

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, December 1, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, December 1, 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 – 6:37 p.m.
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks

COUNCIL ABSENT:

Councilmember Johnette Jameson

**STAFF VIA VIDEO
CONFERENCING:**

IT Director Tracy Beekman
Economic Development Director Jessica James
Public Works Director Bryan Greg Ramey
Chief of Police Robert D. Brown Jr.
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 1, 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 1, 2020, email citysecretary@duncanville.com and title the email “Public Comment – December 1st”. 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_55bLuh3LTiO2GdhvtmX6Rw

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 read the item into record, and Interim City Manager Frederiksen reviewed each item. Mayor Gordon moved items 5A and 5C to the consent agenda.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discussion on amending Chapter 13, "Peddlers, Solicitors and Itinerant Vendors" Ordinance.*
Chief Brown presented the item.

Reasons for Proposed Changes:

- Reduce Criminal or Fraudulent Conduct or Activity

- Help identify unpermitted solicitors who have not received a computerized criminal background check.
- Improve Safety
 - High visibility vest help identify solicitors and improve traffic safety.
- Improve Unwanted Intrusion into Citizen Privacy
 - Prohibit solicitation on designated holidays and before 9 a.m.
- Streamline Solicitation Permit
 - To assist in record keeping, all solicitation permits expire on the same date.

Proposed Changes:

- Revise Time Restrictions
 - Currently solicitors may solicit between 8 a.m. and 6 p.m. with no restrictions to days of week.
- Suggested Changes
 - Hours limited to 9 a.m. to 6 p.m.
 - Prohibit soliciting on Sunday or any of the following holidays: New Year's Day; Martin Luther King's Birthday; President's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the day after Thanksgiving Day; Christmas Eve; and Christmas Day.
- Require all solicitors to wear a high visibility vest (pictures attached) that will have a pocket on the front to display the approved solicitation permit and, on the back, display signage stating he/she is a solicitor, the city, the year the solicitation permit is valid, and expiration date.
- Increase Fee for Solicitor Permit
 - Currently the fee is \$50.00
 - Suggest increase fee to \$75.00
 - This will offset cost for the purchase of the high visibility vests that will be issued to each permit holder.
- Require all solicitor permits to expire the last day of each year issued (no matter what the issue date is).

Councilmember Veracruz recommended limiting the time to 5:00p.m.

I.2.B. *Discuss the City Council calendar.*

Interim City Manager Frederiksen presented the item.

- City Council concluded at the time to not cancel the January 5, 2020 Regular Meeting
- December 14, 2020 Joint Meeting with the DCEDC Board

Mayor Gordon recessed the Briefing Session at 6:22 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 6:24 p.m. and City Attorney Hager read the item into record.

The Council recessed the Executive Session at 7:04 p.m.

II.1 *City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:*

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 at Main Street and Magnolia Drive.

II.2 *City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:*

- ***City of Duncanville v. Valdez; property located at 315 Blossom***

II.3 *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:*

1. *EON Reality Management Agreement Lease, Security Interest.*

II.4 *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 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.)

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 Mayor Gordon.

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

III.1. REPORTS

III.1.A. Mayor's Report.

Mayor Gordon spoke on COVID-19 and encouraged everyone to join Facebook Live and watch the Tree Lighting on December 5, 2020 at 6:00 p.m.

III.1.B. Councilmembers' Reports

Councilmember Cooks thanked staff and their families for continuing to work during COVID-19. Councilmember Cooks encouraged District 4 to participate in a District Light Up on December 19, 2020.

Councilmember Anderson presented Main Street slides that viewed Main Street in 2007 and provided background on Main Street and spoke on the power of small development.

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

None.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Presentations from Commissioners from the Multicultural Social Engagement Partnership.

Commissioners Dr. Lavern Holyfield spoke on Virtual Duncanville Event(s) and Kaelon McLemore discussed a Duncanville v-log.

Mayor Gordon thanked the commissioners and told them to work with Staff on moving forward.

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 1, 2020, email citysecretary@duncanville.com and title the email "Public Comment – December 1st. 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 submitted comments during the Citizens Input Period:

mayor spoke

Melonie Davis – submitted a comment on the roundabout.

Julie Lee – submitted a comment on the roundabout.

Michael Wesley – submitted a comment on the roundabout.

Alice B. Young – submitted a comment on the roundabout.

D. Allen – submitted a comment on allowing a public rail station.

Allen Reitmeier – submitted a comment on the roundabout.

Lucy Peal – submitted a comment on the roundabout.

Teddi Williams – submitted a comment on the roundabout.

Amy Christensen – submitted a comment on the roundabout.

Chris Conradi – submitted a comment on the roundabout.

M&E Browning – submitted a comment on the roundabout.

Will Maye – submitted a comment on the roundabout.

Janet Harris – submitted a comment on the roundabout.

Bryan Keaser - – submitted a comment on the roundabout.

Star Fraga – submitted a comment on the roundabout.

Charlie Camp – submitted a comment on the roundabout.

Jason Hilliard – submitted a comment on the roundabout.

Bill Self – submitted a comment on the roundabout.

Dan Jespersen – submitted a comment on the roundabout.

Connie McClure – submitted a comment on the roundabout.

Paul Brown – submitted a comment on the roundabout.

Amariss Nash – submitted a comment on the roundabout.

Kenneth Govan – submitted a comment on the roundabout.

Angela Jones – submitted a comment on the roundabout.

Lena Liles – submitted a comment on the roundabout.

Marissa Cano – submitted a comment on the roundabout.

Mark Teal – submitted a comment on the roundabout.

Bobby Roddy – submitted a comment on the roundabout.

Linda Lydia – submitted a comment on the roundabout.

Alex Wheeler – submitted a comment on the roundabout.

Pablo Ramirez – submitted a comment on the roundabout.

Larry Ray – submitted a comment on the roundabout.

Sylvia Clark – submitted a comment on the roundabout.

Gary Bennett – submitted a comment on the roundabout.

Joan – submitted a comment on the roundabout.

James Fears III – submitted a comment on the roundabout.

Caty Nelson – submitted a comment on the roundabout.

Kathee Vander Zanden – submitted a comment on the roundabout.

Pamela Rogers – submitted a comment on the roundabout.

Julian Leshnja – submitted a comment on the roundabout.

Barbara McComb – submitted a comment on the roundabout.

Betty Culbreath – submitted a comment on the roundabout.

Jeff Stroup – submitted a comment on the roundabout.

Lemesa Logan – submitted a comment on the roundabout.

Patricia Ebert – submitted a comment on the roundabout.

Marshal Wesley – submitted a comment on the roundabout.

Ralo Thompson – submitted a comment on the roundabout.

Joan Bryan – submitted a comment on the roundabout.

Misty Bain – submitted a comment on the roundabout.

Michael Grace – submitted a comment on the roundabout.

Dave Galbraith – submitted a comment on the roundabout.

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 September 22, 2020 Special City Council Meeting, September 29, 2020 Special City Council Meeting, October 5, 2020 Joint Meeting with Planning and Zoning Commission, and October 12, 2020 Joint Meeting with Parks and Rec. Board.*

III.4.B. *Consider a Resolution authorizing the third renewal option with Shawnee Mission Tree Service, Inc. dba Arbor Masters Tree Service, using the City of Grapevine contract #454-2017, for tree maintenance services for an estimated amount up to \$67,500.00. All other pricing, terms, and conditions of Contract 454-2017 remain unchanged.*

III.5.A. *Consider an Ordinance amending the Code of Ordinances by repealing Chapter 22, 'Drainage Utility', Article 1 'Municipal Drainage Utility System' in its entirety, and replacing it with a new Article 22, "Drainage Utility" and providing a repealing clause; providing a severability clause, providing a savings clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00).*

Item moved to Consent.

- III.5.C. Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY20-21 Budget in the amount of \$1,075 to the Duncanville Chamber of Commerce for electrical costs associated with the upgrade to their LED Sign while serving as the Duncanville Official Visitor Center.**
Item moved to Consent.

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Johnette Jameson absent. Items passed.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- III.5.A. Consider an Ordinance amending the Code of Ordinances by repealing Chapter 22, 'Drainage Utility', Article 1 'Municipal Drainage Utility System' in its entirety, and replacing it with a new Article 22, "Drainage Utility" and providing a repealing clause; providing a severability clause, providing a savings clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00).**

Item moved to Consent.

- III.5.B. Consider a Resolution approving the Main Street Corridor Study recommendations for each segment option of Main Street from I-20 to Nance Street and selecting a project as the City's nomination for the Dallas County 7th Call for Projects.**

Public Works Director Ramey presented the item.

Background:

11/06/2018, Bond Election– Proposition B

- \$6.6M for Streets; \$1.5M budgeted for Intersection at Main @ Camp Wisdom w/ \$1.5M County Match pending selection for 7th Call for Projects

05/21/2019, Council approved PSA with Dallas County for Main Street Corridor Study

- I-20 to Center St
- Intersections: Camp Wisdom @ Main / E Davis @ Main / Center @ Main
- Study would provide recommendations for corridor improvements and would inform 7th Call for Projects submission

09/27/2019, Main Street Corridor Meeting #1 @ Dallas County

10/18/2019, Main St @ Camp Wisdom project submitted to 7th Call for Projects

12/20/2019, In Progress Review w/ City and County Staff

- Reviewed initial concepts at all three intersections
- Discussed challenges with Main St @ Camp Wisdom Intersection
- Main @ Center and Main @ Nance intersections looked promising

02/13/2020, In Progress Review w/ County Director of Public Works

- Supported recommendations for Main @ Center and Main @ Nance intersections as viable 7th Call Project
- Did not support Main @ Camp Wisdom intersection as viable 7th Call Project
- Supported extending Main St Corridor Study south to Nance St
- Recommended a Camp Wisdom Rd Corridor Study before making any plans at Camp Wisdom

06/09/2020, Update Briefing to Council

- Supported adjusting 7th Call Project/Bond Project location from Camp Wisdom Rd to Center St
- Desired additional details on the corridor
- Supported request for Camp Wisdom Rd Corridor Study

- 06/16/2020, Memos to Dallas County Public Works per direction from Council
- Requested adjusting 7th Call Project location to Center St
 - Requested partnering with County for Camp Wisdom Corridor Study

10/01/2020, Main Street Corridor Study Briefing to City & County Staff

11/17/2020, Main Street Corridor Study Briefing to City Council at Briefing Session

Goals of the Main Street Corridor Study

- Increased Traffic Efficiency throughout Corridor
- Increased Pedestrian Mobility throughout Corridor
- Provide connectivity to Potential Commuter Rail Station
- Encourage Economic Vitality throughout Corridor
- Identify best project for Dallas County 7th Call

Positive Impact

Neutral Impact

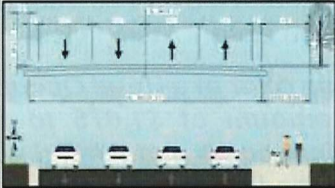
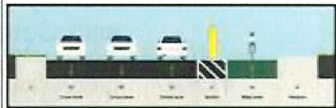
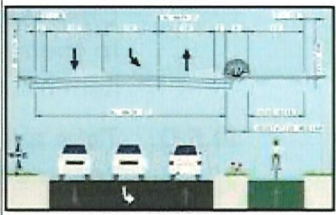
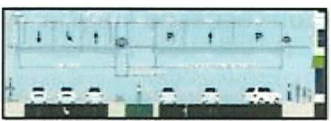
Negative Impact

Project Scope



Scope of the Main Street Corridor Study with Dallas County

Segment Options

Option 1 – Main St from I-20 to Camp Wisdom Rd  Includes recommendation to implement once pavement and/or subsurface utilities require replacement \$770K County Score: 58	Option 2 – Intersection at Main St and Camp Wisdom Rd (Alt 2)  Includes recommendation for Camp Wisdom Rd Corridor Study before Finalizing \$2.6M County Score: 65	Option 3 – Main St from Camp Wisdom Rd to Davis St  Interim  Final \$275K (Interim) \$2.2M (Final) County Score: 55.5
Option 4 – Intersection at Main St and Davis St  \$45K County Score: 61	Option 5 – Main St from Davis St to Center St  \$356K County Score: 56	Option 6 – Intersection at Main St and Center St, Main St from Center St to Nance St, and Nance St from Main St to Santa Fe Trl (Alt 3)  \$3.1M County Score: 77.5

Decision Matrix – 7th Call Recommendation

Goal (Max Points)	Study Criteria				7 th Call Criteria							
	Traf	Peds	Rail	Econ	Reg Mob (30)	Traf Impts (20)	MM Conn (20)	Eco Vit (5)	Env (5)	Safe (10)	Feas (15)	Tot (105)
#1, I-20 to Camp Wisdom					12	10	10	0	5	8	11	58
#2, Main @ Camp Wisdom (Alt 2: Min BNSF RoW)					16	5	20	0	5	8	11	65
#3, Camp Wisdom to Davis					7	0	20	2.5	5	8	10	55.5
#4, Main @ Davis					7	10	20	0	5	8	11	61
#5, Davis to Center					2	10	20	0	5	6	13	56
#6, Nance to Center					7	20	20	2.5	5	10	13	77.5

- Scoring performed by Dallas County Staff
- 70 is minimum score to receive consideration

Councilmember Cooks and Councilmember Anderson supported the roundabout and voiced their reasons. The following Councilmembers in attendance were not in favor of the roundabout and voiced their reasons; Mayor Gordon, Mayor Pro Tem McBurnett, Councilmember At-Large Harvey, and Councilmember Veracruz.

Discussion on a Santa Fe connection with a right turn only took place. Mayor Gordon questioned the opposing Councilmembers if the Santa Fe connection with a right turn would change their opinion. The opposing Councilmembers stated no.

Councilmember Mark D. Cooks made a motion:

I make a motion to approve the Main Street Corridor Study recommendations for each segment of Main Street from I-20 to Nance Street and select the project at Segment Option 6 – Alternative 3, Intersection at Main St and Center St, Main St from Center St to Nance St, and Nance St from Main St to Santa Fe Trail as the City’s nomination for the Dallas County 7th Call for Projects.

Councilmember Monte Anderson seconded the motion. The vote was cast 2 for, 4 against (Mayor Barry L. Gordon, Councilmember At-Large Patrick Harvey, Councilmember Joe Veracruz, and Mayor Pro Tem Don McBurnett), with Councilmember Johnette Jameson absent. Item failed.

III.5.C. **Consider a Resolution approving an offer of a Hotel Occupancy Tax Grant for the FY20-21 Budget in the amount of \$1,075 to the Duncanville Chamber of Commerce for electrical costs associated with the upgrade to their LED Sign while serving as the Duncanville Official Visitor Center.**
Item moved to Consent.

III.5.D. **Take any necessary action as a result of the Executive Session.**
Item moved until after Staff and Board Reports.

III.6. STAFF AND BOARD REPORTS

III.6.A. **Receive the Annual Investment Report as of September 30, 2020.**
No questions.

III.6.B. **Receive the Public Works Department Quarterly Report.**
No questions.

Mayor Gordon recessed Regular Session at 10:05 p.m.

II. EXECUTIVE SESSION

The Executive Session was called into session at 10:07 p.m. and City Attorney Hager read the item into record.

Executive Session was recessed at 10:12 p.m.
Executive Session was reconvened at 10:14 p.m.

**II.1 City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:
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 at Main Street and Magnolia Drive.**

II.2 City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation regarding:

- **City of Duncanville v. Valdez; property located at 315 Blossom**

II.3 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:

- 1. EON Reality Management Agreement Lease, Security Interest.**

II.4 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 of a City personnel employee to wit: Interim City Manager and City Manager position.

Executive Session was closed at 11:31 p.m.

Regular Session was reconvened at 11:32 p.m.

III.6.C. Take any necessary action as a result of the Executive Session.
No action.

IV. ADJOURNMENT

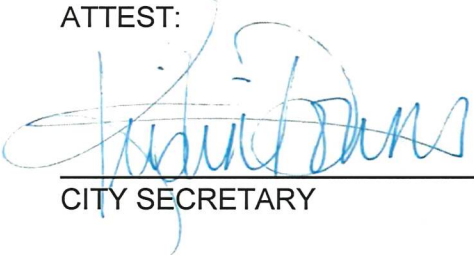
The meeting was adjourned at 11:33 p.m.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY