

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, December 7, 2021

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 7, 2021, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Mayor Pro Tem Patrick Harvey
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Councilmember Jeremey Koontz – 6:04 p.m.
Councilmember Mark D. Cooks – 6:02 p.m. via ZOOM

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 2020, as extended, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting in person and by video conference at 6:00 pm on Tuesday, December 7, 2021, in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) in an effort to slow the spread of the Coronavirus (COVID-19) pandemic.

This is an open meeting conducted by in person and video conference.

Due to limited seating in council chambers, persons or participants may attend by video conference in order to maintain safe social distance as provided in this notice.

To speak during Citizen Comments via ZOOM, you must register with the City Secretary before 4pm on Tuesday, December 7, 2021, email citysecretary@duncanville.com and title the email “Public Comment – December 7th”. You will need to register with the link below and attend the meeting. During the Citizen Comments period of the agenda, the City Secretary will call your name and allow access to your microphone for you to provide your comments. Feel free to email your comment to the City Secretary for the Mayor to read into the record for any unexpected technological issues that may arise.

To speak during the Public Hearing on Agenda Item 5A and 5B via ZOOM, you must register with the City Secretary before 4pm. When the Public Hearing is opened by the Mayor, you will need to use the “raise your hand” option that is provided by ZOOM. If you are calling in and would like to speak, press *9 on your phone’s dial pad to “raise your hand”. You may also submit your comments in advance in accordance with the guidelines for “Public Comments”.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_KzZk3yVET3igogrrmSL5-g

After registering, you will receive a confirmation email containing information about joining the webinar.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into the record, and City Manager Ferrell-Benavides reviewed each item. Item 4C - supporting and adopting the City of Duncanville Investment Policy.

A few minor adjustments were made to keep it up to date with current Investment Act standards and evolving terminology.

Some of the changes include:

- Section 5 regarding investment responsibility and delegation of authority. Revised Investment Officer positions.
- Deletion of a paragraph in Section 7 regarding diversification
- Substitution of the words “City” for “Investment Officer” in Section 6 to comply with PFIA.
- Added Municipal Bonds as an authorized investment in Section 6.1.5.
- Page 9 – Sections on Investment Strategy deleted and moved to Attachment A

- Page 12 – Title changes from Director of Finance to Managing Director of Financial Services.
- Attachment A - Historical market “spreads” between the bid and offer prices of a particular security type of less than ten basis points will define an efficient secondary market. (4 occurrences in Attachment A)

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss a pilot program to allow youth bicycles on the trail at Red Bird Park.*

Parks and Recreation Director Stevenson presented the item.

Council concluded to continue with a trial period.

I.2.B. *Discuss Annual City Council Calendar.*

City Secretary Downs presented the item.

Council concluded the following:

- January 4th Regular Council Meeting – canceled
- January 6th Special Council Meeting – legal update and City Manager evaluation
- January 10th Joint Meeting with the Park Board
- January 24th Special Meeting
- January 31st Special Meeting – Rules of Procedures
- City Secretary to reach out to Consultant Mike Conduff for Special Meeting in February
- February 28th Joint Meeting with the P&Z and DCEDC Boards

I.2.C. *Introduction and Receive the Neighborhood Services Quarterly Report.*

Neighborhood Services Manager Tennant presented the item.

Mayor Gordon stated Executive Session will be moved until after Staff and Board Reports.

Mayor Gordon recessed the Briefing Session at 6:55 p.m.

II. EXECUTIVE SESSION

II.1 *“City Council shall convene into closed executive session to consult with the City Attorney pursuant to the to Section 551.071 of the Texas Government Code concerning a claim and/or threaten litigation involving real property located at 608 HWY 67, Duncanville, TX 75137”*

Executive Session was moved until after Staff and Board Reports.

III. 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 7:06 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Pastor Brown, Greater Bethlehem Baptist Church.

The Pledge of Allegiance and Texas Pledge were led by Mayor Gordon.

III.1. REPORTS

III.1.A. *Mayor's Report.*

Mayor Gordon offered his condolences to Mesquite Police Officer Richard Lee Houston.

Mayor Gordon invited all citizens to attend the Senior Center Choir performance on December 15th and to attend the Annual Christmas Parade.

III.1.B. *Councilmembers' Reports*

Councilmember Cooks encouraged all District 4 citizens to decorate their homes and send pictures to mcooks@duncanville.com for his Holiday Light Contest.

Councilmember McBurnett encouraged all citizens to attend:
KDB Clean-Up Event
Harrington Park
December 11, 2021
8:00 a.m. – 11:00 a.m.

III.1.C. *City Manager's Report.*

City Manager Ferrell-Benavides spoke on the upcoming Annual Christmas Parade and the "Santa Cop" Program.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *Presentation from TCAP, Founding Member Trophy.*

Margaret Somereve presented the award.

III.2.B. *Presentation of City Champion.*

Mayor Gordon presented Dr. Mike Miner as the City Champion.

III.2.C. *Recognition of Officer Sisk.*

Rita Cooks presented an award to Officer Doug Sisk for Representative Sherman.

III.2.D. *Recognition of Keep Duncanville Beautiful Winter 2021 Curb Appeal Residential Properties.*

Keep Duncanville Beautiful Liaison Hamilton presented the item.

- District 1 - Rudolfo, Jr. and Adriana Baltazar - 1215 Fawn Ridge Dr.
- District 2 - Gregorio and Brennan Guerrero - 307 W Cherry St
- District 3 - Victor Gutierrez - 822 Granada Dr.
- District 4 - Allan & Amelia Bunte - 606 Timber Trail
- District 5 - David and Angelica Cardoza - 511 Woodhaven Blvd.

III.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"

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.

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

Judith Craven – submitted a comment on the Ladd Property.

Ruth Smith – submitted a comment on the Ladd Property.

Betty Taylor – submitted a comment on the Ladd Property.

Brandi Villarreal – submitted a comment on the Ladd Property.

No name – submitted a comment on concerns of a rental property in Greenbrier Estate.

Patricia Ebert – submitted a comment on Agenda Item 4A.

Judy Smithey, 1806 Cedar Hill Road – spoke on the trash collection system.

Grady Smithey, 1806 Cedar Hill Road – spoke on the trash collection system.

Mark Graham, 410 Santa Fe Trail – spoke on the Ladd Property.

Marci Buck, 1310 Green Hills Road – spoke on the Ladd Property.

Michael Wesley, 331 Cedar Creek – spoke on the Ladd Property.

Deniz Unal, 1014 Briar Hill Circle – submitted a card in support of the Ladd Property.

Corrina Unal, 1014 Briar Hill Circle – submitted a card in support of the Ladd Property.

III.4. CONSENT AGENDA

Mayor Gordon requested that City Secretary Kristin Downs read the Consent Agenda Items.

- III.4.A. *Consider Resolution approving a Grant of Hotel Occupancy Tax in the amount of \$18,000.00 to the Duncanville Chamber of Commerce to directly enhance and promote tourism and the Hotel Industry; conditional upon approval in the FY 21-22 Budget.***

Item tabled until the December 21, 2021 City Council Meeting.

- III.4.B. *Consider a Resolution approving a Grant of Hotel Occupancy Tax in the amount of \$32,000.00 to the Duncanville Community Theatre to directly enhance and promote tourism and the hotel industry.***

- III.4.C. *Consider a Resolution supporting and adopting the City of Duncanville Investment Policy.***

- III.4.D. *Consider a Resolution authorizing a renewal to D&A Building Services, Inc. for a one-year janitorial services at the Duncanville Fieldhouse in the amount not to exceed \$93,500.00.***

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. *Conduct a Public Hearing (2021-28) for consideration and action regarding the request of Tal Ifrah of Goldnest LP, Applicant, representing Yaniv Gavish, Owner, to include a Specific Use Permit “SUP” for Short-Term Rental on Greenbriar Estates 5th Section, Block D, Lot 12, more commonly known as 1039 Wind Ridge Drive, City of Duncanville, Dallas County, Texas.***

Economic Development Director Garcia presented the item.

Request

- Tal Ifrah of Goldnest LP, Applicant, representing Yaniv Gavish, Owner, requesting a SUP for Short-Term Rental on the Greenbriar Estates 5th Section, more commonly known as 1039 Wind Ridge Dr, City of Duncanville, Dallas County, Texas.

Project Scope

- Request to allow for the use of Short-Term Rental.
- The site contains an existing single-family residence, approximately 3,900 square feet in floor area.
- Exterior features include a pool in the rear yard, landscaping, and a circular drive.

Comprehensive Plan

- Future Land Use Plan Map designates the property as Low-Density Residential.
- Comp Plan states, “low-density residential areas generally range between three and five dwelling units per acre.”
- The plan notes these areas represent housing and living units for people with a range of incomes and needs.
- The plan also notes these areas should be protected from, but accessible to, the major roadway network.

Notification

Fifteen (15) notices were sent out for this public hearing. Today, five (5) responses have been received against the item, along with several other

responses from property owners outside of the 200' notification buffer. Staff did receive one email supporting the request from outside the buffer.

Zoning & Land Use Considerations for SUPs

Section 6.05 of the Zoning Ordinance states, in considering an application for SUP, the P&Z Commission and City Council shall consider that the proposed use is:

- Consistent and compatible with the adjacent land use and zoning.
- Consistent with the architecture and characteristics of the adjacent properties.
- May promote innovative use of modern development concepts without having an adverse impact on adjacent properties.
- Consistent with the goals and objectives of the City of Duncanville.
- An enhancement or improvement beyond the minimum standards set forth by the Zoning Ordinance.
- Will not be detrimental to the general health, safety, and welfare of the community.
- Would stabilize and improve property values within the City of Duncanville.
- Would protect and enhance the city's attractiveness to residents, businesses, tourists, and visitors.
- Would strengthen and help diversify the economy of the City of Duncanville.

Planning & Zoning Commission Recommendation

At the November 8, 2021, Planning & Zoning Commission Meeting, the Commission recommended denial of the request by a vote of 7-0.

Mayor Gordon opened the Public Hearing at 7:56 p.m.

In favor:

No one spoke.

Opposed:

DeMonica Gooden, 1518 Natalie Lane – spoke against.

Mary Nance, 1503 Green Tree – spoke against.

Edwin Leffall, 1506 Green Tree Lane – spoke against.

Mari Buck, 1310 Green Hills – spoke against.

Deniz Unal, 1014 Briar Hill Circle – submitted a card in opposition.

Brent and Roberta Houser, 1514 Natalie Lane – submitted a card in opposition.

Vickie Higgins, 1306 Fawn Ridge – submitted a card in opposition.

Stephen Steinbruegge, 1610 S. Greenstone Lane – submitted a card in opposition.

Tania Steinbruegge, 1610 S. Greenstone Lane – submitted a card in opposition.

Corrina Unal, 1014 Briar Hill Circle Deniz Unal, 1014 Briar Hill Circle – submitted a card in opposition.

Mayor Gordon read the comments submitted via email; Stuart Bohannon and Juanita Bernal.

Mayor Pro Tem Patrick Harvey made a motion to close the Public Hearing, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 8:09 p.m.

Council voiced their concerns.

City Attorney Hager stated that since the item was denied by the Planning & Zoning Commission, the Council needed at 6/7 vote to pass the Ordinance.

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremey Koontz seconded the motion. The vote was cast 0 for, 7 against (Mayor Barry L. Gordon, Mayor Pro Tem Patrick Harvey, Councilmember Joe Veracruz, Councilmember Don McBurnett, Councilmember Jeremey Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras). Item failed.

III.5.B. Conduct a Public Hearing to consider adoption of an Ordinance approving the redistricting of the single member City Council Districts and establishing new single-member district boundary lines for City Council Elections based on 2020 Census Data; and providing for an effective date.

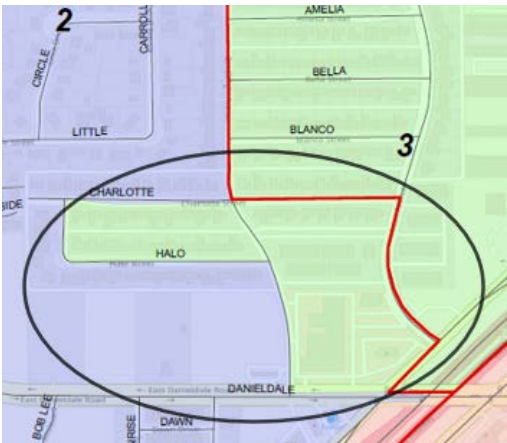
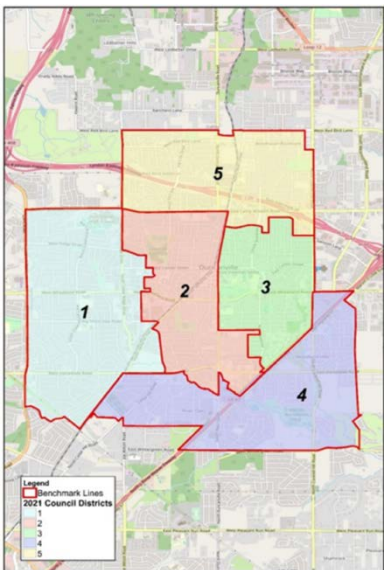
Economic Development Director Garcia presented the item.

On November 30, 2021, City Council held a special called council meeting where the following occurred:

- Initial Assessment
- Adopt plan criteria, guidelines
- Develop illustrative plan(s)
- Proposed Plan D
- Adoption Date: January 12th

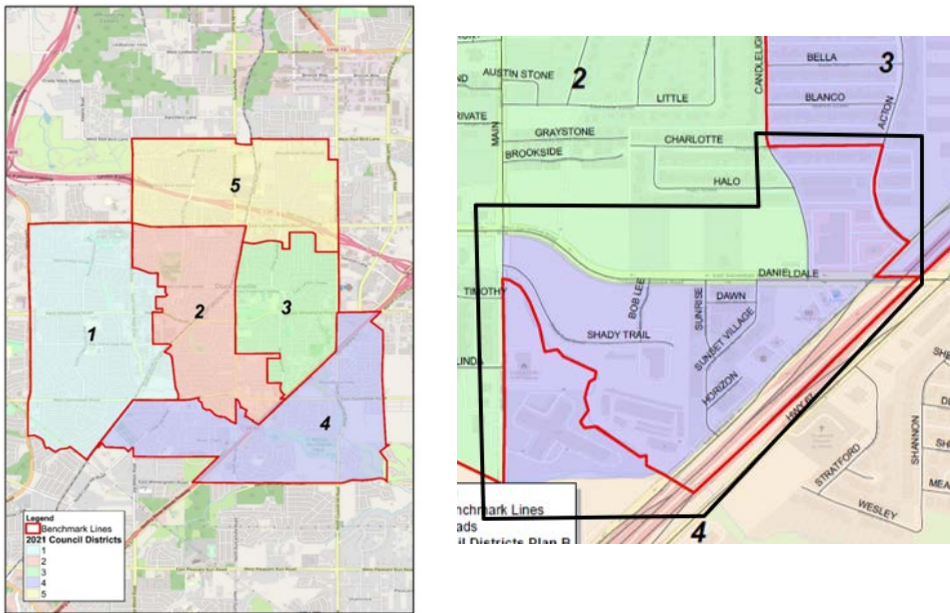
(30 days before Election Filing Deadline)

Plan A – District 2 and 3 – Impact



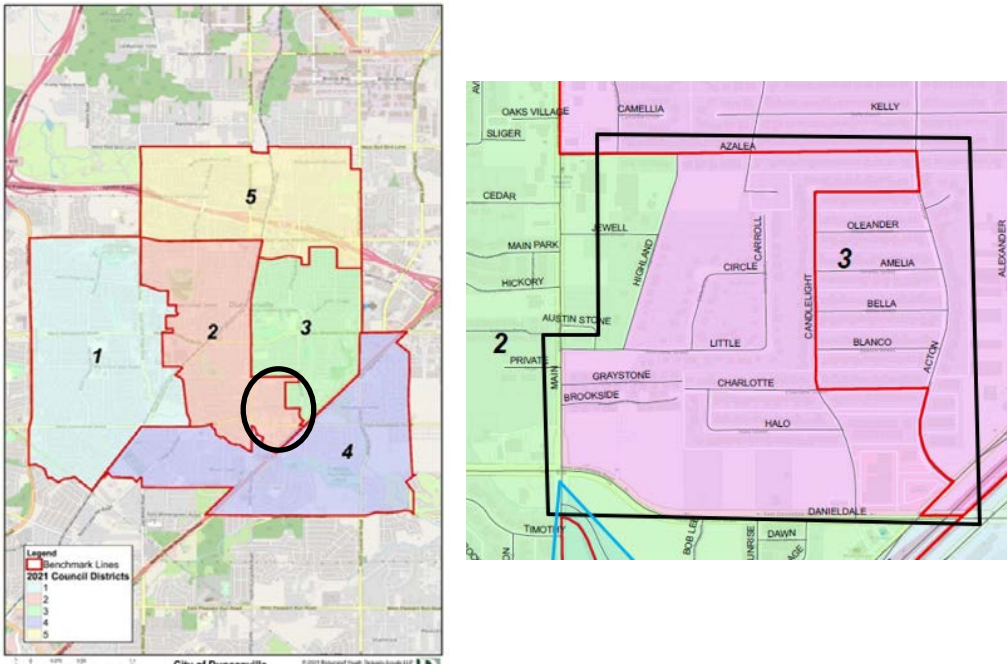
District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	6,252	1,711	27.37%	2,146	34.33%	2,078	33.24%	124	1.98%	12	0.19%	0	0.00%	32	0.51%	150	2.40%
2	6,136	2,607	42.49%	1,720	28.03%	1,564	25.49%	66	1.08%	31	0.51%	5	0.08%	15	0.24%	128	2.09%
3	5,719	2,770	48.44%	1,304	22.80%	1,443	25.23%	74	1.29%	19	0.33%	1	0.02%	7	0.12%	101	1.77%
4	6,472	2,092	32.32%	1,316	20.33%	2,767	42.75%	119	1.84%	15	0.23%	3	0.05%	11	0.17%	147	2.27%
5	5,666	2,846	50.23%	1,316	23.23%	1,238	21.85%	98	1.73%	21	0.37%	2	0.04%	25	0.44%	119	2.10%
TOTALS:	30,245	12,026	39.76%	7,802	25.80%	9,090	30.05%	481	1.59%	98	0.32%	11	0.04%	90	0.30%	645	2.13%

Plan B – District 2, 3 and 4 – Impact



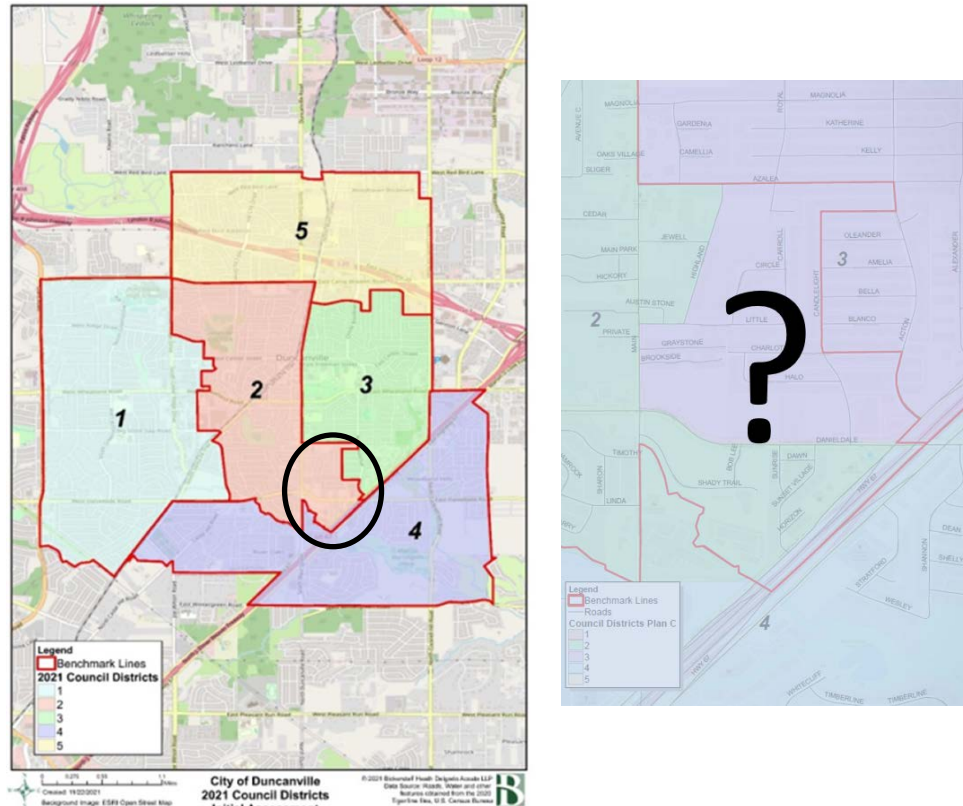
District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	6,252	1,711	27.37%	2,146	34.33%	2,078	33.24%	124	1.98%	12	0.19%	0	0.00%	32	0.51%	150	2.40%
2	5,996	2,600	43.36%	1,721	28.70%	1,438	23.98%	65	1.08%	27	0.45%	5	0.08%	17	0.28%	123	2.05%
3	6,035	2,790	46.23%	1,425	23.61%	1,605	26.59%	79	1.31%	23	0.38%	1	0.02%	5	0.08%	107	1.77%
4	6,296	2,079	33.02%	1,194	18.96%	2,731	43.38%	115	1.83%	15	0.24%	3	0.05%	11	0.17%	146	2.32%
5	5,666	2,846	50.23%	1,316	23.23%	1,238	21.85%	98	1.73%	21	0.37%	2	0.04%	25	0.44%	119	2.10%
TOTALS:	30,245	12,026	39.76%	7,802	25.80%	9,090	30.05%	481	1.59%	98	0.32%	11	0.04%	90	0.30%	645	2.13%

Plan C – District 2, 3 and 4 – Impact



District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	6,252	1,711	27.37%	2,146	34.33%	2,078	33.24%	124	1.98%	12	0.19%	0	0.00%	32	0.51%	150	2.40%
2	5,815	2,348	40.38%	1,758	30.23%	1,459	25.09%	70	1.20%	31	0.53%	5	0.09%	15	0.26%	129	2.22%
3	6,216	3,042	48.94%	1,388	22.33%	1,584	25.48%	74	1.19%	19	0.31%	1	0.02%	7	0.11%	101	1.62%
4	6,296	2,079	33.02%	1,194	18.96%	2,731	43.38%	115	1.83%	15	0.24%	3	0.05%	11	0.17%	146	2.32%
5	5,666	2,846	50.23%	1,316	23.23%	1,238	21.85%	98	1.73%	21	0.37%	2	0.04%	25	0.44%	119	2.10%
TOTALS:	30,245	12,026	39.76%	7,802	25.80%	9,090	30.05%	481	1.59%	98	0.32%	11	0.04%	90	0.30%	645	2.13%

Proposed Plan D – Districts 2, 3, and ?



Joshua Kratz, Bickerstaff Heath Delgado Acosta LLP, spoke on why the City of Duncanville needs to redistrict.

With the 2020 Census Data that came out in August 2021, every local governmental entity that has single-member election districts. Has to look at what changes have come with the new Census Data. The two bodies of law that apply and redistricting your single member districts is the Constitution of the United States and the Voting Rights Act.

Redistricting

One Person - One Vote

- U.S. Constitution – single-member districts must have *approximately equal populations*
- Rule of thumb: **total deviation < 10%**
 - Compare most populous and least populous districts to “ideal”–sized district
 - Add both departures from ideal together

Section 2 of the Voting Rights Act

- No discrimination on basis of race or language minority status
- Generally, avoid *cracking or packing*
- *Cracking or fracturing* is dividing minority voters to fragment their voting power.
- *Packing* is concentrating minority voters when dividing them would permit the group to elect their candidates of choice in more than one district
- Other practices can also violate Section 2

City Attorney Hager explained the previous Census and why the new Census was handled differently.

Councilmember Don McBurnett made a motion to approve Plan A, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.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).

City Secretary Downs presented the item.

On September 7, 2021, the Duncanville City Council voted to nominate Michael Hurtt to the Board of Directors for DCAD. Michael Hurtt, former mayor of Desoto, currently serves on the Board of Directors of DCAD.

State law requirements for nominating candidates for the Board of Directors of DCAD have been completed. By state law, Duncanville is required to vote by official ballot resolution.

The City of Duncanville must cast one vote for one of the following nominees:

- Mr. Michael Hurtt
- Ms. Shaunte L. Allen
- Ms. Dianne Cartwright
- Mr. Brett Franks
- Mr. Steve Nichols

The deadline for casting a vote is December 17, 2021.

Councilmember Cooks nominated Shaunte Allen.

Council took a vote.

- Councilmember Joe Veracruz – voted for Michael Hurtt
- Councilmember Jeremy Koontz – voted for Michael Hurtt
- Councilmember Don McBurnett – voted for Michael Hurtt
- Councilmember Mark D. Cooks – voted for Shaunte Allen
- Councilmember Greg Contreras – voted for Michael Hurtt
- Mayor Pro Tem Harvey – voted for Michael Hurtt
- Mayor Barry L. Gordon – voted for Michael Hurtt

Michael Hurtt was appointed.

III.5.D. Take any necessary action as a result of the Executive Session.

Item moved until January 6, 2022.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Monthly Financial Report as of September 30, 2021.

Financial Services Managing Director Atmore presented the item.

III.6.B. Receive the Library Quarterly Report.

Library Director Velasquez presented the item.

III.6.C. Receive the Parks & Recreation Quarterly Report.

Parks and Recreation Director Stevenson presented the item.

III.6.D. Receive the Fieldhouse Quarterly Report.

Fieldhouse Manager Brasfield presented the item.

II. EXECUTIVE SESSION

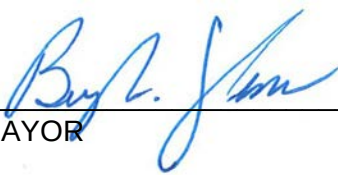
- II.1 “City Council shall convene into closed executive session to consult with the City Attorney pursuant to the to Section 551.071 of the Texas Government Code concerning a claim and/or threaten litigation involving real property located at 608 HWY 67, Duncanville, TX 75137”**

Item moved until January 6, 2022.

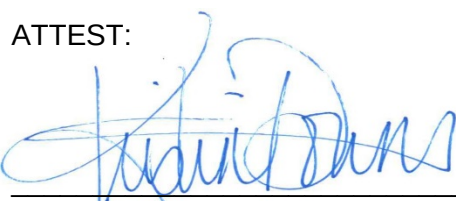
IV. ADJOURNMENT

The meeting was adjourned at 10:21 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY