

Duncanville City Council Meeting Minutes

Regular Meeting

Tuesday, July 19, 2022

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, July 19, 2022, at 6:02 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Councilmember Joe Veracruz
Councilmember Don McBurnett
Councilmember Jeremy Koontz
Councilmember Karen Cherry
Councilmember Greg Contreras

COUNCIL ARRIVING AT: Mayor Pro Tem Patrick Harvey – 7:17 p.m.

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, July 19, 2022 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, July 19, 2022, email citysecretary@duncanville.com and title the email “Public Comment – July 19th”. 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 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 technical issues that may arise.

To submit a comment via email and for your comments to be read, the following information is required:

- Submit a comment by 4:00 p.m. on Tuesday, July 19, 2022.
- Email citysecretary@duncanville.com
- Email title: Public Comment – July 19, 2022.
- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *The City Secretary will still set a two-minute time limit on the comments as they are read.*

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_PiHct8jkRZuPsgmHbxILDw

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 the record, and City Manager Ferrell-Benavides reviewed each item. City Attorney Hager stated on Items 5A and 5B, the applicant has requested for a continuance. The City Attorney requested Mayor Gordon open both Public Hearings and state the continuance would be at the August 16, 2022 City Council meeting.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Demonstration of SwagIT.*

City Manager Ferrell-Benavides spoke on current staffing and the benefits of SwagIT. Chief Information Officer Spencer introduced Natascha Ross, SwagIT who spoke about what SwagIT offers their clients.

City Attorney Hager advised Council not to have the transcript availability feature.

City Council concluded to remove the transcription.

I.2.B. Discussion on the State of IT.

Chief Information Officer Spencer presented the item.

I.2.C. Solid Waste Collection Survey Results Presentation.

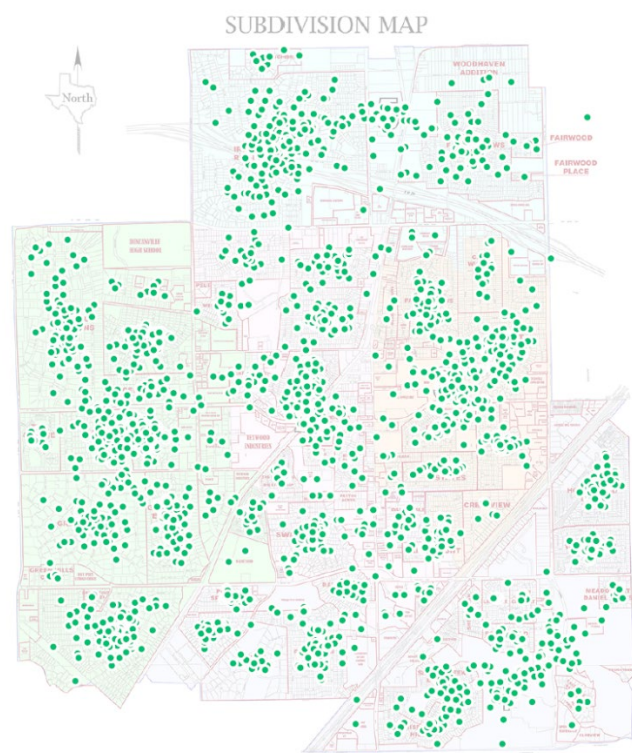
Assistant Utilities Superintendent Dunn presented the item.

Background

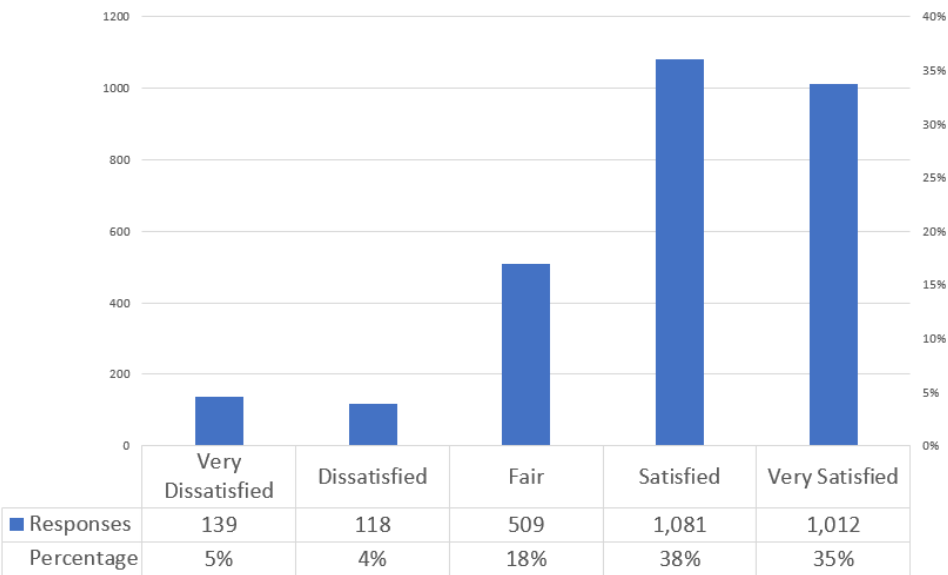
Agreement with Republic Waste Services of Texas, Ltd., to continue to provide garbage, recycling, and bulk and brush collection and disposal services was approved by City Council on 07/16/2019.

- Initial Term: 09/21/2019 through 09/20/2026. Agreement renews for successive, 5-year terms unless terminated by the City or Republic.
- Residential Trash and Bulk and Brush Collection Level of Service:
 - Unlimited bags/boxes (<35 lbs. each) 2x/week
 - Recycling Bins (18 gal) 1x/week
 - Bulk & Brush (10 Cubic Yards) 2x/month
- The City currently pays Republic \$19.41/month/house. Rate is revised every September based on CPI.
- Citizens expressed concerns in 2021 regarding bags and open recycling bins, especially during Winter Storm Uri.
- Staff briefed City Council in August 2021 on trash service and conversion to trash carts. Council requested Staff survey residents regarding trash collection performance and interest in changing service from trash bag collection to garbage carts.
- 09/21/2021, Staff presented to Council proposed survey questions and survey marketing strategy.
- 10/5/2021 to 5/30/2022, survey was conducted in English and Spanish and promoted using the City website, email and social media.

Question One: In which Duncanville subdivision do you live?

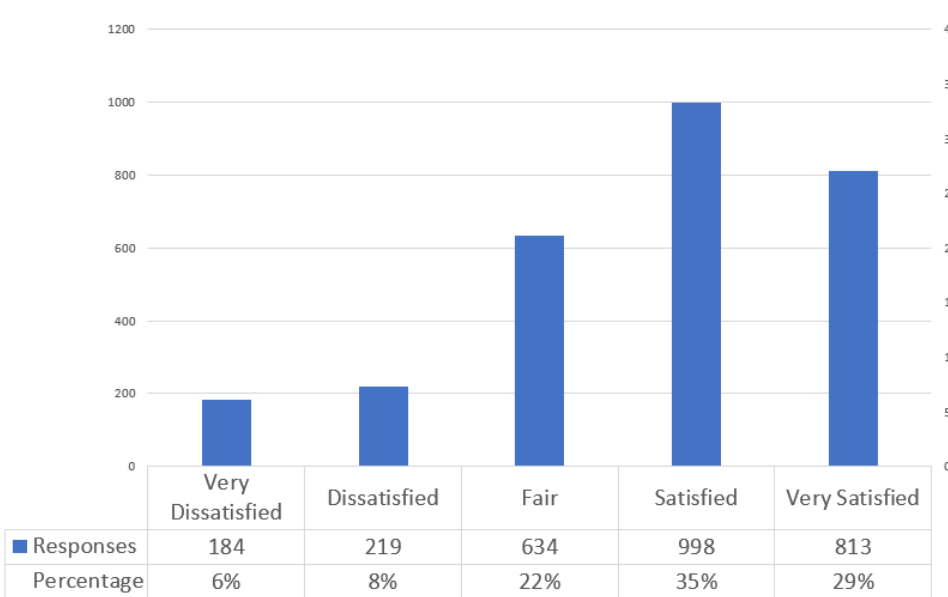


Question Two: Regular Garbage Collection Service



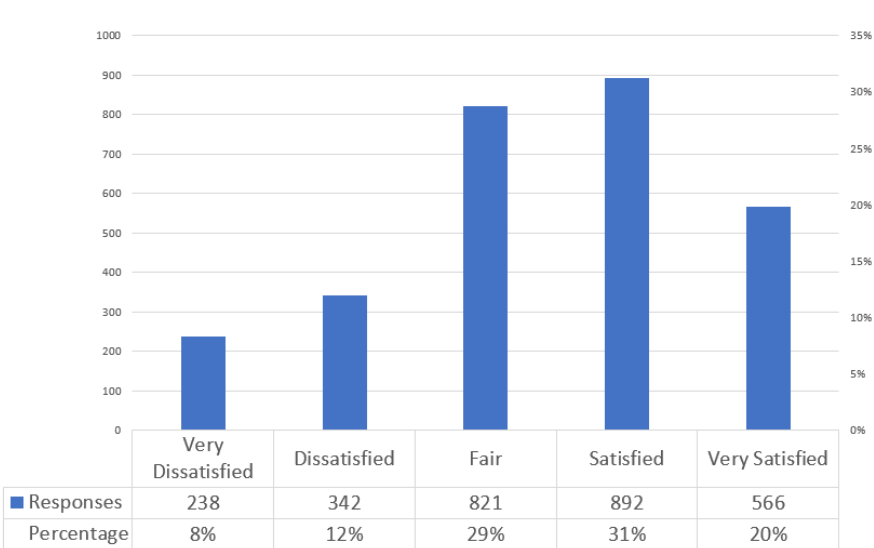
Total Responses = 2,859

Question Three: Recycling Pickup



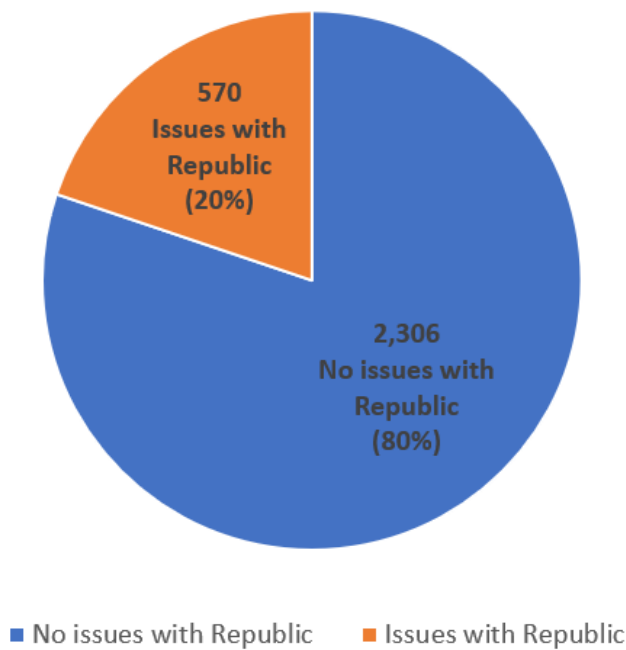
Total Responses = 2,848

Question Four: Bulk and Brush Pickup Service



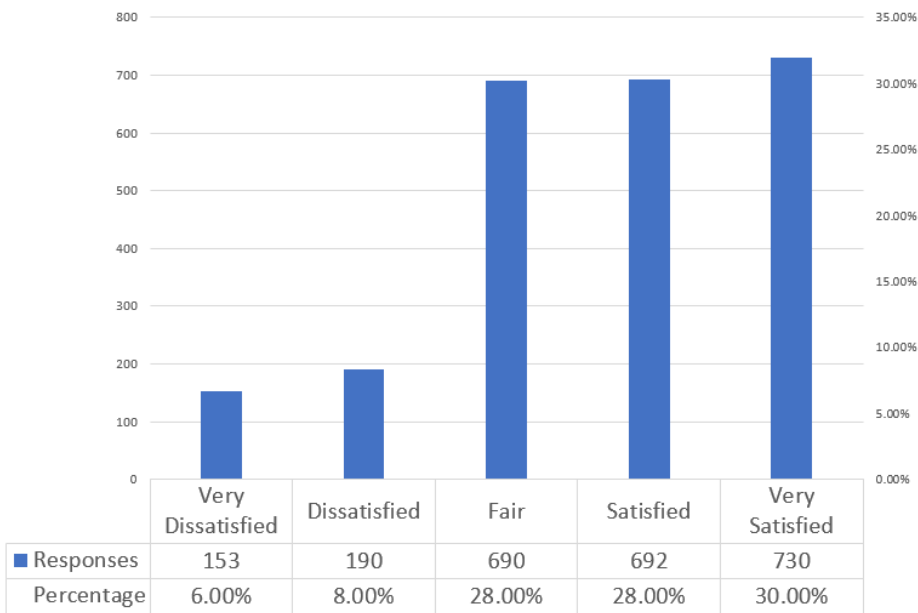
Total Responses = 2,859

Question Five: “In the last 6 months (March 2021 - Present) any issues with Republic?”



