

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 5, 2023

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 5, 2023, at 6:00 p.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 Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry-Brown
Mayor Pro Tem Greg Contreras

COUNCIL ARRIVING AT:

COUNCIL ABSENT:

Councilmember Joe Veracruz

WORK SESSION / BRIEFING

1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and Interim City Manager Brown reviewed each item.

2. CITY COUNCIL CALENDAR

City Secretary Chiquita Taylor reviewed the council calendar.

3. BRIEFINGS / PRESENTATIONS

A. *Discussion about creating an ordinance to prohibit parking along I-20 service roads.*

Mayor Gordon asked if we could create an ordinance for property that does not belong to the city. City Attorney Hager stated we could as we have jurisdictional authority to create the ordinance. Mr. Hager is drafting an ordinance for this item.

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

Briefing Session was adjourned at 7:05 p.m.

EXECUTIVE SESSION

The Executive Session was called into session at 9:35 p.m. and City Attorney Hager read the item into record.

The Council closed the Executive Session at 10:10 p.m.

- 1. *City Council shall convene into closed executive session pursuant to Section 551.071(1) of the Texas Government Code to seek legal advice from the City Attorney regarding City of Camden, et al. v. El DuPont De Nnemours and Company, Case Number 2:23-cv-03230-RMG; and, City of Camden, et al. 3M Company, Case No. 2:23-cv-03147-RMG, Case Number 2:23-cv-03147-RMG***
- 2. *City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Gov't Code to deliberate the purchase, sale, exchange or value of real property located along Main Street, Downtown District and/or remnant pieces of real property acquired through tax foreclosure or donation, all located within the corporate limits of the City.***

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 7:14p.m. with Mayor Gordon presiding.

Councilmember Gooden delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

1. REPORTS

A. *Mayor's Report.*

Mayor Gordon thanked the staff for the wonderful Christmas Parade and event. Gave recognition to Methodist Charlton and Duncanville Girl's Softball as float winners.

B. *Councilmembers' Reports*

Councilmember Gooden and Councilmember McBurnett thanked staff for the Christmas event.

Councilmember McBurnett commended the Duncanville Panthers football team for remaining in the playoffs.

Councilmember Koontz stated January 8th will be the new city manager's first day and thanked Interim City Manager Robert Brown and Interim Assistant City Manager David Kees and staff for their continued work.

Councilmember Contreras stated we lost a longtime resident and Lion's Club member Norma Flatt and asked that we keep the family in our prayers.

C. *City Manager's Report.*

ICM Brown expressed his condolences to Councilmember Veracruz on the loss of a family member. He thanked the staff for the Christmas event. Mr. Brown welcomed Irrigation Coordinator Sergio Molina as part of the Parks staff and Raqheal Payne as the Emergency Management Specialist. Mr. Brown stated new City Manager Douglas Finch expressed his gratitude for welcoming him and his wife to the city.

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

No citizen comments.

4. **CONSENT AGENDA**

Mayor Gordon requested City Secretary Chiquita Taylor read the Consent Agenda Items.

- A. ***Consider the Minutes for November 21, 2023 City Council Regular Meeting.***
- B. ***Council to consider adopting a resolution establishing the Council's Rules of Procedure for 2023 and 2024.***

This item is requested to be tabled by Councilmember McBurnett. Mayor Gordon requested additional input from the council.

TABLED

- C. ***Consider a Resolution casting the City Council of the City of Duncanville's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District (DCAD).***

Council votes for Michael Hurtt by unanimous agreement.

- D. ***Consider a Resolution authorizing the acquisition of Uninterrupted Power Supply equipment, Electrical Installation Services, and Temporary Generator through The Interlocal Purchasing System (TIPS), Contract Number 230105 in the estimated expenditure amount of \$115,578.10.***
- E. ***Consider a Resolution of the City Council of the City of Duncanville, Texas for the renewal of the Licensing/Maintenance Agreements with Tyler Technologies Inc. for the MUNIS Enterprise Resource Planning system (Financials, Revenue Management, Human Capital Management, Payroll, Cashiering, Enterprise Asset and Work Order Management, ExecuTime, and Utility Billing), Customer Self Service, Employee Self Service and EnerGov software for an amount not to exceed \$130,000.00.***

Councilmember Koontz asked if we were satisfied with the performance of the software. IT Director Gwendolyn Spencer stated we were satisfied, and this upgrade also provides training which will assist in the training of new employees. Councilmember McBurnett asked if this is an expense each year. Ms. Spencer stated yes this is as it is for the maintenance of the software.

- F. ***Consider a Resolution of the City Council of the City of Duncanville, Texas for the re-implementation of the EnerGOV, Tyler Technologies, software that will be integrated with the City's Enterprise Resource System (ERP) for an amount not to exceed \$99,000.***

Councilmember Gooden asked Ms. Spencer about the investment assessment. Ms. Spencer stated after three years Tyler comes in the assess the use of the product and do an assessment. We will reimplement the parts of the software we are not currently using. Ms. Gooden asked if additional resources will be needed after the reimplementation. Ms. Spencer stated she did not think we would need additional resources. Mr. Brown stated part of the issue is turnover in departments. Ms. Gooden asked if we would continue to train staff. Ms. Spencer stated there are days in the contract for training. Councilmember McBurnett asked about the cost. Ms. Spencer stated the amount was given by Tyler with 18 weeks for implementation. The amount is for the reimplementation. Councilmember Contreras asked about the implementation and reimplementation. Ms. Spencer stated we implemented the software previously and did not go live. We had a choice to implement MyGov or EnerGov. MyGov has increased in price significantly. We have chosen to go with EnerGov. Implementation is up to eighteen weeks. Mayor Gordon asked for a status of the implementation as it moves through the process. Councilmember McBurnett asked if we have the staff to do this implementation. Ms. Spencer stated there will be a project manager at this implementation. Managing Director of Development Services Gus Garcia stated Building Official Kurt Kasson, who has experience with the software would be the project manager.

- G. ***Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the modification of the Tyler Technologies, Inc. contract through the Sourcewell Contract #090320-TTI, and authorize an expenditure in the amount of \$147,090.00 for the implementation of the Municipal Justice (Courts) Software.***

Councilmember McBurnett requested updates on this implementation.

- H. ***Consider a Resolution authorizing the expenditure for field and turf irrigation products, landscaping products, and specialty conditioners/soils with BWI Companies, Inc. through BuyBoard contract #705-23 in the amount of not to exceed \$61,900.00 through May 31, 2024.***
- I. ***Consider a Resolution authorizing the annual procurement of senior meal program services with Visiting Nurse Association of Texas, in the unit amount bid through the City of Grand Prairie cooperative purchasing agreement #22140 with an annual estimated expenditure amount of \$75,000.00.***
- J. ***Consider a Resolution authorizing funding for the procurement of after-hours answering service through AnswerFirst, in the amount bid through the City of Duncanville Contract #3190015 with an estimated Fiscal Year 2024 expenditure of \$45,000 and a five-year expenditure not to exceed \$245,000.***

Mr. Hager stated this is a one-year agreement as the current agreement does not have a performance standard.

Councilmember Don McBurnett made a motion to approve consent items as stated, Councilmember Karen Cherry-Brown seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Joe Veracruz absent.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

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

City Attorney Hager read the motion to approve and ratify the opt-out of the class action settlement in cause styled as City of Camden v. El DuPont De Nemours, et al and, city of Camden v. 3M Company in cause numbers 2:23-cv-03147-RMG, and 2:23-cv-2873-RMG, and authorize the Interim City Manager or successor to execute the appropriate.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The roll call vote was 6 for, 0 against, with Councilmember Joe Veracruz absent.

No action as a result of executive session item two.

- B. ***Conduct a Public Hearing and consideration of an Ordinance amending the Comprehensive Zoning Ordinance and map, to rescind a Special Use Permit "SUP" for Short-Term Rental on real property located at 502 San Pedro Avenue, Duncanville, Texas.***

Senior Planner Nathan Warren presented this item. Ordinance No. 2462 was ordained and adopted.

The property owner never exercised the ability to use property for short-term rentals.

Opened public hearing at 7:32pm

None in favor

None opposed.

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 Councilmember Joe Veracruz absent.

Public hearing closed at 7:33p.m.

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 Councilmember Joe Veracruz absent.

APPROVED

Mayor Gordon recessed city council meeting at 7:36pm. and convened into Executive Session under Consultation with City Attorney

Executive Session convened at 7:38pm.
Executive Session was closed at 7:59pm.

Council reconvened into regular session at 8:01pm.

- C. ***Conduct a public hearing for consideration and action regarding the request of Jessica Figaro, applicant, representing BH Industrial LLC, for a Specific Use Permit (SUP) to allow for the Use "Banquet or Event Center" and consider adopting an ordinance amending the Comprehensive Zoning Ordinance and map on Fairmeadows Village Replat, Block P, Lot 2R, ACS 9.8519 AC, more commonly known as 320 East Camp Wisdom Road, in the City of Duncanville, Dallas County, Texas.***

Mr. Warren presented this item. Request is to obtain a Special Use Permit for a Banquet or Event Center on the property. The current zoning is GOR (General Office Retail).

Mayor Gordon opened the public hearing at 8:07pm.

Spoke in Favor:

Shaquinta Ladd
308 Glencairn Dr.
Dallas, TX

Jessica Figaro (owner)
320 E. Camp Wisdom Rd.

Milan Allen
1905 Duskwood Drive
Lancaster, TX

Spoke in opposition:

Patricia Ebert
115 S Greenstone

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

Public hearing closed at 8:19pm

Councilmember Contreras stated he is concerned with granting special use permits. He asked when the application was submitted. Mr. Warren stated the original application was for an Art Studio submitted in June of this year. Mr. Garcia stated we became aware of their operating out of compliance for the first time on July 10, 2023.

Councilmember Koontz stated information had been provided that we had not seen or heard. We have a tool to mold the city into the way we would like it to look and that is the comprehensive plan. He stated we need to stick with the comprehensive plan. Councilmember Cherry asked if staff are aware of any complaints against the business. Mr. Warren stated no they had not received any complaints. Councilmember Gooden asked if the concerns expressed by staff have been corrected. Mr. Garcia stated there was concern about the use of culinary art. This was posed to the city attorney.

Mayor Gordon expressed the business plan in the packet was exceptional. His concerns are the three-year term. He asked if the owners today continue to operate in violation of the ordinance. Mr. Warren responded yes. Mayor Gordon has concerns that the proposed use is not consistent with the goals and objectives of the city. After future discussion, Mayor Gordon proposed prohibiting body painting and limiting the hours of operation to 12:00am. The applicant voiced concerns about limiting the hours of operation on Friday and Saturdays to 12:00a.m.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz seconded the motion. The vote was cast 2 for, 4 against (Mayor Barry L. Gordon, Councilmember Don McBurnett, Councilmember Jeremy Koontz, and Mayor Pro Tem Greg Contreras), with Councilmember Joe Veracruz absent.

ITEM FAILED

6. STAFF AND BOARD REPORTS

None

7. ADJOURNMENT

The meeting was adjourned at 10:14p.m.

APPROVED:


CITY SECRETARY