

Motion by Councilmember McBurnett to approve the resolution authorizing the signage incentive grant and second by Mayor Pro Tem Veracruz. The vote was cast, 6 for, 0 against. Mayor Gordon noted that Councilmember Harvey had left the meeting. The motion carried.

The Mayor noted that the City Attorney was not present in the City Council Chambers.

5.D. Consider a Resolution approving a signage incentive grant by the Duncanville Community & Economic Development Corporation (DCEDC) to Midwest Customs Paint & Collision, Inc. in the amount of $12,636.38 for qualified expenditures for a building located at 1002 N. Duncanville Rd, Duncanville, TX 75116.

Economic Development Manager Mansell introduced this agenda item.

There were no Council questions or comments.

Motion by Councilmember Koontz to approve the resolution authorizing the signage incentive grant and second by Councilmember McBurnett. The vote was cast, 6 for, 0 against. Councilmember Harvey was absent. The motion carried.

5E. Council to consider authorizing a sponsorship of the 2023 Celebrate Duncanville - Chamber Awards Dinner in the amount of $4000.00.

City Manager Ferrell-Benavides introduced this agenda item. She noted the $50,000 authorization limit in her capacity as City Manager regardless of whether it is a one-time expenditure or combined expenditures aggregating greater than $50,000. She explained that such expenditures need to come before the City Council for authorization and that is the reason this matter is on the agenda. She reported that the City's sponsorship is $4,000 which includes four tables that seat eight people per table at the cost of $1,000 per table.

Celebrate Duncanville is the City's annual event that debuts the State of the City Address. The event is hosted by the Chamber of Commerce to celebrate local businesses and recognize individuals who championed the community's values. The funding comes from General Fund dollars budgeted for marketing and promotions because this event does not qualify for hotel occupancy tax funds.

Motion by Councilmember Contreras to approve the sponsorship expenditure and second by Councilmember McBurnett. The vote was cast, 6 for, 0 against. Councilmember Harvey was absent the meeting. The motion carried.

5.F. Take any necessary action as a result of the Executive Session. The Mayor announced there was no action taken as announced at the beginning of the City Council Meeting.

6. STAFF AND BOARD REPORTS
None.

City Secretary note: City Attorney Hager rejoined the meeting in the public seating.

ADJOURNMENT

Mayor Gordon adjourned the meeting at 11:22 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY