

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 15, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 15, 2020, at 6:00 p.m. via videoconference with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

**STAFF VIA VIDEO
CONFERENCING:**

IT Director Tracy Beekman
Economic Development Director Jessica James
Public Works Director Bryan Greg Ramey
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert E. Hager

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 by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, December 15, 2020, 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 video conference. There will be no public access to a physical location.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 15, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 15th”. 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 camera and 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.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_sD-YUDhMSBCcMKDWNJnfQg

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

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon recessed the Briefing Session at 6:03 p.m. due to technical difficulties.

Mayor Gordon reconvened the Briefing Session at 6:05 p.m.

Mayor Gordon read the item into record, and Interim City Manager Frederiksen reviewed each item. Mayor Gordon stated Item 2B is postponed to a future Council Meeting date and Items 5A, 5B, and 5C will be moved to Individual Consideration.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discussion on Fire Station #1 Design.*

Public Works Director Ramey and Stephen Hilt, BRW Architects presented the item.

The following design options were presented.

Option 1	Option 2	Option 3
		
Contemporary Massing and Color Palette	Contemporary Massing and Color Palette	More Traditional Massing - Lighter Color Palette
Partially Exposed Pre-Engineered Metal Building Structure	Concealed Pre-Engineered Metal Building Structure	Concealed Pre-Engineered Metal Building Structure
Most Cost Effective	Extra Volume - Potential Storage	False Façades - Additional Structural Steel Support
\$348 / SF	\$357 / SF	\$376 / SF
\$5,391,477	\$5,525,122	\$5,825,806

Council requested Options 1 and 2 be brought to Council at a later date with a list of cost adjustments to find the funds to cover the difference between Option 1 and Option 2.

I.2.B. *Discuss the Purchasing Initiative Underutilized Business Equity Presentation.*

Item tabled by staff until a later City Council meeting.

I.2.C. *Discussion on Assembling a Citizen Committee to Discuss and Recommend Street Bond Projects.*

Councilmember At-Large Harvey presented the item and questioned if Council had any interest to reassemble the Bond Committee to develop recommendations for capital spending's that would qualify under the Bond Ordinance for the undesignated \$1.5 million.

Mayor Gordon asked staff to put something together on the \$1.5 million as close to appropriately possible for what it was intended for.

Mayor Gordon recessed the Briefing Session at 7:30 p.m. and Executive Session was moved until after Staff and Board Reports.

II. EXECUTIVE SESSION

Executive Session was moved until after Staff and Board Reports.

- II.1 *City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located south of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.***
- II.2 *City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:***
 - EON Reality Management Agreement Lease, Security Interest,*
 - Involving an employee EOC Claim.*
- II.3 *The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews, and/or contract of a City personnel employee to wit: Interim City Manager and City Manager position.***

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 7:31 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Mayor Pro Tem Don McBurnett.

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

III.1. REPORTS

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

Mayor thanked everyone for their thoughts and prayers for him and his wife on their recovery from COVID-19.

Mayor Gordon stated he has replaced the late Mayor McCowan as the primary lead for the NCTCOG Regional Transportation Committee and that Mayor Mason will serve as the alternate.

III.1.B. *Councilmembers' Reports*

Councilmember Cooks wished everyone a Merry Christmas and recognized and thanked District 4 for participating in decorating their homes.

Councilmember Jameson wished everyone a Merry Christmas and a safe and Happy Holiday.

Councilmember Anderson encouraged everyone to look at starting and growing their businesses in Duncanville.

Councilmember At-Large Harvey wished everyone a Merry Christmas.

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

Interim City Manager Frederiksen thanked Economic Development Director James will be leaving the City and congratulated her on new job with the City of Benbrook.

III.2. PROCLAMATIONS AND PRESENTATIONS

None.

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 speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, December 15, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 15th. 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 camera and 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.

The City Secretary will still set a two-minute time limit on the comments as they are read.

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

Patricia Ebert, 115 South Greenstone Lane – submitted a comment on the Christmas stroll in Armstrong Park and questioned if the City owned land to build Fire Station #1.

III.4. CONSENT AGENDA

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

III.4.A. *Consider the Minutes for the October 19, 2020, Joint Meeting with Planning & Zoning Commission, and the October 20, 2020 City Council Regular Meeting.*

- III.4.B. *Consider a Resolution authorizing the second option to renew for an additional one-year period beginning November 27, 2020, and ending November 26, 2021, for IFB-19-001, Traffic Signal Maintenance Services, with Siemens Mobility, Inc., with an estimated amount up to \$156,610.00.*
- III.4.C. *Consider a Resolution of Canvass of Returns and Declaration of results of Run-Off Election.*
- III.5.A. *Consider a Resolution authorizing awards bid IFB 21-002 to Pavecon Public Works, LP for Street Reconstruction and Subsurface Utility Improvements Project at East Danieldale Road from S. Main St. to US-67 Service Road through the City's competitive bid process with an estimated expenditure amount not to exceed \$6,581,962.21.*
- III.5.B. *Consider a Resolution authorizing award of for IFB-21-001-Green Tree Lane Water & Wastewater Utility Improvements from 1700 to 1800 Green Tree Lane to FM Utilities, LLC, through the City's competitive bid process, with an estimated amount up to \$1,105,499.35.*
- III.5.C. *Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-007 for Construction Management Services for Danieldale Rd., Street and Subsurface Utilities Reconstruction from Main St to US-67 with Dunaway Associates in the proposed amount of \$157,030.00.*

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

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. *Consider a Resolution authorizing awards bid IFB 21-002 to Pavecon Public Works, LP for Street Reconstruction and Subsurface Utility Improvements Project at East Danieldale Road from S. Main St. to US-67 Service Road through the City's competitive bid process with an estimated expenditure amount not to exceed \$6,581,962.21.*
Item moved to Individual Consideration.
- III.5.B. *Consider a Resolution authorizing award of for IFB-21-001-Green Tree Lane Water & Wastewater Utility Improvements from 1700 to 1800 Green Tree Lane to FM Utilities, LLC, through the City's competitive bid process, with an estimated amount up to \$1,105,499.35.*
Item moved to Individual Consideration.
- III.5.C. *Consider a Resolution approving the terms and conditions of Professional Engineering Services Agreement PSA-21-007 for Construction Management Services for Danieldale Rd., Street and Subsurface Utilities Reconstruction from Main St to US-67 with Dunaway Associates in the proposed amount of \$157,030.00.*
Item moved to Individual Consideration.
- III.5.D. *Consider a Resolution accepting the conveyance from Dallas County of real property and improvement located at 100 E. Wheatland Rd. (Dallas County Sub-Courthouse/Tax Office) to the City of Duncanville.*
Economic Development Director James presented the item. The former Dallas County Tax Office, located at 100 E. Wheatland Rd., has a deed restriction that requires the County to convey the property back to the City of Duncanville if the County determines that they have no further use of the property. Dallas County has completed the new South Dallas Government Center and relocated their Tax Office services from Duncanville to the new location at 8301 South Polk in Dallas. On December 1, 2020, the Commissioner's Court deliberated in executive session and agreed they did not have further use of the site and conveyed it back to the City. There is no cost to the City for accepting this conveyance.

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

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

Mayor Gordon recessed Regular Session at 7:55 p.m.

III.6. STAFF AND BOARD REPORTS**III.6.A. Receive the Economic Development Department Quarterly Report.**

No questions.

II. EXECUTIVE SESSION

The Executive Session was called into session at 7:59 p.m. and City Attorney Hager read the item into record.

II.1 *City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located south of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.*

II.2 *City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:*

- *EON Reality Management Agreement Lease, Security Interest,*
- *Involving an employee EOC Claim.*

II.3 *The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews, and/or contract of a City personnel employee to wit: Interim City Manager and City Manager position.*

The Council closed the Executive Session at 9:32 p.m.

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

Councilmember Jameson had technical difficulties.

Mayor Gordon reconvened Regular Session at 9:47 p.m.

City Attorney Hager read the motion for Item II.1

City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code, Deliberations about Real Property, to deliberate the purchase, exchange, lease, or value of real property, to wit: real properties generally located south of Wheatland Rd., east of Cedar Ridge and west of Cockrell Hill Rd.

"Motion to authorize the City Attorney to file a lawsuit against EON Realty Inc. for breach of contract, breach of lease and other appropriate causes of action to collect any and all compensatory consequential damages arising from a management contract and lease agreement."

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Mark D. Cooks seconded the motion. The vote was cast 6 for, 0 against (Councilmember Johnette Jameson had technical difficulties). Motion passed.

Item II.2

City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

- *EON Reality Management Agreement Lease, Security Interest,*
- *Involving an employee EOC Claim.*

No action.

City Attorney Hager read the motion for Item II.3

The City Council may convene into closed executive session under Section 551.071 and 551.074 to seek legal advice from the City Attorney or to deliberate a personnel matter concerning the hiring, assignment, duties and/or conduct interviews, and/or contract of a City personnel employee to wit: Interim City Manager and City Manager position.

“Motion to approve the contract with Aretha R. Ferrell-Benavides as City Manager with the base salary and deferred compensation as previously offered with the same terms and conditions as stated with the following changes:

- 3.07 Waiver of health insurance
- 3.09 Provide a take home automobile and
- 13.02 Cap moving expenses at \$7,500.00, which may include visit to the DFW Metroplex; and, authorizing the Mayor to sign.”

Start date of February 22, 2021

Councilmember At-Large Patrick Harvey made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 5 for, 1 against (Councilmember Monte Anderson against and Councilmember Johnette Jameson had technical difficulties). Motion passed.

City Attorney Hager read the motion for Item II.3

“Motion to continue the contract of employment with the Interim City Manager, Paul Frederiksen, under same terms and conditions as previously agreed until February 21, 2021.”

Councilmember Mark D. Cooks made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 6 for, 0 against (Councilmember Johnette Jameson had technical difficulties). Motion passed.

Mayor Gordon and Council thanked Interim City Manager Frederiksen for his hard work and dedication during his interim period.

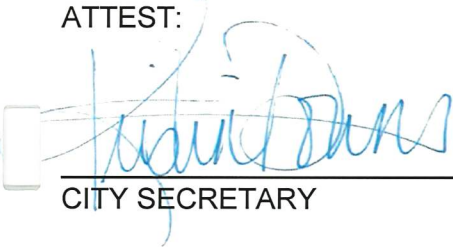
IV. ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY