# Duncanville City Council Meeting Minutes
# Regular Meeting
# Tuesday, November 21, 2023

**CALL TO ORDER**

A regular meeting of the Duncanville City Council was called to order on Tuesday, November 21, 2023, at 6:02 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

**COUNCIL PRESENT:**
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:** Mayor Barry L. Gordon

**WORK SESSION / BRIEFING**

**1. DISCUSS AGENDA ITEMS**

Mayor Pro Tem Contreras read the item into the record, and Interim City Manager Robert Brown reviewed each item.

Mr. Brown requested Finance Manager Dennis Hickman and Chief Procurement Officer Elton Brock give a review of the additional agenda items being added to the agenda due to a review of contracts. Ms. Hickman stated this is to make sure we are following our internal controls. Purchasing and Procurement processes were reviewed by Mr. Brock. Any contract that has an amount greater than $50,000 in more than one year was added for council approval.

**2. CITY COUNCIL CALENDAR**

City Secretary Chiquita Taylor reviewed the council calendar.

**3. BRIEFINGS / PRESENTATIONS**

**A. *Review proposed mission statements for the Neighborhood Vitality Commission***

Ms. Taylor reviewed the three proposed mission statements for the record. Mayor Pro Tem Contreras asked which option the council preferred. Option #3 was preferred with the modification of adding "continue to build strong neighborhoods."

#3
Encourages engagement, empowering and motivating residents to improve the quality of life in their neighborhoods. We want to continue to build strong neighborhoods in Duncanville for today and tomorrow and ensure long-term vitality in our neighborhoods.

Mayor Pro Tem Contreras recessed the Briefing Session at 7:02 p.m. for City Council to convene into Executive Session.

**EXECUTIVE SESSION**

The Executive Session was called into session at 7:02 p.m. and Mayor Pro Tem Contreras read the item into record.

The Council closed the Executive Session at 7:17 p.m.

Mayor Pro Tem Contreras reconvened and adjourned the briefing session at 7:18p.m.

1. ***City Council shall convene into closed executive session pursuant to Section 551.074, of the Texas Government Code, Personnel, to deliberate the duties and/or appointment of the City Manager and Interim City Manager under the Home Rule Charter and, pursuant to Section 551.071 of the Texas Government Code, to seek legal advice from the City Attorney on the same topic.***

**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 7:26 p.m. with Mayor Pro Tem Contreras presiding.

Councilmember Jeremy Koontz delivered the Invocation.

Mayor Pro Tem Contreras led the Pledge of Allegiance and Texas Pledge.

1. **REPORTS**

A. ***Mayor's Report.***
Mayor Pro Tem Contreras complemented the landscape features on I-20 and Cedar Ridge.

B. ***Councilmembers' Reports***
Councilmember Koontz thanked Interim Public Works Director Jacqueline Culton and staff in Public Works for a section of curb on Main Street and Magnolia Lane for the repair and the ramp. He also thanked Todd Siegel in Human Resources for the completion of the Couch to 5K for citizens and employees.
Councilmember McBurnett thanked Assistant Parks Director Tyler Agee for Operation Clean Duncanville and Arbor Day events. He also wished his Mom a Happy 95th birthday.
Councilmember Cherry-Brown acknowledged Monica Kenney with Frost bank upon her passing. She was a great partner with the city and Frost bank.
Councilmember Gooden provided an update on desire to see the City Manager not only reside in the city but also own property in the city. Encouraged those citizens interested in changing the city charter to require this, to please reach out to your councilmember. She stated her gratitude to ICM Brown for guidance at the city workshop retreat.

C. ***City Manager's Report.***
ICM Brown discussed the unhoused population. He stated this is a community wide issue that we are working hard to address.
The Police department kicked off its Santa Cop program and donation boxes have been placed around the city.

Mr. Brown welcomed Keke Smith as our new Health Inspector and thanked the Parks and Recreation staff for the success of the Boo Bash. He also commended the Police department on the drug take back program.

2. **PROCLAMATIONS AND PRESENTATIONS**

A. ***Mayor Gordon will make a presentation honoring Lewis Bulin as a Champion of the City***
Mayor Pro Tem Contreras along with Police Chief Mark LiVigni presented the Champion of the City to Mr. Bulin.

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 November 21, 2023
- Email city.secretary@duncanvilletx.gov
- Email title: Public Comment – November 21, 2023
- First Name, Last Name, and Address

Mayor Pro Tem read the item into record. The following spoke during the Citizens Input Period:

Mark Graham
410 Santa Fe Trail
Ladd Property

Teresa Montgomery
519 Allen Ave.
Monte Anderson's Wheatland Plaza project

**4. CONSENT AGENDA**

Mayor Pro Tem Contreras requested City Secretary Chiquita Taylor read the Consent Agenda Items.

**A.** ***Consider the Minutes for the following City Council meetings:***

**B.** ***Council to consider adopting a resolution establishing the Council's Rules of Procedure for 2023 and 2024.***

This item requested to be tabled by Councilmember McBurnett. He would like to have a red line version of the Council Rules of Procedure with noted changes.

TABLED

**C.** ***Council to consider adopting an ordinance to correct a scrivener's error in the published version of Ordinance 2317R.***

Item 4C and 4D were requested to be moved to individual consideration by Councilmember Koontz.

Item 5E and 5F were addressed together by City Attorney Hager. Mr. Hager stated there was some confusion in the text of the ordinance in relation to Opportunity Zone 8, therefore we amended the text of the comprehensive plan. Both ordinances were signed, however only Ordinance 2486 should have been signed due to the transition in the City Secretary's office.

Councilmember Koontz stated Ordinances 2317R and 2486 accurately reflect what has been approved.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

**D.** ***Council to consider adopting an ordinance to correct a scrivener's error in the published version of Ordinances 2485 and 2486.***

Moved to individual consideration at request of Councilmember Koontz.

This item was considered along with item 4C.

E. ***Council to consider a resolution to approve an annual recurring agreement with CivicPlus for citizen reporting software known as See.Click.Fix with an anticipated Fiscal Year 2024 expenditure of $51,975; and authorizing the City Manager to execute the necessary documents related to said expenditure; and providing for an effective date.***
This item requested to be moved to individual consideration by Councilmember Gooden.

Interim Assistant City Manager David Kees presented this item. He stated we have had this program since 2021 and it was fully implemented in 2022. This item is to correct the absence of approval from council before signing the contract. Councilmember Gooden stated her concern of bringing the contract to council for approval after it has expired. She would like contracts to be brought to council sooner so that decisions as not made out of desperation. Councilmember McBurnett asked if the software is worth the cost if the citizens are not using it and asked how we can increase the number of users. Mr. Kees stated we can advertise on the website, in print, and other areas to inform the public. We can also use the software as a notification system for street closures or issue status notification. Councilmember Cherry-Brown would like us to give it more time to get the word out to citizens to increase usage.

Councilmember Jeremy Koontz made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

F. ***Consider a Resolution approving the renewal of an interlocal agreement between the City of Duncanville and Dallas County Hospital District d/b/a Parkland Health & Hospital System, to provide BioTel/EMS System services, in the amount of $138,671.30 for a two-year term.***

G. ***Consider a Resolution authorizing the purchase of Emergency Medical Supplies from Life-Assist, Inc., through the City of Midlothian Contract 2020-28 for the unit price bid with an estimated expenditure amount of $50,000.00.***

H. ***Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing an Addendum to the Billing and Collections of Emergency Medical Services Fees Contract with Emergicon, LLC, adding supplemental payment recovery assistance services through Public Consulting Group, Inc. for a service fee not to exceed 15% of the supplemental payments recovered by the Contractor on behalf of the City.***

I. ***Consider a Resolution authorizing a professional services agreement with On Duty Health for Annual Firefighter Medical Assessments for an expenditure amount not to exceed $192,105.81 over the next five (5) years.***

J. ***Consider a Resolution authorizing the purchase of Uniforms and Uniform Accessories from Impact Promotional Services, LLC, dba Got You Covered Work Wear & Uniforms Inc., through Buy Board Contract 670-22 for a discounted unit price bid with an estimated expenditure amount not to exceed $140,000.00.***

K. ***Consider a Resolution authorizing the purchase of real-time and historical data for law enforcement online search services (DIR) Contract DIR-LGL-CALIR-02 from CLEAR Access - West Publishing with an estimated not to exceed expenditure amount of $130,808.52 over five (5) years.***

L. ***Consider a Resolution authorizing the purchase of rifle-resistant body armor from Angel Amor through Buyboard contract #698-23, for the contractually discounted price, not to exceed $54,000.00***

M. ***Consider a resolution authorizing a one-year contract for investment consulting services with Valley View Consulting, LLC, through***

*September 30, 2024, with an estimated Fiscal Year 2024 expenditure in the amount of $49,000.*

N. *Consider a Resolution authorizing the procurement of water bill printing and mailing services with DataProse, LLC, in the unit amounts bid through the City of Allen contract #2019-6-61 with an annual estimated expenditure of $138,500.00.*

O. *Consider a Resolution authorizing an expenditure not to exceed $84,794 to the Dallas Central Appraisal District (DCAD) for property appraisal services for Fiscal Year 2024.*

P. *Consider a resolution ratifying expenditures for the procurement of OpenGov online budgeting and budget book software through Carahsoft in the amount of $98,492.48 for a two-year period.*

Q. *Consider a Resolution approving the purchase of traffic operations equipment, maintenance, and supplies from Paradigm Traffic Systems, Inc. using BuyBoard Contract 695-23, in an amount not to exceed $170,000.00.*

R. *Consider a Resolution approving the purchase of traffic operations equipment, supplies, and services from Consolidated Traffic Controls, Inc. using Houston-Galveston Area Council of Governments (HGAC) Contract PE-05-21, in an amount not to exceed $170,000.00.*

S. *Consider a Resolution awarding RFB 23-0002 Waterline Replacement Wren Avenue and Oriole Boulevard I-20 Aerial Crossing construction project to Texas Standard Construction Ltd. through the City's competitive bid process, with a contract amount of $1,099,215.55 and an additional appropriation of $109,921.56 as a project contingency for a total amount not to exceed $1,209,137.11.*

T. *Consider a Resolution authorizing a contract with Vulcan Materials for ready-mixed concrete via sole source procurement in the amount of $75,000.00; and authorizing the City Manager to execute the necessary documents related to said expenditures.*

U. *Consider a Resolution authorizing an appropriation of $39,499.70 in additional funding to establish a project contingency for the execution of change orders for the Cherry Street Alley from Alexander Avenue to N. Cockrell Hill Road construction project for a total contract amount not to exceed $434,496.70.*

V. *Consider a Resolution authorizing an amendment to Professional Services Agreement 21-009 with IEA, Inc., for additional construction administration and professional engineering services as part of the Cherry Street and Center Street Alley Phase 1 Reconstruction Project in the amount of $11,636.00, not exceeding a total contract amount of $69,817.25.*

W. *Consider a Resolution authorizing execution of Change Order No. 2 for IFB 21-0010, Danieldale Pump Station Rehabilitation - Phase 1, for additional construction services to complete the rehabilitation of the Danieldale Pump Station North Ground Storage Tank, in the amount of $18,866.92, for a total contract amount of $2,165,666.92.*

X. *Consider a Resolution authorizing a new Professional Services Agreement with Gerard de Camp, M.S.C.E., P.E., PTOE, for traffic engineering consultant services for a one-year term, with the option to renew up to four additional one-year terms in an estimated contract amount not to exceed $50,000.00, subject to appropriation; and authorizing the City Manager to execute the necessary documents related to said expenditures.*

Y. *Consider a Resolution authorizing a new Professional Services Agreement with Cactus Computer, Inc. for IT consultant services for Traffic and Utilities Divisions for a one-year term, with the option to renew up to four additional one-year terms in an estimated contract amount not to exceed $173,000.00, subject to appropriation; and authorizing the City Manager to execute the necessary documents related to said expenditures.*

Z. ***Consider a Resolution authorizing a contract with Data Transfer Solutions for infrastructure assessment services via sole source procurement in the amount of $139,250.40; and authorizing the City Manager to execute the necessary documents related to said expenditure.***

AA. ***Consider a Resolution authorizing a three-year agreement with Zenith Construction Services Inc. dba Christmas by Zenith, for Christmas tree install services and holiday lighting services with an anticipated fiscal year 2024 expenditure of $28,370.00 and providing for a total expenditure amount of $100,000.00.***

AB. ***Consider a Resolution authorizing the expenditure for tree maintenance services with The Paysage Group dba Smith Lawn and Tree Service as a primary contractor and Shawnee Mission and Tree Service dba Arbor Masters as a secondary contractor, in the unit amounts bid through the City of Grapevine RFB #515-2022 with an estimated expenditure in the amount of $75,000.00.***

AC. ***Consider a resolution of the City Council of Duncanville, Texas, approving the Terms and Conditions of an Interlocal Cooperative Contract Between the University of Texas at Austin, ITS, Office of Telecommunications Services and The City of Duncanville for the purchase of goods and services.***

AD. ***Consider a Resolution approving the contract renewal of telephone and communication data systems and solutions through Ring Central partner Flair Data systems for Ring Central Services and equipment through The Interlocal Purchasing System (TIPS) contract in an expenditure amount of $82,799.80.***

AE. ***Consider a Resolution authorizing a five-year engagement for a security protection and maintenance plan for IP cameras, door/site access, wireless network, and software upgrade/support services through the Texas Department of Information Resources purchasing contract #DIR-CPO-4494, with an annual anticipated expenditure of $59,172.52, providing for a total anticipated expenditure not to exceed $345,000.00.***

AF. ***Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to Plaza Villareal, LLC in an amount not to exceed $187,567 for a building located at 704 N. Main Street, Duncanville, Texas, 75116.***
Items 4AF through 4AI were requested to be moved to individual consideration by Councilmember Koontz.

Economic Development Manager Clay Mansell presented this item. He stated most of the funds will be used for concrete work, foundational repair, and irrigation system for landscaping. Councilmember Koontz asked Mr. Mansell to explain the purpose of the design incentive grant program. Councilmember McBurnett asked what these improvements will do for the surrounding area. Mr. Mansell stated the hope is this will be a catalyst for future development.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

AG. ***Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to The Diamond Suite Art & Event Studio, in an amount not to exceed $10,000 for a building located at 320 E. Camp Wisdom Road. Duncanville, Texas, 75116.***
Moved to individual consideration.

Mr. Mansell presented this item. This grant is for signage and landscaping. Mayor Pro Tem Contreras asked about the landscaping and where it will occur. Mr. Mansell said it would be on the concrete around the space with mostly freestanding landscaping. Managing Director of Development Services Gus Garcia stated they would not be eligible for the grant until they receive an SUP for an Event Center. Art Studio is allowed by right, but the Event Center would require a SUP.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large DeMonica Gooden seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

AH. ***Consider a Resolution approving the terms and conditions of design incentive grants by the Duncanville Community and Economic Development Corporation (DCEDC) to Red Bird Bowling Lanes, Inc., in the amount of $11,940, for a building located at 1114 S. Main Street, Duncanville, Texas 75137.***
Moved to individual consideration.

Mr. Mansell presented this item. This grant is for parking lot re-striping and signage. Councilmember McBurnett and Councilmember Koontz spoke in support of this business and the improvements.

Councilmember Jeremy Koontz made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

AI. ***Consider a resolution authorizing approval of incentive grants by the Duncanville Community & Economic Development Corporation (DCEDC) to Kingsmen Coffee, LLC, in an amount not to exceed $8,000 for a building located at 702 W. Wheatland Road, Suite #714, Duncanville, Texas, 75116.***
Moved to individual consideration.

Mr. Mansell presented this item. This grant is for signage. Councilmember Koontz and Councilmember Gooden spoke in support of this business and the improvements.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large DeMonica Gooden seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

AJ. ***Consider a Resolution approving of a Hotel Occupancy Tax Grant for the FY 23-24 Budget in the amount of $20,400.00 to the Duncanville Chamber of Commerce for property maintenance and computer upgrades while serving as the Duncanville Official Visitor Center.***

Councilmember Jeremy Koontz made a motion to approve the consent items as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ***Take any necessary action as a result of the Executive Session.***
No action taken as a result of executive session.

B. ***Conduct a public hearing for consideration and action regarding the request of Ravi Murjani, applicant and owner, for a Zoning Change from DD, Downtown District to LOR, Local Office Retail District and adopt an ordinance to amend the Comprehensive Zoning Ordinance and map on AMG Merrill ABST 884, PG 075, TR 40, ACS 0.1368, more commonly known as 106 East Freeman Street, in the City of Duncanville, Dallas County, Texas.***
Senior Planner Nathan Warren presented this item. The applicant is requesting a zoning change to allow the operation of retail land uses on the subject property.

Opened public hearing at 8:19p.m.

None in support.

None spoke in opposition.

Councilmember Don McBurnett made a motion to close the public hearing, Councilmember Jeremy Koontz seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

The public hearing closed at 8:20p.m.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember At-Large DeMonica Gooden seconded the motion. The vote was cast 3 for, 3 against (Councilmember At-Large DeMonica Gooden, Councilmember Jeremy Koontz, and Councilmember Karen Cherry-Brown), with Mayor Barry L. Gordon absent.

ITEM FAILED

**C.** ***Consider an ordinance amending the FY 2023-2024 budget by appropriating resources received for projects, grants, donations, and capital projects in FY 2023 and amending expenditures.***

Budget Administrator Jennifer Otey presented this item.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

**D.** ***Consider a Resolution awarding RFB 24-0001 Ten Mile Creek Embankment and Drainage Improvements to Stoic Construction, Inc., through the City's competitive bid process, with a contract amount of $1,425,311.00 and an additional appropriation of $142,531.10 as a project contingency for a total amount not to exceed $1,567,842.10.***

Interim Public Works Director Jacqueline Culton presented this item. Councilmember Gooden asked for clarification on who is responsible for maintaining the bag walls. Ms. Culton stated it depends upon the ownership of the bag walls and who built them. This wall contains infrastructure that the city needs to protect.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 6 for, 0 against, with Mayor Barry L. Gordon absent.

**6. STAFF AND BOARD REPORTS**

**A.** ***Fire Department Quarterly Report - 4th Quarter***
Presented by Assistant Chief Greg Chase.

**<u>ADJOURNMENT</u>**

The meeting was adjourned at 9:46 p.m.

APPROVED:

Chiquita Taylor

CITY SECRETARY