



Duncanville City Council Special Meeting Agenda

City Council Briefing Room
Duncanville City Hall
203 E. Wheatland Road
Duncanville, TX 75116
(972) 780-5017

Thursday, May 9, 2024
4:00 P.M. - Regular Session

City of Duncanville City Council meetings are available to all persons regardless of disability. The City of Duncanville offers Hearing Assistance Receivers for use during City Council Regular Sessions. If you require special assistance, please contact the City Secretary at (972)780-5017 or write 203 E. Wheatland Road, 75116, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call. The presiding officer and a quorum of the City Council will be physically present at this meeting.

The City of Duncanville reserves the right to reconvene, recess or align the Regular Session or called Executive Session or order of business at any time prior to adjournment.

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, broadcast by website and social media channels, and by video conference at 4:00 pm on Thursday, May 9, 2024 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 in-person and will be broadcast by website and social media channels. For the purposes of canvassing, two council members present is considered a quorum.

Due to limited seating in council chambers, persons or participants may participate by live broadcast via Swagit in order to maintain safe social distance as provided in this notice.

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 Thursday, May 9, 2024.
- Email citysecretary@duncanvilletx.gov
- Email title: Public Comment – Thursday, May 9, 2024
- First Name, Last Name, and Address

1. **CALL TO ORDER**
2. **CITIZENS' INPUT**
3. **ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. Consider a Resolution Canvassing and Declaring the results of the May 4, 2024, General and Special Election for Mayor and Councilmembers for Districts two (2), four (4), and five (5).

[Canvassing and Declaring the results of the May 4, 2024 Election - Pdf](#)

ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located outside the entrance to the City of Duncanville City Hall, next to the entryway doors, a place convenient and readily accessible to the general public, as well as to the City's website www.duncanvilletx.gov and said Notice was posted **by** the following date and time: **Monday, May 6, 2024, by 4:00 P.M.** and remained posted for at least two hours after said meeting was convened.



Chiquita Taylor, City Secretary

"Guns prohibited on these premises by state law unless licensed under Chapter 411, Tex. Gov. Code. Section 46.035 Texas Penal Code."

"Las armas de fuego están prohibidas en estas instalaciones por la ley estatal a menos que estén autorizadas bajo el Capítulo 411 del Código de Gobierno de Texas. Sección 46.035 del Código Penal de Texas."



STAFF REPORT

MEETING: Special Called Meetings - 09 May 2024

TITLE:

Consider a Resolution Canvassing and Declaring the results of the May 4, 2024, General and Special Election for Mayor and Councilmembers for Districts two (2), four (4), and five (5).

Vision Statement:

“Duncanville, a City of Champions, is a safe, vibrant, diverse community committed to excellence in education, business, and good governance.”

STAFF RESPONSIBLE:

Chiquita Taylor, City Secretary

BACKGROUND/HISTORY:

The Joint Election Agreement and Election Services Contract between the City of Duncanville, Dallas County, and other jurisdictions in Dallas, Collin, and Denton Counties, was to conduct a Joint Election held on Saturday, May 4, 2024; and provides that the Dallas County Elections Administrator is responsible for the preparation of the unofficial canvass report; and will provide by email a copy of the unofficial canvass to each Participating Political Subdivision after all returns, provisional ballots, and late overseas ballots, have been tabulated.

Per the Dallas County Elections Department, canvass may not be conducted until all Election Day (ED)

Provisional and Federal Postcard Application (FPCA) (Overseas) ballots have been counted. The last day to receive FPCA Ballots is Friday, May 10, 2024. The Ballot Board, by the election code, has until Monday, May 13th to count both Provisional and FPCA ballots and then provide them to Central Count

for counting. The last day to canvass for the May 4, 2024 General Election is Wednesday, May 15, 2024.

As of today, May 6, 2024 the City Secretary has not received the final voting results. Once received the City Secretary will upload the new Resolution to reflect the final voting totals for Canvassing the May 4, 2024 General Election results.

The Unofficial Results are as follows:

Mayor:

Greg Contreras 1674

Mark D. Cooks 1572

Councilmember District Two:

Don McBurnett 334

Nancy Gutierrez 287

Councilmember District Four:
Karen Cherry-Brown 655

Councilmember District Five:
Kyle Pennebaker 232
Homer Fincannon 29
Stephanie Champagne 56
Derwin Broughton 96

POLICY EXPLANATION:

The Joint Elections Agreement and Election Services Contract between the City of Duncanville, other jurisdictions, and Dallas County for the Joint Election is administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code; and Article VII, Section 7.02 of the Duncanville Home Rule Charter.

FUNDING SOURCE:

ORG and Object Number

There is no cost related to this item

<u>Available Budget</u>	<u>Purchase Amount</u>	<u>After Encumber</u>
\$0.00	\$0.00	\$0.00

ACTION ALTERNATIVES:

1. Staff recommends approval of a Resolution Canvassing and Declaring the results of the May 4, 2024, General and Special Election for Mayor and Councilmembers for Districts two (2), four (4) and five (5).

ATTACHMENTS:

[Duncanville.RESO No. 2024-267- Canvass of Elections](#)

RESOLUTION NO. 2024-267

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS, CANVASSING AND DECLARING THE RESULTS OF THE MAY 4, 2024, JOINT AND GENERAL ELECTION FOR MAYOR AND COUNCILMEMBERS IN DISTRICTS TWO (2) AND FOUR (4) AND SPECIAL ELECTION FOR COUNCILMEMBER DISTRICT FIVE (5); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is hereby found and determined that notices of a general and special election were duly given in the form, manner and time required by law, and said elections were in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such elections; and

WHEREAS, it is imperative to consider the returns of the general election held on May 4, 2024, for the purpose of electing the hereinafter named officials before the qualified voters of the City; and

WHEREAS, the returns of the general election have been duly and legally made and submitted to the City Council for canvassing and a tabulation of the returns for the polling places and for early voting, as canvassed and tabulated by this governing body.

NOW, THEREFORE, be it resolved by the City Council of the City of Duncanville, Texas, after examining said returns and opening and canvassing the votes of said election, that the results of said general election are as follows:

SECTION 1. That the following number of votes were cast for the following named candidates for the office of Mayor to wit:

NAME	EARLY VOTES IN PERSON	EARLY VOTES BY MAIL	ELECTION DAY VOTES	TOTAL VOTES
Greg Contreras	1220	47	406	1674
Mark D. Cooks	1082	77	413	1572

It appears that Greg Contreras received a majority of all votes cast for the office of Mayor, Greg Contreras is hereby declared to be elected to serve a two (2) year term after qualifying and taking the oath of office.

SECTION 2. That the following number of votes were cast for the following named candidate for the office of Councilmember District 2, to wit:

NAME	EARLY VOTES IN PERSON	EARLY VOTES BY MAIL	ELECTION DAY VOTES	TOTAL VOTES
Don McBurnett	249	21	64	334
Nancy Gutierrez	192	7	88	287

It appears that Don McBurnett received a majority of all votes cast for the office of Councilmember District 2, Don McBurnett is hereby declared to be elected to serve a two (2) year term after qualifying and taking the oath of office.

SECTION 3. That the following number of votes were cast for the following named candidate for the office of Councilmember District 4, to wit:

NAME	EARLY VOTES IN PERSON	EARLY VOTES BY MAIL	ELECTION DAY VOTES	TOTAL VOTES
Karen Cherry-Brown	489	25	141	655

It appears that Karen Cherry-Brown, being unopposed and otherwise having received a majority of all votes for Councilmember District 4, Karen Cherry-Brown is hereby declared to be elected to serve a two (2) year term after qualifying and taking the oath of office.

SECTION 4. That the following number of votes were cast for the following named candidate for the office of Councilmember District 5, to wit:

NAME	EARLY VOTES IN PERSON	EARLY VOTES BY MAIL	ELECTION DAY VOTES	TOTAL VOTES
Kyle Pennebaker	189	6	37	232
Homer Fincannon	15	0	14	29
Stephanie Champagne	19	4	33	56
Derwin Broughton	66	6	24	96

It appears that Kyle Pennebaker received a majority of all votes cast for the office of Councilmember District 5, Kyle Pennebaker is hereby declared to be elected to serve remainder of the unexpired term (one year) after qualifying and taking the oath of office.

SECTION 5. This Resolution declaring the results of the municipal elections shall become effective immediately after its passage.

IT IS ORDERED that this canvass and declaration of results of said election shall be entered in the Minutes of the City Council and that officers for the Mayor, District 2, District 4 and District 5, after being qualified and having taken the oath, shall serve during the term commencing May 21, 2024 and thereafter until a successor is duly elected and qualified.

DULY PASSED by the City Council of the City of Duncanville, Texas, this the 13th day of May 2024.

APPROVED:

Barry L. Gordon, Mayor

ATTEST:

Chiquita Taylor, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney