

**DUNCANVILLE CITY COUNCIL MEETING MINUTES
REGULAR MEETING
TUESDAY, OCTOBER 18, 2016**

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, October 18, 2016, at 6:00 p.m. in the Council Briefing Room at City Hall with a quorum to wit:

David L. Green	Mayor	
Dennis L. Schwartz	Councilmember, District 1	Absent
Steven Rutherford	Mayor Pro Tem, District 2	
Leslie Thomas	Councilmember, District 3	
Ron Dotson	Councilmember, District 4	Arrived at 6:10 p.m.
Johnette Jameson	Councilmember, District 5	
Patrick Harvey	Councilmember, At-Large	

WORK SESSION/BRIEFING ITEMS

Item No. B-1 Discuss Agenda Items

Mayor Green read the item into record and City Manager Hugman reviewed each item. Discussion included: Item 4A – copies of the revised minutes for the September 20th City Council Meeting were distributed; Item 4B – possible alternatives to Banner, cost to replace, and future updates; Item 4C – kiosks in City parks and facilities, i.e. advertising, nominal costs for electricity, contract clause to protect the City, and providing an additional method of promoting City events; Item 4D – Senior Center meals i.e. taste improvement over past few weeks; Item 4E – City's 10%; Item 4F – KDB Business Beautification award policy to include non-profits and churches; Item 5A – limiting number of adults per room, definition of Boarding Homes vs Bed & Breakfast, current litigation in Austin, intent to keep Boarding Houses out, residential zoning laws, current homes in violation, establishing annual inspection schedule with homeowner bearing the cost/fee, parking, and wording suggested by City Attorney Hager; Item 5B – keeping the tree canopy; Item 5C -- event center planned for Wheatland Plaza i.e. 1,400 sq. ft., no alcohol, event hours, and only inside events, and Planning and Zoning requiring sound proofing; Item 5D – interest rate of 1.5% for a total savings of \$111,787 over same period; Item 5E – Civil Service nominee Lia Polk's good reputation.

Item No. B-2A Receive an update on the proposed Tax Increment Financing (TIF) Reinvestment Zone from the Economic Development staff and Larry Cline Consulting, LLC.

Mayor Green read the item into record and Economic Development Director James introduced Larry Cline of Larry Cline Consulting, LLC. Mr. Cline provided an update on the proposed Tax Increment Financing (TIF) Reinvestment Zone and made a presentation to City Council on the status and next steps of the proposed Tax Increment Financing (TIF) Reinvestment Zones. Staff presented the proposed TIF Boundaries, Project Plan, and estimated TIF revenues. Discussion followed regarding method used to determine the area included in the TIF Reinvestment Zone, enhancement of property values, creating opportunity for redevelopment, the previous week's Comprehensive Plan Commission Meeting open to the public, and concern that residents north of I-20 may not be in favor of redevelopment. Following discussion, City Council requested another meeting to further discuss the TIF as well as gain residents' and property owners' input.

The briefing session adjourned at 7:00 p.m.

REGULAR SESSION – CONVENE INTO THE COUNCIL CHAMBERS

The City Council convened into Regular Session in the Council Chambers at 7:05 p.m. with Mayor Green presiding.

The Invocation was led by Reverend Ginger Hertenstein, First Presbyterian Church Duncanville.

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

REPORTS

Item No. R-1A Mayor's Report

Mayor Green spoke regarding Councilmember Schwartz's absence due to his mother's passing. The funeral is scheduled for Wednesday, at 9:30 a.m.

Item No. R-1B Councilmembers' Reports

There were no councilmember reports.

Item No. R-1C City Manger's Report

City Manager Hugman spoke regarding the award the City received for the repainting of the Clark Road water tower which was presented at the ICMA Conference.

PROCLAMATIONS AND PRESENTATIONS**Item No. R-2A Presentation by Mark Fox from the National Weather Service Office in Fort Worth, to the City of Duncanville as a Storm Ready Community.**

Mayor Green read the item into record. Mark Fox of the National Weather Service in Fort Worth made a presentation to Fire Chief Sam Rohde, Assistant Fire Chief James Roote, and Emergency Management Operations Coordinator Tonya Hunter recognizing the City of Duncanville as a "Storm Ready Community", noting only 7% of all United States cities have received the recognition, and presented them with a "Storm Ready" plaque.

Item No. R-2B Proclamation designating October 29, 2016 as "Community In Unity" Day.

Mayor Green read the item into record and presented the proclamation designating Saturday, October 29, 2016 as "Community in Unity Day" in the City of Duncanville to Pastor Ginger Hertenstein, Pastor Russell Dotson and several other pastors from local churches. Pastor Dotson accepted the proclamation and announced the event would be held in Armstrong Park from 2:00 – 6:30 p.m. benefiting the Duncanville Outreach Ministries and promoting peace and building relationships. Assistant Police Chief Brian Heard noted that the Police Department is very excited to participate in the event as well as the opportunity to interact with the community.

CITIZENS INPUT

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 decision at this time. Issues may be referred to City Staff for research and possible future action.

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

Preston Berg, 419 Allen Ave. – Spoke against the request for an "SU" Specific Use permit to allow the Party/Event Facility at 442 E. Wheatland Rd.

Linda Pool, 522 Allen Ave. – Spoke against the request for an "SU" Specific Use permit to allow the party/event facility at 442 E. Wheatland Rd. due to noise, signage and security.

Teresa Montgomery, 519 Allen Ave. – Spoke against the request for an "SU" Specific Use permit to allow the Party/Event Facility at 442 E. Wheatland Rd. since there are other party facilities available in town.

Deborah Brower Peach, 606 West Red Bird Lane – Spoke regarding the safety issues and overgrown bushes at the intersection close to the Thoroughbred Hills and Red Bird Lane and requested that the City address the issues.

Sharon Toups, 1219 Ridge Rock Lane – Spoke against the IH-20 Corridor redevelopment north of IH-20.

Wesley Jameson, 1214 Lady Lane – Spoke regarding the IH-20 Service Road and TIF and the need to provide the information to as many citizens as possible, the beauty of the area, and use of 4B funds for economic development.

Brad Toups, 1219 Ridge Rock Lane – Spoke against the IH-20 Corridor redevelopment north of IH-20 and concerns that it would destroy the beauty of the area as well as home grown businesses.

CONSENT AGENDA ITEMS

Mayor Green requested that City Secretary Jones read the Consent Agenda Items.

Item No. 4A Consider the minutes for the September 20, 2016, City Council Regular Meeting.

Item No. 4B Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the payment to Xerox Government Systems, LLC, for software support and maintenance for Banner Financial and Human Resources software from October 2015 to September 2016 in the amount of fifty-four thousand eight hundred eleven dollars and forty-five cents (\$54,811.45); authorizing the City Manager to execute the necessary documents and/or payment; and, providing for an effective date.

Item No. 4C Consider a Resolution of the City Council of the City of Duncanville, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement and License and Use Agreement between the Duncanville Independent School District and City of Duncanville, Texas, for placement of Digital Interactive Kiosk systems on or in City of Duncanville property; authorizing the City Manager to execute the agreement; providing a severability clause; and, providing for an effective date.

Item No. 4D Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the annual procurement of senior meal program services #14-27 with Visiting Nurse Association of Texas, in the unit amount bid through a City of Grand Prairie Cooperative Purchasing Agreement with an estimated annual expenditure amount of approximately fifty seven thousand nine hundred and thirty seven dollars and fifty cents (\$57,937.50); authorizing the City Manager to execute the necessary documents; and, providing for an effective date.

Item No. 4E Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the application for the submission of and receipt of a grant from the Federal Emergency Management Agency, Assistance to Firefighters Grant, FY2016, funding the enhancement of four (4) cardiac monitoring/defibrillator systems, and four (4) CPR chest compression devices for the Fire Department, with a total grant value of \$254,000, of which the City of Duncanville contributes 10% in the form of \$25,400 cash match; and authorizing the City Manager as the authorized official to execute all documents in regard to the requested funds, which includes the power to apply for, accept, reject, alter or terminate the grant.

Item No. 4F Consider a Resolution of the City Council of the City of Duncanville, Texas, authorizing the procurement of a Wheeled Coach Ambulance from Siddons-Martin Emergency Group, L.L.C. through a Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Agreement in the expenditure amount of two hundred sixty thousand nine hundred twenty seven dollars (\$260,927.00); authorizing the City Manager to execute the necessary documents; and, providing an effective date.

Item No. 4G Consider a Resolution of the City Council of the City of Duncanville, Texas, approving and adopting the City of Duncanville Investment Policy.

Item No. 4H Consider a Resolution of the City Council of the City of Duncanville, Texas, adopting the revised Business Beautification Award Guidelines; and, providing for an effective date.

City Secretary Jones read the consent items into record. Councilmember Harvey made a motion to approve the Consent Agenda Items as read. Councilmember Jameson seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

INDIVIDUAL CONSIDERATION

Item No. 5A Conduct a public hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Code of Ordinances by adding a new Chapter 12C titled "Boarding and Group Home Facilities", setting forth regulations for boarding and group homes located within the city; providing definitions; providing requirements, qualifications, and fees for group home facilities; providing for owners and operators of group home facilities; providing for exemptions; providing for adoption of regulations; providing for location separation requirements; providing for reasonable accommodations; providing for parking requirements; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty clause of fine not to exceed the sum of two thousand (\$2,000) dollars for each offense if the provision violated governs fire safety, public health, or sanitation; or, five hundred (\$500) dollars for all other offenses; and, providing for an effective date.

Mayor Green read the item into record. Public Works Director Hasler presented the item including the previously proposed ordinance which was found to protect a specific class that would be cumbersome to enforce while the ordinance being proposed now requires an "SUP"; and Group Homes, which are for persons with disabilities and require following state law and ADA requirements, vs Boarding Homes which will be prohibited.

Mayor Green opened the public hearing. The following spoke during the public hearing.

Wesley Jameson, 1214 Lady Lane – Commented on the concern for enforcement and asked who would be responsible for the oversight and enforcement of the regulations, and who would a citizen call to make a complaint?

Public Works Director Hasler responded that the responsibility would be with the Building Inspections and Code Enforcement offices as well as the Assistant City Manager who manages the Code Enforcement Department.

No one else spoke at the public hearing.

Councilmember Jameson made a motion to close the public hearing. Councilmember Harvey seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

Councilmember Thomas made a motion to approve with the addition of a required annual inspection with a fee to be established by the City Council and instruct the City Attorney to investigate the legal feasibility of restricting to 2 people per room. Councilmember Jameson seconded the motion. Mayor Green requested the City Attorney read the full motion before the City Council. City Attorney Hager read the following: Motion to approved Ordinance No. 2283 with the addition of a new Section 12C which requires an inspection prior to issuance of a Certificate of Occupancy for the regulated facility as well as an annual inspection and the City Council shall establish by Resolution an appropriate fee for the inspection as established under the Ordinance. Clarification was made that the request to investigate the legal feasibility of restricting to 2 people per room is not part of the Ordinance and that it would need to be brought back for approval by the City Council.

At Councilmember Jameson's request, Staff and the City Attorney clarified the difference between Boarding Homes and Group Homes including that Groups Homes are protected by the Fair Housing Act and Americans with Disabilities Act. There was no further discussion. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

Item No. 5B Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Tract 3.1, Anderson Slayback Survey, Abstract 1299, Page 880, 2.58 acres, more commonly known as 835 East U.S. Highway 67, to include an "SUP" Special Use Permit to allow a Hotel (Less Than 120 Rooms) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

Mayor Green read the item into record and opened the public hearing and Public Works Direct Hasler presented the request to amend the existing zoning to include an "SUP" for a LaQuinta Inn hotel to be located at 83 E US Hwy 67 with plans to include 4 stories and 88 rooms for a total of 57,000 sq. ft. and 750 sq. ft. of meeting rooms; and the need for the "SUP" due to less than the required number of rooms as well as no full kitchen on site. Further details include excellent visibility, use consistent with the surrounding area, will provide a beneficial addition to US Hwy 67 and potential for redevelopment of the area; compatibility with the zoning; meets off-street parking, set back, and masonry requirements, and exceeds the landscape requirements including a buffer; no time limit on the "SUP"; and the recommendation for approval. Mr. Patel, owner of the project, was present for questions. No citizens spoke during the public hearing.

Mayor Green opened the floor for questions from City Council. Discussion included that staff and the owner's meetings had provided a clear understanding of the requirements. There was no further discussion. Councilmember Thomas made a motion to close the public hearing. Councilmember Harvey seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

Councilmember Thomas made a motion to approve. City Attorney Hager noted that the motion should state that approval is with special conditions that are sited in the Ordinance. Councilmember Harvey seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

Item No. 5C Conduct a Public Hearing and consider an Ordinance of the City of Duncanville, Texas, amending the Comprehensive Zoning Ordinance and map, as heretofore amended, to amend the existing "LR-2" Local Retail-2 zoning on Block 1, Lot A and Abandoned Alley, Wheatland Plaza Shopping Center, more commonly known as 402 East Wheatland Road, Tenant Space 442, to include an "SU" Specific Use permit to allow a Party/Event Facility (Indoor Only) in the City of Duncanville, Dallas County, Texas, and being more particularly described in Exhibit A and Exhibit B, attached hereto and incorporated herein; providing special conditions; providing a repealing clause; providing

a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

Mayor Green read the item into record and opened the public hearing. Public Works Director Hasler presented the request including the background, size of the space, uses i.e. children's parties, women empowerment training sessions, training volunteers and life coaching and renting to other individuals for private events, hours of operation, parking, occupancy, site plan of shopping center, floor plans for different types of party set-ups, and recommendations for approval from Planning and Zoning Commission and staff. Discussion included that the restroom meets requirements, suggested sunset provision to review after a year, and clarification that a public hearing would be required to revoke the "SU". City Attorney Hager noted that the comments made during the Citizens Public Forum regarding the item could be included in the minutes for this item. These include:

Preston Berg, 419 Allen Ave. – Spoke against the request for an "SU" Specific Use permit to allow the Party/Event Facility at 442 E. Wheatland Rd.

Linda Pool, 522 Allen Ave. – Spoke against the request for an "SU" Specific Use permit to allow the party/event facility at 442 E. Wheatland Rd. due to noise, signage and security.

Teresa Montgomery, 519 Allen Ave. – Spoke against the request for an "SU" Specific Use permit to allow the Party/Event Facility at 442 E. Wheatland Rd. since there are other party facilities available in town.

In addition, the following spoke during the public hearing:

Sheldon Silk, 14 Polo Court -- Spoke in favor of a provision for review after a year in business.

Theresa Montgomery, 519 Allen Ave. – Spoke again against the "SU" stating it's not a good fit for the neighborhood, other businesses in the shopping center close at 10:00 p.m., and agreed if approved that it should be reviewed after one year.

Councilmember Thomas made a motion to close the public hearing. Councilmember Harvey seconded the motion. The vote was cast 6 for, 0 against with Councilmember Schwartz absent.

Councilmember Thomas made a motion to not approve the request. Councilmember Harvey seconded the motion. Discussion followed regarding changing the environment and character of the area from a sleepy area, citizen's concerns regarding saturation of party facilities in Duncanville, and children's parties are historically not profitable. Clarification was made that voting for would be a vote to deny the request. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

Item No. 5D Consider an Ordinance of the City of Duncanville, Texas, authorizing the issuance of "City of Duncanville, Texas, General Obligation Refunding Bonds (DCEDC), Series 2016A," specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, and the approval and distribution of an Official Statement pertaining thereto; and, providing an effective date.

Mayor Green read the item into record. Finance Director Summerlin provided a brief presentation on the CITY OF DUNCANVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016A" (the "Bonds"), including the savings of \$111,787 due to the favorable interest rates over the balance of the same period as the current bonds. Boyd London of Hilltop Securities, Inc. spoke regarding the favorable rate quoted at 1.1%. Councilmember Jameson made a motion to approve. Councilmember Harvey seconded the motion. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

Item No. 5E Ratify City Manager's appointment of Lia Polk to the Civil Service Commission to fill a three (3) year term on the Civil Service Commission, to expire October 31, 2019.

Mayor Green read the item into record and City Manager Hugman presented his appointment of Lia Polk to the Civil Service Commission. Councilmember Thomas made a motion to ratify the appointment of Lia Polk to the Civil Service Commission. Councilmember Harvey seconded the motion. Councilmember Thomas noted that Ms. Polk has a stellar reputation and will be an asset to the community. The vote was cast 6 for, 0 against, with Councilmember Schwartz absent.

STAFF AND BOARD REPORTS

Item No. 6A Receive the Police Department Quarterly Report and Workplan Update.

Mayor Green read the item into record. Lieutenant Stan Estell of the Duncanville Police Department presented the quarterly Report on behalf of Chief Robert Brown including Staffing and Personnel; Best Practices; Accomplishments including achieving "Recognized Status" and several officers graduating

from training institutions, grants received, and other awards for the departments and individuals; Department Activity; and events including Awards Banquet, Volunteer Banquet, Police Memorial on May 16, and the Fire Truck Pull raising \$25,000 for Special Olympics. There were no questions.

Item No. 6B Receive an Action Plan for the Duncanville Fieldhouse supported by the Business Plan performed by PROS Consulting and the observations and recommendations of the General Manager.

Mayor Green read the item into record. Fieldhouse General Manager Craig Brasfield presented the Action Plan for the Duncanville Fieldhouse including the Executive Summary, Facility Assessment and Recommendations, Staffing Plan, Facility Hours of Operation and Part Time Shift Schedule, Major Event January 1-December 31, 2016, Projected Major Events for January 1- December 31, 2017, Major Events Revenue Comparison 2016 vs 2017 including 19 new events, Projected Revenue and Expense for FY 2017 with an estimated total revenue increase of \$127,034, and possibility of additional revenue due to naming rights, Plan of Implementation, and Conclusion including operating effectively and efficiently while being renovated into a world-class facility. There were not questions.

The meeting adjourned at 9:13 p.m.

APPROVED:



 MAYOR

ATTEST:



 CITY SECRETARY