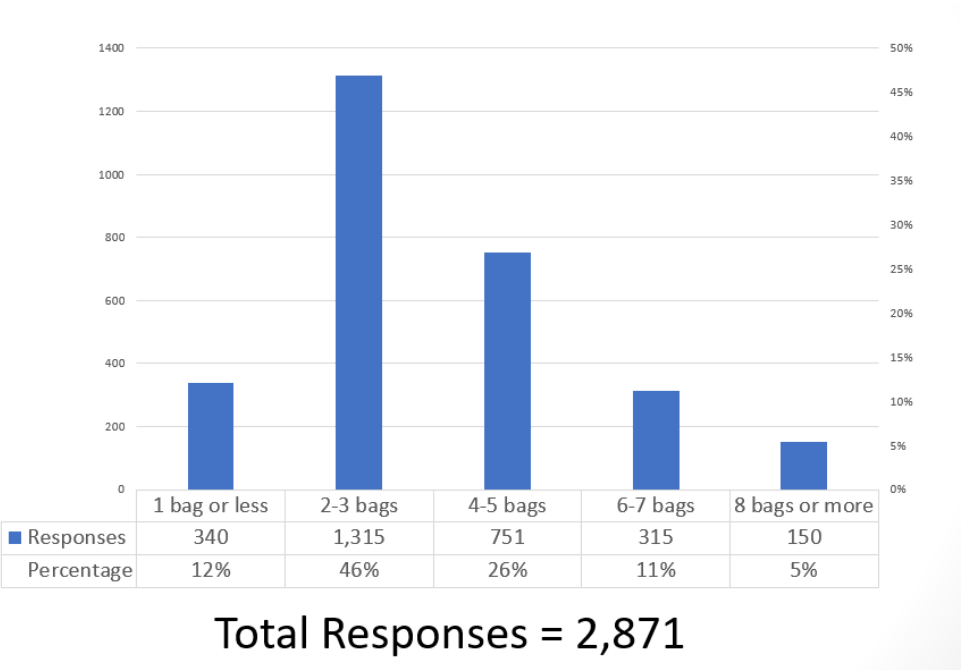
Total Responses = 2,876

Question Six: Rate responsiveness to your questions, comments, complaints, etc. by the City’s waste contractor on a scale of 1 (very dissatisfied) to 5 (very satisfied).

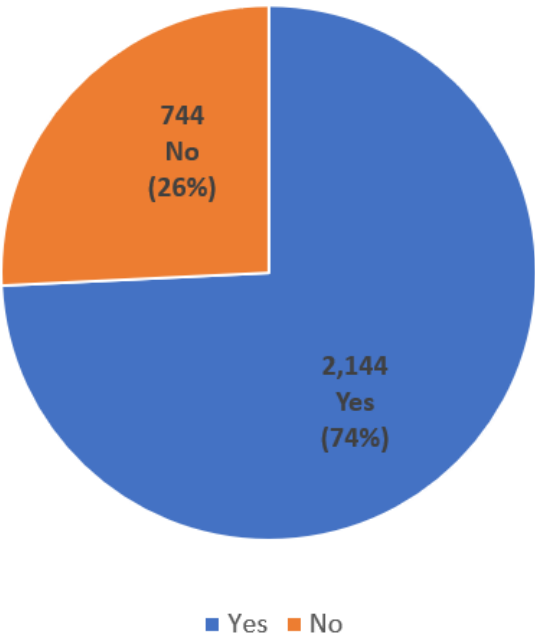


Total Responses = 2,455

Question Seven: On average, my household generates ____ tall kitchen (13 gal) trash bags per week:

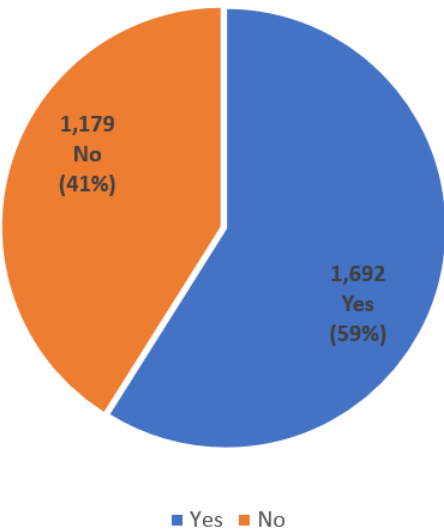


Question Eight: Do you currently recycle?



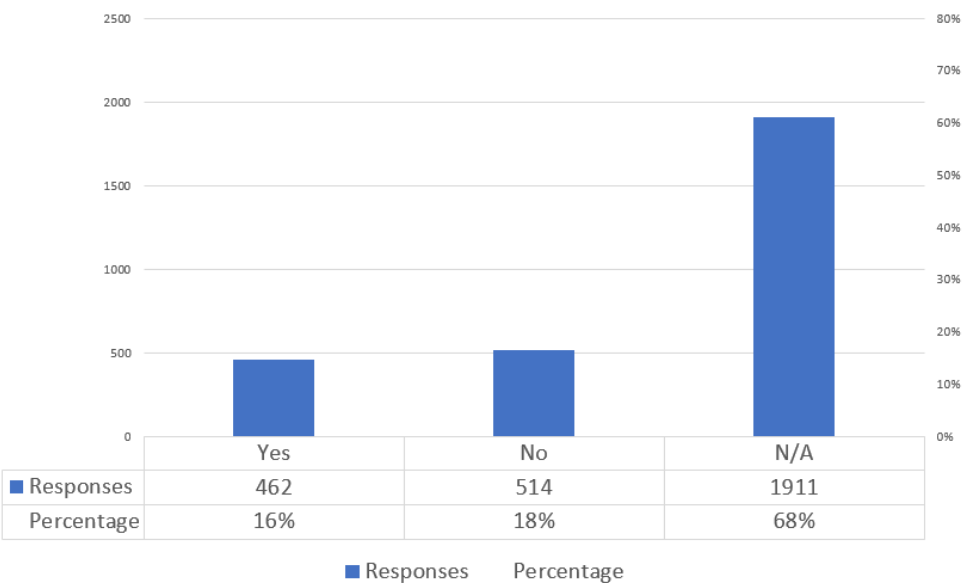
Total Responses = 2,888

Question Nine: Would you be interested in using a City-provided, 96-gallon rolling cart for garbage service and an additional, smaller cart for recycling?



Total Responses = 2,871

Question Ten: If your current bagged trash is in the alley, would you be willing to move to the front of your home if switched to cart(s)?



Total Responses = 2,887

Councilmember Koontz requested to see the raw data.

Councilmember Contreras questioned why it took so long to get the results.

City Manager Ferrell-Benavides stated Staff was waiting for more responses and asked for an extension on the survey.

Councilmember Koontz questioned how it would take if Council decided to go with carts.

Joanna Fritz, Republic Services stated if Council decided to convert to carts, it would not be a fast process. Republic would need to have the proper trucks and like the City right now it is hard to get parts. With addition to the equipment Republic would recommend having a Town Hall meeting to ask residents questions. Resulting anywhere from 18 to 24 month process.

- I.2.D. **Discuss Annual City Council Calendar.**
Item moved to the July 21, 2022 City Council Special Meeting.

Briefing Session was recessed at 7:09 p.m.

II. **EXECUTIVE SESSION**

Executive Session was moved until after Staff & Board Reports.

- 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 regarding the following matters:**
 - a. **Pamela McAllister v. City of Duncanville Case No. 05-22-00451-CV in the Fifth Court of Appeals.**

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 7:17 p.m. with Mayor Gordon presiding.

Rev. Jane Graner, Trinity United Methodist Church delivered the Invocation.

Mayor Gordon led the Pledge of Allegiance and Texas Pledge.

- III.1. **REPORTS**
 - III.1.A. **Mayor’s Report.**

Mayor Gordon stated starting in August Coffee with the Mayor will be the fourth Thursday of the month, at the Senior Center at noon; lunch will not be provided.

III.1.B. Councilmembers' Report.

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

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. Proclamation designating July as Parks and Recreation Month.

Councilmember Cherry presented the proclamation.

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" At this time, two-minute comments will be taken from the audience on any topic. 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. In accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decisions at this time. Issues may be referred to City Staff for research and possible future action.

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- First and Last Name; and address.
- State if you would like the Mayor to read your comment or if you would like to speak via ZOOM.
- *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:

Gilbert Cavello, 703 San Juan Drive - submitted a comment on water and sewage usage.

Patricia Ebert, 115 South Greenstone Lane - submitted a comment on SwagIT.

AJ Thompson, 6109 Walla Ave, Ft. Worth - spoke on SwagIT and services from Cloud Drive Solutions, LLC.

Stan Smith, 115 East Davis Street #D - spoke on the DCEDC Grants.

Gale Sliger, 1405 South Main Street - spoke on phone system, the utility billing bill font size, and the trash survey.

Judy Smithey, 1806 Cedar Hill Road - spoke on customer service at City Hall.

III.4. CONSENT AGENDA

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

- III.4.A. ***Consider a Resolution authorizing a cooperative purchasing agreement with Caldwell Country Chevrolet through BuyBoard Contract #601-19 to approve the procurement of two pickup trucks and two SUVs in the total expenditure amount of \$198,500.00.***
- III.4.B. ***Consider a Resolution authorizing a cooperative purchasing agreement with Mac Haik Ford through Sourcewell Contract #101520 for fleet parts and repair of Ford vehicles in the expenditure amount of \$125,000.00.***
- III.4.C. ***Consider a Resolution authorizing the cancellation of resolution 2020-001 approving the purchase of an aerial bucket truck cab and chassis from Rockdale Country Ford, LLC in the amount of \$112,180.00; resolution 2020-055 approving the purchase of one F-250, two F-350s, and one F-450 from Sam Pack's Five Star Ford in the amount of \$142,534.90; and resolution 2020-096 approving the purchase of one F-350, one Ford Sedan, and one F-450 from Sam Pack's Five Star Ford in the amount of \$97,092.15.***
- III.4.D. ***Consider a Resolution approving the terms and conditions of design incentive grants by the Duncanville Community and Economic Development Corporation (DCEDC) to Red Bird Lanes, bowling center, in the amount of \$11,683.60, for a building located at 1114 s main street, Duncanville, Texas 75137.***

Councilmember Don McBurnett made a motion to approve the item as stated, Councilmember Jeremy Koontz 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 for consideration and action regarding the request of Peter D'Amato, applicant and owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4 S 100 FT, Lot 12, more commonly known as 203 North Casa Grande Circle, Duncanville, Dallas County, Texas.***

Applicant requested a continuance at the August 16, 2022

Mayor Gordon opened the public hearing 7:51pm

Councilmember Greg Contreras made a motion for a continuance at the August 16, 2022 City Council meeting, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against.

- III.5.B. ***Conduct a Public Hearing for consideration and action regarding the request of Peter D'Amato, applicant and owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Winona Gardens 2, Block 4, Lot 11, more commonly known as 211 North Casa Grande Circle, Duncanville, Dallas County, Texas.***

Applicant requested a continuance at the August 16, 2022

Mayor Gordon opened the public hearing 7:53pm

Councilmember Don McBurnett made a motion for a continuance at the August 16, 2022 City Council meeting, Councilmember Jeremy Koontz seconded the motion. The vote was cast 7 for, 0 against.

- III.5.C. ***Conduct a Public Hearing for consideration and action regarding the request of Yenni Hernandez, Applicant and Owner, to include a Specific Use Permit "SUP" for Carport on Candlelight Estates 1st Inst, Block B, Lot 2, more commonly known as 1342 Acton Avenue, Duncanville, Dallas County, Texas.***

Director of Planning Neighborhood Services Tennant presented the item.

Variance Request:

- To include a SUP to allow a carport.
- Future Land Use Map Designation
 - Single Family 7 District (SF-7)
- Zoning District

- Low Density Residential

Code Section & Requirements – Comprehensive Zoning Ordinance

- Per 4.13(D)(4) Miscellaneous Standards:
 - Type B accessory buildings, including carports, 400 square feet or less shall be built with materials that are durable and resistant to deterioration.
 - Profiled panels, deep ridge panels, and concealed fastener systems are permitted.
 - All vertical and horizontal structural members of carports shall be of 14-gauge steel or aluminum.
 - Vertical supporting members shall be a minimum of three inches in diameter for circular posts or three inches by three inches for tubular posts.
 - Low or single pitch carport roofs shall be of maintenance free materials (minimum 26-gauge steel or aluminum).
 - Exterior finish for metal materials shall be baked enamel finish or painted to the manufacturer's specifications; unpainted metal finish is prohibited.
 - The use of corrugated metal, plastic, or fiberglass panels is prohibited.
- Section 3.03 – Carport
 - An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, open on two or more sides for the shade and shelter of private passenger vehicles.

17 notifications mailed

Responses received:

0 In Favor

0 Not In Favor

On June 13, 2022, the Planning and Zoning Commission recommended approval of the request.

Provisos/Conditions for Consideration:

- The Carport will not be built with the identified prohibited materials.

Mayor Gordon opened the Public Hearing at 7:58 p.m.

In Favor

Yenni Hernandez, 1342 Acton Avenue, applicant – spoke.

In Opposition

No one spoke.

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 8:00 p.m.

Councilmember Jeremy Koontz made a motion to approve the item with the condition of no outside storage except for motor vehicle and trash receptions and construction will be reviewed by the Building Official, obtaining a building permit and apply with applicable codes and materials used set forth within the Zoning Ordinance and International Building Code , Councilmember Karen Cherry seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.D. Conduct a Public Hearing for consideration and action regarding the request of Sharon Hicks, Applicant, representing Kristina Mabey, Owner, to include a Specific Use Permit “SUP” for Daycare on Woodhaven Replat, Block 3, Lot 11A ACS 1.61, more commonly known as 206 East Red Bird Lane, Duncanville, Dallas County, Texas.

{Mayor Pro Tem Patrick Harvey left the meeting at 8:12 p.m.}

{Mayor Pro Tem Patrick Harvey returned at 8:15 p.m.}

Neighborhood Services Director Tennant presented the item.

Variance Request

- To allow a daycare at the petitioned address.
- Future Land Use Map Designation
 - Retail/Commercial
- Zoning District
 - Commercial

Code Section & Requirements – Comprehensive Zoning Ordinance

- Childcare Facility, Daycare
 - An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required.
 - Also includes similar terms such as nursery and childcare center.
- In March 2022, the CZO was amended.
 - Currently Child Care Facilities, Daycares are not permitted within the Commercial District; the existing use is Non-conforming.

Ordinance 2015

1. Passed February 20, 2007
2. The Property shall be developed in accordance with the site plan attached hereto as Exhibit "B" and made part hereof for all purposes;
3. The construction, erection, renovation, operation and maintenance of the daycare facility and all buildings and structures situated on the Property shall meet all City, State, and Federal regulations for building and fire codes, and accessibility;
4. The existing and any proposed structures on the Property shall be protected with a fire sprinkler and fire alarm system according to City regulations;
5. The maximum number of students shall conform to State regulations;
6. The days of operations shall be Monday through Friday;
7. The hours of operation shall be between 6:00 a.m. and 6:00 p.m.;
8. The minimum off-street parking shall be 22 spaces (based on proposed 2,033 square foot addition and proposed future 727 square foot addition);
9. The Property shall conform to Appendix A, Article XIV -E, Landscape Requirements, of the Code of Ordinances of the City of Duncanville

Ordinance 2015

1. Passed February 20, 2007
2. Dumpster screening shall conform to Appendix A, Article XIV-G, Screening Requirements, Walls, Fences, of the Code of Ordinances of the City of Duncanville;
3. Exterior walls shall conform to Appendix A, Article XIV -E, Wall Coverings, of the Code of Ordinances of the City of Duncanville;
4. All fences shall conform to Chapter 12, Article X, Fence Regulations, of the Code of Ordinances of the City of Duncanville;
5. The Property shall conform to Chapter 12, Article XVII, Tree Preservation, of the Code of Ordinances of the City of Duncanville;
6. All paving shall be reinforced concrete and shall conform to City regulations. All existing asphalt paving shall be removed and disposed of according to City and State regulations, prior to the issuance of any building permit;
7. Existing portable building may be relocated in accordance with the Site Plan attached hereto and incorporated herein as Exhibit "B", shall be used for storage only, shall not be used as a classroom or other facility for childcare, and is exempt from brick veneer requirements for Type B Accessory Buildings over 400 square feet;
8. Unless sooner terminated by the City Council, this Special Use Permit shall expire upon the expiration of ten (10) years from the effective date hereof and shall automatically be renewed for successive five (5) year periods under the requirements and in accordance with the provisions of Section 2(6) of Article XIII-B, Appendix A, of the Code of Ordinances of the City of Duncanville; and

9. Lots 11 and 12 shall be replatted into one (1) single lot, prior to the issuance of any building permit.

9 notifications sent

Responses received:

1 In Favor

0 Not In Favor

1 undeliverable

On June 13, 2022, the Planning and Zoning Commission recommended approval of the request.

Proviso(s)/Condition(s) for Consideration:

1. The maximum number of students shall conform to State regulations;
2. The days of operations shall be Monday through Friday;
3. The hours of operation shall be between 6:00 a.m. and 6:00 p.m.;
4. The minimum off-street parking shall be 22 spaces (based on proposed 2,033 square foot addition and proposed future 727 square foot addition);
5. The SUP is granted only to the applicant.

Mayor Gordon opened the Public Hearing at 8:16 p.m.

In Favor:

No one spoke.

In Opposition:

No one spoke.

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

Mayor Gordon closed the Public Hearing at 8:17 p.m.

w/conditions Councilmember Greg Contreras made a motion to approve the item with the following conditions stated in previous SUP and with the requirement they maintain their license in good standing with the state, as stated, Mayor Pro Tem Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.E. *Conduct a Public Hearing for consideration and action regarding the request of Audra Buckley of Permitted Development, LLC, applicant, representing Bruce Veyna of S. E. Funeral homes of Texas, inc., owner, to include a Specific Use Permit "SUP" for event center on Orig Town Duncanville, Block 6 Pt and Block 7 ACS 1.572, more commonly known as 200 West Center Street, Duncanville, Dallas County, Texas.*

Neighborhood Services Director Tennant presented the item.

Variance Request:

- To allow an event center use to be allowed at the petitioned address.
- Future Land Use Map Designation
 - Downtown District - General Main Street (GMS)
- Zoning District
 - Downtown District
- Code Section & Requirements
 - Article 3, Section 3.03 – Banquet or Event Center
 - Banquet or Event Center(s) must obtain a SUP within the General and Core Main Street Downtown Districts as well as the Local and General Office Districts; is not allowed in the Urban Living Downtown District; the use is permitted within the Commercial District.

Code Section & Requirements – Comprehensive Zoning Ordinance: Article 7, Section 7.02 Land Use Terms

- Defined as a building, facility, room, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, regardless of whether a fee is charged. Includes reception facilities and wedding venues.
- The parking, landscape, lighting and irrigation plans meet the requirements.

13 mailings sent

Responses received:

1 In Favor

13 Not In Favor

During the July 19, 2022, the Planning and Zoning Commission recommended approval of the request.

Proviso(s)/Condition(s) for Consideration

- No loud and raucous noise may be heard outside the building of the property between the hours of 10:00 p.m. and 1:00 a.m.
- There must not be any littering and trash left on the property overnight.
- Lighting illumination must be contained within the property and not illuminate onto adjacent properties.
- The Event Center or Banquet Hall shall be used for the sole purpose of lease or rental by others for a privately sponsored event that is not open to the public and does not charge an admission fee of any type for entry into the event or establishment. Examples of privately sponsored events that are allowed to be held at the Event Center or Banquet Hall include but are not limited to, quinceaneras, wedding receptions, graduation parties, etc. Community meetings regarding public issues or townhalls intended for the public are exempt from this provision.
- All patrons are required to vacate the property by no later than 1:15 a.m.
- The Operator must provide security personnel in the form of peace officers, private security firms, etc. to assist with all events from the hours of 8:00 p.m. and 2:00 a.m.
- The operator's staff must be on-site whenever an event occurs. A member of staff must serve or dispense alcoholic beverages under the authority of a license, certification, or permit, including persons who immediately manage, direct, supervise, or control the service of alcoholic beverages.

Mayor Gordon opened the Public Hearing at 8:29 p.m.

In Favor

Audra Buckley, 1414 Belleview St #150 - representative of the applicant, spoke.

Steve Landtroop, 1315 Heather Glenn – applicant, spoke.

In Opposition

Lisa Hartman, 727 North Horne Street – submitted a comment.

Chris Gutierrez, 201 W Center Street – submitted a comment.

Charles Lee, 104 Walnut Street – submitted a comment.

Julie Lee, 802 Del Lenora Drive #9 – submitted a comment.

Denise Wynn

Misty Bain, 102 Walnut Street – spoke.

Nancy Gutierrez, 730 Middle Road – spoke.

Mayor Gordon read the following comments in opposition.

Lisa Hartman, 727 North Horne St.

Chris Gutierrez, 201 West Center St.

Charles Lee, 104 Walnut St.

Julie Lee, 802 Del Lenora Drive #9

Denise Wynn, 247 Merribrook Trail

Benjamin Bain, 102 Walnut St.

Marolyn Johnson, 247 Merribrook Trail

Alicia Smith, 245 Merribrook Trail
Austin Bain, 102 Walnut St.

Councilmember Don McBurnett made a motion to close the Public Hearing, Councilmember Joe Veracruz seconded the motion. The vote was cast 7 for, 0 against.

Mayor Gordon closed the Public Hearing at 8:45 p.m.

Councilmember Don McBurnett made a motion to approve the item as stated, Mayor Pro Tem Patrick Harvey 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 Jeremy Koontz, Councilmember Mark D. Cooks, and Councilmember Greg Contreras). Item failed.

III.5.F. *Conduct a Public Hearing for consideration and action regarding the request of Stephen Landtroop, Applicant and Owner, to include a Specific Use Permit "SUP" for Short-Term Rental on Green Hills 4th Inst 3rd Sec, Block 9, Lot 12, more commonly known as 1315 Heather Glen Street, Duncanville, Dallas County, Texas*

Neighborhood Services Director Tennant presented the item.

Variance Request:

- To allow an event center use to be allowed at the petitioned address.

Future Land Use Map Designation

- Downtown District - General Main Street (GMS)

Zoning District

- Downtown District

Code Section & Requirements

- Article 3, Section 3.03 – Banquet or Event Center
- Banquet or Event Center(s) must obtain a SUP within the General and Core Main Street Downtown Districts as well as the Local and General Office Districts; is not allowed in the Urban Living Downtown District; the use is permitted within the Commercial District.

Code Section & Requirements – Comprehensive Zoning Ordinance; Article 7, Section 7.02 Land Use Terms

- Defined as a building, facility, room, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, regardless of whether a fee is charged. Includes reception facilities and wedding venues.
- The parking, landscape, lighting and irrigation plans meet the requirements.

13 mailings sent

Responses received:

1 In Favor

13 Not In Favor

During the July 19, 2022, the Planning and Zoning Commission recommended approval of the request.

Proviso(s)/Condition(s) for Consideration:

- No loud and raucous noise may be heard outside the building of the property between the hours of 10:00 p.m. and 1:00 a.m.
- There must not be any littering and trash left on the property overnight.
- Lighting illumination must be contained within the property and not illuminate onto adjacent properties.
- The Event Center or Banquet Hall shall be used for the sole purpose of lease or rental by others for a privately sponsored event that is not open

to the public and does not charge an admission fee of any type for entry into the event or establishment. Examples of privately sponsored events that are allowed to be held at the Event Center or Banquet Hall include but are not limited to, quinceaneras, wedding receptions, graduation parties, etc. Community meetings regarding public issues or townhalls intended for the public are exempt from this provision.

- All patrons are required to vacate the property by no later than 1:15 a.m.
- The Operator must provide security personnel in the form of peace officers, private security firms, etc. to assist with all events from the hours of 8:00 p.m. and 2:00 a.m.
- The operator's staff must be on-site whenever an event occurs. A member of staff must serve or dispense alcoholic beverages under the authority of a license, certification, or permit, including persons who immediately manage, direct, supervise, or control the service of alcoholic beverages.

Mayor Gordon opened the Public Hearing at 8:59 p.m.

In Favor

Cindy Croney, 1306 Heather Glen
Stuart Carlson, 822 Sherrill Blvd.
Ruth Carlson, 822 Sherrill Blvd.
James Wilkins, 234 Walnut Circle
Steve Landtroop, 1315 Heather Glen St.

In Opposition

No one spoke.

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

Council requested the following conditions:

- a. No outside gatherings may be conducted on the property by guests between the hours of 10:00 p.m. and 7:00 a.m.
- b. The Specific Use Permit will be removed if the location receives three (3) substantiated complaints from neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
- c. The property owner shall not be arrears in the payment of hotel occupancy taxes or code compliance provisions.
- d. A verified report must be submitted to the Planning staff each January that indicates the following:
 1. The number of nights the unit was rented as a Short-Term Rental in the previous year
 2. Proof of payment of state and local Hotel Occupancy Tax; and
 3. Proof of current property insurance
- e. That the property owner and occupant shall be onsite during any rental of the property as a short-term rental.
- f. Continued operation of a short-term rental following suspension or removal from the registration list will be considered a violation of this Ordinance and the Comprehensive Zoning Ordinance

- g. That the property shall not be rented for the primary purpose of conducting an event or party.
- h. That property owner shall comply with all local building codes and ordinances.

Mayor Pro Tem Patrick Harvey made a motion to approve with conditions, Councilmember Greg Contreras seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.G. Election of Mayor Pro Tem for 2022-2023.

Mayor Pro Tem Harvey thanked Council for allowing him to serve as Mayor Pro Tem.

Mayor Pro Tem Harvey nominated Councilmember Veracruz.

Councilmember Koontz nominated Councilmember Contreras.

Councilmember Contreras stated due to tenure, and he respectively would bow out.

A vote was cast 7 for, 0 against. Councilmember Joe Veracruz was appointed as Mayor Pro Tem.

III.5.H. Appoint City Councilmembers to serve on the Audit Committee and discuss and consider private citizens’ appointment to the Audit Committee, as well as designate a chairman for the committee.

City Secretary Downs presented the item.

Councilmember Don McBurnett was appointed

Councilmember Patrick Harvey was appointed and named Chair of the Audit Committee.

Councilmember Jeremey Koontz was appointed

James Talley was appointed to the Audit Committee.

A vote was cast 7 for, 0 against, appointments made.

III.5.I. Request City Council reviews and approve a reimbursement resolution.

The Fire Station and other projects funded by the 2019 bond proceeds have insufficient bond funds to complete the projects.

Managing Director of Fiscal Services, Atmore presented the item.

Guaranteed Maximum Price (GMP)	
Bid Item Description	Base Price
Demolition/Off-Site Infrastructure	\$54,914
Site Work (Rough)	\$509,635
Site Work (Finish)	\$642,437
Structure	\$1,530,901
Enclosure	\$415,125
Interior Finishes	\$1,001,532
Specialties	\$238,466
Equipment	\$82,597
Mechanical, Electrical and Plumbing (MEP) Systems	\$1,606,680
Special Systems	\$43,280
Contingencies & Allowances	\$379,595
General Requirements	\$681,743
Insurance, Bonds, and Builders Risk	\$139,229
Contractor’s Fee (as CMAR) (4% of the cost of construction)	\$265,776
TOTAL	\$7,591,908

Item	Budget	Initial Estimate Dec 2020	Revised Estimate May 2022
Design	\$500,000	\$525,630	\$750,000.00
CMAR (Pre-Construction)	\$20,000	\$20,000	\$20,000
Construction + CMAR fee (4%) (GMP)	\$4,480,000	\$5,391,477	\$7,591,908
Land Acquisition	\$1,000,000	\$600,000	\$1,000,000
Total*	\$6,000,000	\$6,877,107.00	\$9,361,908
Difference		\$(877,107)	(-\$3,361,908)
Additional Expense covered with operating budget: Furniture, Equipment, and IT		\$1,500,000	\$1,500,000

Additional Funding Options -\$3,361,908

Other Current Savings

Roof Savings \$800,000

Fund Balance

Total Available Audited as of Sept 30, 2021: \$15,268,747

Amount Available after Required Reserve as of Sept 30, 2021 Audit: \$6,547,212

Certificates of Obligation (COs)

4.20%
• Borrow: \$2,875,000
• Total P&I \$4,585,083

4.57%
• Borrow: \$2,965,000
• Total P&I \$4,472,583

Tax Anticipation Notes (TAN's)

3.25%
• Borrow: \$3,075,000
• Total P&I \$3,438,106

3.75%
• Borrow: \$3,075,000
• Total P&I \$3,496,406

Rates could vary depending on Market, Timing and Length of Note

OPTIONS FOR FUNDING SHORTAGES						
TAX NOTES ISSUANCE PROPOSAL						
Issuance to Fund \$3.0 Million in Project Proceeds for Completion of the Fire Station						
Fiscal Year End	Series 2022 Tax Notes			Series 2022 Tax Notes		
	Based on Estimated Current Market Rates as of 6.17.2022			Based on Estimated Current Market Rates as of 6.17.2022 + 0.50%		
	Principal	Interest	Total P+I	Principal	Interest	Total P+I
2022						
2023	\$ 395,000	\$ 93,519	\$ 488,519	\$ 390,000	\$ 108,000	\$ 498,000
2024	410,000	80,438	490,438	405,000	93,094	498,094
2025	425,000	66,869	491,869	420,000	77,625	497,625
2026	440,000	52,813	492,813	440,000	61,500	501,500
2027	455,000	38,269	493,269	455,000	44,719	499,719
2028	465,000	23,319	488,319	475,000	27,281	502,281
2029	485,000	7,881	492,881	490,000	9,188	499,188
2030						
2031						
2032						
2033						
2034						
2035						
2036						
2037						
2038						
2039						
2040						
2041						
2042						
	\$ 3,075,000	\$ 363,106	\$ 3,438,106	\$ 3,075,000	\$ 421,406	\$ 3,496,406

Tax Note Estimated Market Rates - 3.25% - 3.75%

OPTIONS FOR FINANCING SHORTAGES						
CO ISSUANCE PROPOSAL						
Issuance to Fund \$3.0 Million in Project Proceeds for Completion of the Fire Station						
Fiscal Year End	Series 2022 Certificates of Obligation			Series 2022 Certificates of Obligation		
	Based on Estimated Current Market Rates as of 6.17.2022			Based on Estimated Current Market Rates as of 6.17.2022 + 0.50%		
	Principal	Interest	Total P+I	Principal	Interest	Total P+I
2022						
2023	\$ 65,000	\$ 166,083	\$ 231,083	\$ 65,000	\$ 171,333	\$ 236,333
2024	90,000	138,250	228,250	95,000	142,625	237,625
2025	95,000	133,625	228,625	100,000	137,750	237,750
2026	100,000	128,750	228,750	105,000	132,625	237,625
2027	105,000	123,625	228,625	110,000	127,250	237,250
2028	110,000	118,250	228,250	115,000	121,625	236,625
2029	115,000	112,625	227,625	120,000	115,750	235,750
2030	125,000	106,625	231,625	125,000	109,625	234,625
2031	130,000	100,250	230,250	130,000	103,250	233,250
2032	135,000	93,625	228,625	140,000	96,500	236,500
2033	145,000	86,625	231,625	145,000	89,375	234,375
2034	150,000	79,250	229,250	155,000	81,875	236,875
2035	155,000	71,625	226,625	160,000	74,000	234,000
2036	165,000	63,625	228,625	170,000	65,750	235,750
2037	175,000	55,125	230,125	180,000	57,000	237,000
2038	185,000	46,125	231,125	190,000	47,750	237,750
2039	190,000	36,750	226,750	200,000	38,000	238,000
2040	200,000	27,000	227,000	210,000	27,750	237,750
2041	215,000	16,625	231,625	220,000	17,000	237,000
2042	225,000	5,625	230,625	230,000	5,750	235,750
	\$ 2,875,000	\$ 1,710,083	\$ 4,585,083	\$ 2,965,000	\$ 1,762,583	\$ 4,727,583

CO Estimated Rates for Fire Station Project - 4.20% – 4.57%

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.

III.5.J. Consider a Resolution approving the award of public meetings, broadcasting, social media live streaming, and non-indexed video services to SwagIT Productions, LLC.

Chief Information Officer Spencer presented the item.

Councilmember Koontz stated why he would be voting against the item.

Mayor Pro Tem Patrick Harvey made a motion to approve the item as stated, Councilmember Greg Contreras seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremy Koontz). Item passed.

III.5.K. Consider a Resolution authorizing the application and receipt of a WaterSMART Water and Energy Efficiency Grant from the U.S. Bureau of Reclamation for the 50% funding of the Automated Metering Infrastructure (AMI) Installation Project. The Grant application is for \$2,500,000 with the City of Duncanville contributing \$2,500,000 as a 50% cash match. These sources will provide the \$5,000,000 needed for the Automated Metering Infrastructure (AMI) Installation Project implementation over a period of three years.

Staff presented the item.

05/12/2022, City of Duncanville received Request from Councilmember McBurnett to pursue a Water and Energy Efficiency Grant through the U.S. Bureau of Reclamation's WaterSMART program.

- Grants pay up to 50% of total project costs.
- Grants pay between \$500,000 and \$5,000,000.
- Grants cover projects lasting 2 to 3 years.
- Several other cities have been awarded WaterSMART grants for Advanced Metering Infrastructure (AMI) projects in recent years.
- Construction on City of Duncanville's water delivery system began in the 1960s.
- The useful life of a traditional meter is 15 to 20 years.
- Existing meters are aging:
 - 50% are over 15 years old
- The City's existing system has **13,200** traditional water meters.
- Meters must be read manually on-site by meter readers, measuring how much water has moved through the meter since the last reading.
- Meter readers read approx. 1/4 of City's meters each week.
- Customers then receive water bills based on month-old data.
- A recent analysis of the City's meters revealed device accuracy degrades over time
- Because old and inaccurate meters almost always under-measure, this results in lost revenue.
- Over the past four years, the City's water revenue has decreased by approximately \$400,000 per year, and those losses will continue until existing meters are replaced:
 - 2018 - \$8.8 million
 - 2019 - \$8.3 million
 - 2020 - \$7.9 million
 - 2021 - \$7.6 million

Proposed Project – City Benefits

Installation and implementation of an Advanced Metering Infrastructure (AMI) system will allow the City to:

- Remotely continuously monitor and diagnose problems.
- Manage water loss using data-driven insights.
- Save labor hours, miles driven, and fuel consumed by not physically going to all 13,200 meters each month.
- Empower customer service representatives with advanced tools to deliver an improved customer experience.

Proposed Project – Customer Benefits

AMI enables the City to launch an interactive utility portal for water users that can:

- Provide customers with real-time water usage data.
- Empower customers to establish water usage parameters.
- Studies show that accurate data will likely prompt consumers to make changes to their water usage, reducing water waste and saving money!

Proposed Project – Regional Benefits

The proposed AMI project directly contributes to the goals of the following strategic plans:

- Texas Water Development Board's 2021 Region C Plan
- City of Dallas' Dallas Water Utilities (DWU) 2019 Drought Contingency Plan
- City of Duncanville's 2019 Drought Contingency Plan

Proposed Project – Regional Support

- Over the past six weeks, Economic Development has been working to collect Letters of Support from a variety of stakeholders, including:
 - State Rep Yvonne Davis (HD111)
 - North Texas Council of Governments
 - ONCOR
 - Duncanville Chamber of Commerce
 - La Mexicana Tortilla Factory (largest commercial water user)
- Other Letters of Support are expected

Proposed Project – Funding

- WaterSMART Grant Award – \$2.5 million
 - Awarded project proposals to be announced May 2023.
- Utility Operating Fund – \$2.5 million transferred to Meter Replacement Fund
 - 3 calendar years: May 2023 – May 2026
 - 4 fiscal years: FY23, FY24, FY25, FY26

Proposed Project – Procurement

- Section 271.101 of the TX Local Government Code allows the use of cooperative contracts for the procurement of goods, including these meters.
- This grant allows the use of cooperative purchase provision under 2C.F.R 200.320

Councilmember Koontz stated why he would be voting against the item.

Mayor Pro Tem Patrick Harvey made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 6 for, 1 against (Councilmember Jeremy Koontz). Item passed.

III.5.L. Consider a Resolution approving the Duncanville Community and Economic Development Corporation (DCEDC) Incentive and Grant Policy Statement and Guidelines for Economic Development Grants and Tax Abatements.

{Councilmember At-Large Patrick Harvey left the meeting at 10:47 p.m.}
{Councilmember At-Large Patrick Harvey returned at 10:54 p.m.}

DCEDC Policy Revision

- The current version of the DCEDC policy was adopted February 2019.
- The current policy had an excellent framework to build from but lacked certain tools and hindered others.
- Major revisions include
 - Removal of restrictions, such as abatement tables and unobtainable minimum thresholds.
 - Non-Profits can now apply
 - Goodwill effort to obtain local contractors
 - Streamlined the application process to make it easier for businesses to apply for assistance.

- Removed excessive/redundant language and standardized requirements (ex: "...on a case-by-case basis").
- Work may begin after submittal of a completed application, rather than having to wait for DCEDC and Council approval
- Removed the 70% limit on design incentives (paint, façade, sign, landscape, paving).
- The revised policy is the result of business community feedback, professional evaluation and review by EDC staff, and Council and DCEDC strategic priorities and goals.
- Business Retention and Expansion Grants up to 250,000.
 - Bonafide Offer
 - Attestation – Notarize
 - Up to 2,500 per new employee that meets 80% of Dallas County Median wage.
- Added Pavement Grants
- Demolition Program
 - Modified to represent renovation, redevelopment and adaptive re-use.

Councilmember Jeremy Koontz made a motion to approve the item as stated, Councilmember Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.6. STAFF AND BOARD REPORTS

III.6.A. *Receive the Monthly Financial Report as of May 31, 2022.*

Managing Director of Fiscal Services, Atmore presented the item.

III.6.B. *Receive the Neighborhood Services Quarterly Report.*

Neighborhood Services Director Tennant presented the item.

III.6.C. *Receive the Fire Department Quarterly Report.*

Fire Chief Rohde presented the item.

Mayor Gordon recessed the Regular Session at 11:09 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 11:14 p.m. and City Attorney Hager read the item into record.

II.1 *“City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney regarding the following matters:*

- a. ***Pamela McAllister v. City of Duncanville Case No. 05-22-00451-CV in the Fifth Court of Appeals.***

The Council closed the Executive Session at 11:18 p.m.

Mayor Gordon reconvened Regular Session at 11:21 p.m.

City Attorney Hager stated:

As a result of the Executive Session the following motion to approve a full and final settlement agreement by and between the City of Duncanville and Pam McAllister based on the letter of July 6, 2022 which has been sent to Ms. McAllister and was signed and returned with her agreement on July 16, 2022 under the terms and conditions of the letter and to authorize the City Manager to execute the necessary documents.

Councilmember Don McBurnett made a motion, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

IV. ADJOURNMENT

The meeting was adjourned at 11:22 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY