Duncanville City Council Meeting Minutes
Regular City Council Meeting
Tuesday, December 6, 2022

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, December 6, 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 Jeremy Koontz
Councilmember Greg Contreras
Councilmember Karen Cherry

COUNCIL ARRIVAL AT: Councilmember Patrick Harvey arrived at 6:04 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
   A. Discuss streetlight policy best practices.
      Interim Public Works Director Culton updated the City Council related to the work on Streetlight Policy as a result of the best practices that have brought forward by staff. City Manager Ferrell-Benavides addressed what is called dark sky policies.

      Following her update, the City Council commented on the updated findings. Councilmember Koontz thanked staff for all the information provided. He noted it is opportunity to loosen some restrictions, mentioning dark skies policies, shared costs by citizens for additional lighting, requesting that the staff look at other cities' policies. Councilmember Contreras noted that in some areas the City has lots of trees, noting there is a concern related to crime and those residents favor more lighting. He requested that we ask our neighborhoods to see what they are interested in. Mayor Gordon addressed that lighting is a matter of motorist safety versus pedestrian safety, asking about costs. Councilmember Cherry asked about whether more power is used during rolling blackouts and electric system outages. City Manager Ferrell-Benavides noted there is a per street light cost. The City pays the installation cost plus cost of the electric utility. Councilmember Harvey noted the long term effect on the services the City can provide via budgeting. She suggested staff would prepare some questions to the City Council to obtain feedback for the development of a web survey to ask for neighborhood and residents feedback. She asked for the City Council's feedback to her for rollout in early January 2023, asking for one month to get feedback from the survey.
   B. Discussion of Ordinances that pertain to trailer parking.
      Assistant Police Chief Freis updated the City Council, comparing the current ordinances as being contradictory, noting staff would like to clean up the language. Mayor Gordon noted that enforcement is important. City Manager Ferrell-Benavides indicated that staff has prepared an ordinance for the City Council's consideration that has been presented but has not been acted upon. Councilmember Koontz asked if persons visiting from outside the City would have to get a permit for trailer parking for just one night. It was remarked that approach might not be reasonable. It was noted that enforcement is an issue with that approach. Mayor Gordon mentioned the possibility of sidewalk parking for daytime parking, although not popular. City Manager Ferrell-Benavides asked for the City Council to allow staff to bring an ordinance back in late January 2023.
   C. To allow the City Council to consider upcoming dates for calling a special called meeting to interview prospective applicants to serve on the City's Boards, Committees, and Commissions. City Secretary Willman reported on the challenge of scheduling very busy Councilmembers for a Special Called

Meeting for the purpose of interviewing prospective applicants for the City's boards, committees, and commissions. Mayor Gordon asked for and obtained the consensus of the City Council to schedule a special work session on December 20 beginning at 5:30 p.m.

City Council reached a consensus to move Agenda Item 5.A. The Duncanville Official Visitors Center, proposed Resolution approving Hotel Occupancy Grant funds, to the Consent Agenda.

City Council reached a consensus to move the Executive Sessions to the end of the City Council Meeting.

The Briefing Session adjourned at 7:07 p.m.

REGULAR SESSION – CONVENE INTO THE COUNCIL CHAMBERS AT 7:22 P.M. OR IMMEDIATELY FOLLOWING THE 6:00 P.M. WORK SESSION / BRIEFING

CALL TO ORDER
The Mayor called the Regular Session to order at 7:22 p.m. with all City Councilmembers in attendance.
INVOCATION. The invocation was delivered by Pastor Bill Englehart of the Faith Baptist 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 Koontz and second by Councilmember McBurnett to allow the Mayor to exceed three minutes. The motion carried by a vote of 7 to 0.

   Mayor Gordon informed the Council and assembly that during the November 15 City Council Meeting that he had recused himself related to Item 5.B. [Wheatland Plaza] He informed the public that he manages a property for which he receives compensation for the management of said property for someone that is in the 200 foot perimeter. That is why he recuses himself and leaves the City Council Chamber, noting he would do so again tonight. He stated he has filed a conflict-of-interest statement with the City Secretary.

   He thanked Parks and Recreation Director Stevenson and Mr. Noel Garcia for the work related to the Christmas Parade and the Tree Lighting Ceremony moving to Armstrong Park. He thanked the Chamber of Commerce and the Duncanville Independent School District Superintendent Mark Smith for his cooperation with the Chamber's Joys & Toys Community Christmas Concert on December 4. He thanked the various City Councilmembers for their attendance at the event. He received acknowledgement from citizens for the City putting up exercise equipment in Redbird Park. He invited persons interested in attending the Coffee with the Mayor on Thursday, December 15, from 12 p.m. to 1 p.m.

   B. Councilmembers' Reports. Councilmember Cherry: Invited anyone from District 4 to attend Coffee & Cocoa at the Senior Center from 10:30 a.m. to 12:00 p.m. with Jeremy Tennant, Manager of Neighborhood and Planning Services, and Gus Garcia, Managing Director of Development Services.

   C. City Manager's Report. City Manager Ferrell-Benavides yielded her time to Police Chief LiVigni to do a presentation which may exceed three minutes. Mayor Gordon called for motions considering allowing the City Manager's Report exceeding three minutes. Motion by Councilmember Contreras and second by Councilmember McBurnett to allow the City Manager's Report to exceed three minutes. The motion carried by a vote of 7 to 0. Chief LiVigni invited Sergeant Ron McCarty and Office Darius Rogers to come up based on a lifesaving event. On September 30, these officers arrived on-scene to assist with a man who was in medical distress. The officers were recognized for providing life saving assistance. Police LiVigni presented lifesaving awards to the officers.

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 was an electronic mail comment received from Erika Browning, 442 E. Cherry Street, related to the Ladd Property, which will be added to the public record.

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:

The following individuals addressed the City Council.

Andy Armstrong, former Duncanville Police Officer, 203 East Wheatland Road referenced a letter emailed to the City Council by the Duncanville Police Association detailing problems with City financial transactions and poorly managed benefits affecting officers or firefighters due to various issues.

Patricia Ebert, 115 South Greenstone Lane, Duncanville, commented on financial transactions affecting firefighters and police officers, and the Duncanville Police Association letter emailed to the City Council. She voiced concerns related to the City's financial condition asking for financial reports to be scheduled.

Brian Kaeser, 100 South Main Street, Duncanville, failed to reach out to the City regarding the Christmas Parade. He noted that communications should be two-way. He does not support the Chamber of Commerce's Visitors Center should not be granted $15,000.

Emily Bridges, 418 Oleander Street, Duncanville, in support of the Ladd Property ordinance developed by citizenry.

Ron Thompson, 603 Katherine Court, Ladd Property needs to be an ordinance.

Diana Shelton, 211 Calder Avenue, Duncanville, submitted a card but is not wishing to peak. She supports the Ladd Property and the Wheatland Plaza development.

Mark Graham, 410 Santa Fe Trail, Duncanville, Ladd Property Ordinance and protection of the property.

Shannon Roberts, 906 Rock Canyon Drive, Ladd Property requires an ordinance.

Royce Milam, 623 South Alexander Avenue, Ladd Property Preserve and natural procedures and ecosystems threads.

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 noted the City Council's consensus to move Item 5.A. from the Items for Individual Consideration to the Consent Agenda, directing the City Secretary to include it in the reading of the Consent Agenda Items.

   4.A. Consider approval of draft City Council Meeting Minutes for the following City Council Meetings:
   Regular City Council Meeting of September 20,
   Special Called City Council Meeting of September 26,
   Regular City Council Meeting of October 18, and
   Retreat Meeting of October 26-28.

   4.B. Consider a Resolution approving a cooperative purchasing agreement with Vortex Companies Vortex Infrastructure Holdings, LLC, using The Interlocal Purchasing System (TIPS) Contract 20110401, for pipe bursting wastewater improvements, with a contract amount of $448,264.50 and an additional appropriation of $44,826.45, a contingency equaling ten (10) percent of the original contract price, for a total amount not to exceed $493,090.95.

   4.C. Consider a Resolution approving the terms and conditions of a Master Interlocal Agreement between Dallas County and the City of Duncanville pertaining to road and bridge transportation-related improvements and /or maintenance on or about certain designated roadways situated within the territorial limits of the City of Duncanville.

4.D. Consider a Resolution authorizing the purchase of Library Materials (Books) as needed from Brodart Company through the Texas Multiple Award Schedule (TXMAS) Contract # 715-M2, with an estimated expenditure of $65,800.00.

4.E. 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 of $81,800.

4.F. Consider a Resolution authorizing the procurement of wireless and data services from Cellco Partnership d/b/a Verizon Wireless through the Texas Department of Information Resources (DIR) contract #DIR- TELE-CTSA-003 in the estimated amount of $375,000 over the next five years.

5.A. Council to consider a Resolution approving a Hotel Council to consider a Resolution approving a Hotel Occupancy Tax Grant for the FY 22-23 budget in the amount not to exceed $15,215.68 to the Duncanville Chamber of Commerce for maintenance repairs, landscaping upgrades, computer upgrades, and signage while serving as the Duncanville Official Visitors Center.

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

Mayor Gordon announced that the two Executive Session Agenda items are being moved to the end of the meeting.

5. ITEMS FOR INDIVIDUAL CONSIDERATION.

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 read the item and recused himself at 7:58 p.m. and turned the presiding duties to Mayor Pro Tem Veracruz for conduct of the meeting. He called on the City Attorney for explanation. City Attorney Mattocks explained that Item 5.B. is continued from the previous meeting (November 15, 2022). He noted the Council previously conducted a Public Hearing on this matter and received comments. The comments remain a part of the record and remain as considerations. The Council is going to reopen the Hearing tonight and previously expressed comments will continue to be considered.

Mayor Pro Tem Veracruz called for a motion to reopen the Public Hearing**.**

Motion by Councilmember Koontz and second by Councilmember McBurnett. The vote was cast, 6 for, 0 against. Mayor Gordon having recused himself and left the City Council Chambers. The motion carried.

Director of Planning and Neighborhood Services Tennant and Managing Director of Development Services Garcia presented this agenda item. They brought answers to question raised at the November 15, 2022 City Council Meeting related to this agenda item. They noted that the previous formal presentation was also available, should it be needed. Definition of a boutique hotel was provided. The Specific Use permit is required for the use of the Event Center. Mixed Use component for the ground floor; the applicant is amenable to 20 percent use. This would be language added to the ordinance. Per Article 12, Section 12-201, the City Council may, upon application, approve and grant a variance to allow the sale of alcoholic beverages on a case-by-case basis. A question arose related to the 300 foot distance for alcohol use being permitted. City Attorney Robert Hager noted that the distance is from property line to property line. Mr. Tennant noted the additional of more than 20,000 square feet of landscaping being proposed to be added which increases the pervious green space from less than 2500 square feet.

Councilmember Contreras asked a question about the use of permeable surfaces related to parking in such a high traffic area and the control measures for supporting parking. Senior Planner Nathan Warren answered the question.

Councilmember McBurnett referenced that originally presented was for townhomes. Managing Director of Development Services Garcia answered the question about the difficulty with obtaining finances to build speculative construction and finding buyers to qualify to buy. Mr. Garcia said Mr. Monte Anderson can work with townhomes on a phased basis. He noted that during the current market conditions rentals are in high demand. It was noted that in order to obtain valuation on the property a higher quality of construction is predicated.

Mayor Pro Tem Veracruz read from a Public Comment Card from Leila Ramsay, Katherine Court, Duncanville, related to the closure of Acton Road related to Agenda Item 5.B. She noted her opposition but indicated she does not wish to speak.

Cheryl Eppler, 406 Amelia Street, Duncanville, spoke in favor of the development but had some concerns with the possibility of a tattoo parlor and opposed to having a bar and a question about plans for security.

Royce Milam, 623 South Alexander Avenue, Duncanville, in support of Wheatland Plaza and mentioned hopes for ecological maintenance through zoning.

Tommy Reyna, 523 Katherine Court, Duncanville, is opposed to Wheatland Plaza development. He noted concerns about shutting down Action Road. He noted the possibility of hotel, tattoo parlor, and a bar. Traffic flow and children getting to schools will impact the City as a whole.

Patricia Ebert, 116 Greenstone Lane, Duncanville, favors the development of Wheatland Plaza. She asked about the landscaping buffering along the property line and possible parking on the street.

Motion by Councilmember McBurnett to close the Public Hearing at 8:24 p.m. and second by Councilmember Cherry. The vote was cast, 5 for, 0 against. Councilmember Contreras left the City Council Chambers earlier and was absent during the vote on closing the Public Hearing. Mayor Gordon who recused himself from the Agenda Item was absent the City Council Chambers.

Councilmember Contreras returned to the City Council Chambers at approximately 10:35 p.m.

Councilmember Koontz commented he favors the project and the rehabilitation of the property. He noted that changes presented previously and now are few. Staff clarified that the tattoo parlor and the bar being permitted uses in the zoning designations. He noted that if the property changes hands, the new property owner would have control. He voiced concerns about a bar, and about an event center even with other permitting requirements. It was explained that a bar is an auxiliary use to the boutique hotel that is part of the plan. He noted concerns about the green space. Staff noted that additional green space would reduce parking. Other questions raised were unenclosed dumpsters, the number of living units affecting the need to share parking which could result in potential for conflicts.

Staff responded that the dumpsters are proposed to be centralized in one location. Councilmember Contreras noted that the changes to the natural screening was taken down years ago, noting further additional landscaping may help with screening the dumpsters. Councilmember McBurnett asked staff to answer the question raised about buffering. Staff answered that is not part of the proposal to reduce the right-of-way. Mr. Garica answered the applicant has discussed using Wheatland Road right-of-way which will come at a later date because that is not part of the Planned Development being considered by the City Council this evening. Staff noted that the use of the owner’s property would be included in buffer zone.

Councilmember McBurnett noted he is favor of the Planned Development and that he has sat here as well and has the citizens' interest at heart. Councilmember Contreras expressed thanks for the developer's willingness to work with the City to answer remaining questions and make modifications.

Councilmember McBurnett made a motion to adopt the ordinance approving the request of Monte Anderson, applicant and owner, to include a Planned Development/Local Office Retail District on Wheatland Plaza Shopping Center, and Councilmember Contreras made the second. The vote was cast, 6 for, 0 against. Mayor Gordon having recused himself and left the City Council Chambers. The motion carried.

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
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.

6. STAFF AND BOARD REPORTS
None.

EXECUTIVE SESSION

1. City Council convened into closed Executive Session at 8:54 p.m. to seek legal counsel from City Attorney pursuant to Section 551.071 of the Texas Government Code, to address the legal requirements of designation of land for parks purposes and the appropriate motion required for such designation and legal consequences.
2. City Council convened into closed Executive Session, concurrent with Executive Session Item 1, pursuant to Section 551.074 Personnel Matters of the Texas Government Code, to discuss and deliberate the duties of the City Manager; and to deliberate the duties, responsibilities, and complaints, if any, of City Councilmember Place 3.

   The City Council reconvened into Open Session at 10:57 p.m. with City Councilmembers present.

   Mayor Gordon announced that it is the intent and purpose of the City Council to deliver an ordinance to the City of Duncanville regarding the property at 609 Danieldale Road. To that effect understand that there is a process that is involved in this. That process has to be defensible, that process has to be legal, that process has to be enforceable so that whatever ordinance is developed from this particular session has the necessary legal substantiation to withstand any kind of obstruction to it. So to that respect we are pursuing an ordinance, I want to be very clear about that to anyone that's listening In terms of how we are proceeding from this point forward. So with that we have a motion that has been prepared by our City Attorney with consultation with the entire City Council. Mayor Gordon asked the City Attorney to read the motion.

City Attorney Hager stated as a result of the Executive Session, he prepared the following motion for consideration by the City Council: Motion to authorize City Manager and staff to institute legal proceedings to consider amending the Parks

Master Plan, Comprehensive Land Use Plan, Zoning Ordinance text changes, and zoning to designate, by ordinance, 609 W. Danieldale Road as a nature preserve; and, the City Manager shall present a proposed timeline for execution of such legal proceedings at the December 20, 2022 Regular Meeting.

Motion by Councilmember Harvey to authorize City Manager and staff to institute legal proceedings to consider amending the Parks Master Plan, Comprehensive Land Use Plan, Zoning Ordinance text changes, and zoning to designate, by ordinance, 609 W. Danieldale Road as a nature preserve; and the City Manager shall present a proposed timeline for execution of such legal proceedings at the December 20, 2022 Regular Meeting, and second by Councilmember Veracruz. The vote was cast by voice vote by district: District 1 Councilmember Veracruz, for; District 2 Councilmember McBurnett, for; District 3 Councilmember Koontz, for; District 4 Councilmember Cherry, for; District 5 Councilmember Contreras, for; and Councilmember At Large Councilmember Harvey, for; and the Mayor, for. The motion carried by a unanimous vote of 7 for to 0.

The Mayor announced there was no action taken on Executive Session Item 2.

ADJOURNMENT

Mayor Gordon adjourned the meeting at 11:02 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY