Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, May 5, 2020

CALL TO ORDER
A regular meeting of the Duncanville City Council was called to order on Tuesday, May 5, 2020, at 6:00 p.m. via videoconferencing with a quorum to wit:

COUNCIL VIA VIDEO CONFERENCING:	Mayor Barry L. Gordon Councilmember At-Large Patrick Harvey Councilmember Joe Veracruz Mayor Pro Tem Don McBurnett Councilmember Monte Anderson Councilmember Mark D. Cooks Councilmember Johnette Jameson
STAFF VIA VIDEO CONFERENCING:	IT Director Tracy Beekman Economic Development Director Jessica James Public Works Director Greg Ramey Parks and Recreation Director Bart Stevenson City Secretary Kristin Downs Assistant City Manager Paul Frederiksen City Manager Kevin Hugman City Attorney Robert Hager

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO CONFERENCE

In accordance with an Order of the Office of the Governor issued on March 16, 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, April 21, 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 submit public comments, email citysecretary@duncanville.com and title the email "Public Comment – May 5th". All public comments submitted by 4pm on Tuesday, May 5, 2020 will be provided to the City Council members and entered into the record for the May 5, 2020 City Council Regular Meeting.

Please register for City Council Meeting - May 5, 2020 on May 5, 2020 5:45 PM CDT at:

https://attendee.gotowebinar.com/register/3004238908125547024

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

OR
TO USE YOUR TELEPHONE:
Use the numbers below.
United States: +1 (415) 655-0060
Attendee Access Code: 258-442-812

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 City Manager Hugman reviewed each item. Item 4D - Consider a Resolution authorizing incorporation of Amendment Number 1 to Contract #20-017 to Eagle Remediation and Demolition Services, LLC in the amount of $13,977.00 for the demolition and removal of a lube pit and underground fuel storage tanks at the property located at 727 S. Cockrell Hill Rd for the revised total contract amount of $53,768.00. Councilmember Jameson requested the item be moved to Individual Consideration.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Discuss Swearing in of Mayor Barry L. Gordon and Councilmember Mark D. Cooks and video presentation.*

A video presentation was shown on the swearing in of Mayor Barry L. Gordon and Councilmember Mark D. Cooks, District 4.

Mayor Gordon recessed the Briefing Session at 6:20 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.

II.1 *City Council shall convene into closed executive session pursuant to Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations;*

(1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

Regarding to wit: Duke Realty Incentive.

The Council closed the Executive Session at 7:56 p.m.

III. REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M.)

The City Council convened into Regular Session in the Council Chambers at 8:00 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Councilmember Veracruz.

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

III.1. REPORTS

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

Mayor Gordon provided an update on COVID-19 and encouraged all citizens to complete the 2020 Census.

III.1.B. *Councilmembers' Reports*

Councilmember Veracruz spoke on the Mini Pantry located at 102 Tanglewood provided by the DeLeon family and encouraged the community to stop by.

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

No report.

III.2. PROCLAMATIONS AND PRESENTATIONS

III.2.A. *A Proclamation recognizing May 15, 2020, as Police Memorial Day and May 10-16, 2020, as National Police Week.*

Mayor Gordon read the proclamation.

III.2.B. *A Proclamation recognizing the week of May 17-23, 2020, as Emergency Medical Services Week, with May 20th being Emergency Medical Services for Children (EMSC) Day.*

Councilmember Veracruz read the proclamation.

III.2.C. *Proclamation recognizing May 17-23, 2020, as National Public Works Week.*

Mayor Pro Tem McBurnett read 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"

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.

Mayor Gordon read the item into record and read the citizen comment emails that were provided by the City Secretary.

Alexander McLachlan – wrote on his support for the BUILD and CDBG grant.

Beth Farrell – wrote on her support for the BUILD and CDBG grant.

Lindy Litzenberger – wrote on her support for the BUILD and CDBG grant.

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 April 21, 2020 City Council Regular Meeting.***

III.4.B. ***Consider a Resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates with the City should be denied; authorizing participation with ONCOR Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel.***

III.4.C. ***Consider a Resolution awarding a renewal contract for Pavement Markings Supply and Installation Services to Elite Striping, LLC, Cedar Hill, Texas in the unit amount bid for an estimated amount of $112,409.45.***

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

III.4.D. ***Consider a Resolution authorizing incorporation of Amendment Number 1 to Contract #20-017 to Eagle Remediation and Demolition Services, LLC in the amount of $13,977.00 for the demolition and removal of a lube pit and underground fuel storage tanks at the property located at 727 S. Cockrell Hill Rd for the revised total contract amount of $53,768.00.***

Item was moved to Individual Consideration per Councilmember Jameson's request.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

III.5.A. ***Consider amending Resolution No. 2020-026R, extending a Mayoral Declaration of a State of Emergency and order as a result of the COVID-19 Virus; providing for Interim Public Safety Measures; repealing all Resolutions in Conflict; providing a severability clause and providing for an effective date.***

Mayor Gordon provided an update on the Mayoral Declaration of a State of Emergency to extend to May 20, 2020.

Councilmember Mark D. Cooks made a motion to replace GA18 and incorporate GA19, 20, and 21 as prepared by the City Attorney and extend the

Declaration to expire on May 19, 2020, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.B. ***Consider a Resolution approving a Temporary Covid-19 Business Retention and Assistance Program.***

Economic Development Director James presented the item. On April 16, 2020, the DCEDC Board approved $250,000 to fund a Temporary Covid-19 Business Retention and Assistance Program. The program is aimed at small businesses with 20 employees or less that have been negatively impacted by the pandemic. The Board approved grants between $1,000 and $5,000. An applicant must meet the general participation program requirements in order to apply for funding. The DCEDC Board will review and evaluate each grant request on an individual basis while considering the economic impact of the grant to ensure they are evaluated equally. The number of grants are limited to available funding. Initially, the DCEDC will receive applications for a three-week time period. This could be extended depending on business response and available funding.

General Participation Requirements

- Applicants must have been in business for at least 120 days prior to the March 13, 2020, Mayor's Shelter in Place Declaration.
- Applicants must be currently operating their business up to the level possible with the declaration and plan to reopen to normal operations once the declaration is lifted.
- Applicants must have 20 or fewer employees.
- Grants must be used to cover operating costs of the applicant's business including, but not limited to, rent, leases or loan payments on buildings or equipment, business inventory, utilities, and payroll. Other needs will be considered on an individual basis.
- Applicant's business must be legally operating in the City of Duncanville. Grants will be considered for all legally operating types of businesses that meet the requirements.
- All grant applicants must fill out an initial application. If awarded a grant, the recipient will be required to enter into an agreement to participate in the program. The application information is confidential and will be used to calculate the economic impact of each grant. The required agreement is to ensure funds are used according to program requirements.
- Applicants will be required to provide copies of paid operating expense receipts dated after March 13, 2020, to receive grant funds awarded.
- All funds must be used within six months of receiving the grant. If the funds are not used within this time period, the applicant may provide an extension request for the DCEDC Board to consider.

Councilmember Cooks would like the reimbursement grants to be $5,000.00-$10,000.00 with the funds broken down as 25%Payroll, 50% advertising to increase business, and 25% operations.

Council concluded the reimbursement grant should be a minimum amount of $1,000.00 with a maximum amount of $10,000.00. Council however, stated they do not want to tell the applicant how to disburse the funds.

Councilmember Monte Anderson made a motion to amend the maximum amount up to $10,000.00, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.C. ***Consider a Resolution amending the Hotel Occupancy Tax Grant for the FY19-20 Budget in the amount of $852.50 for a total not to exceed $34,297.50 to the Duncanville Chamber of Commerce for property maintenance and computer upgrades while serving as the Duncanville Official Visitor Center; allowing for additional computer expenses, and amending the FY19-20 Hotel Occupancy Tax Budget.***

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

III.5.D. ***Consider a Resolution approving submittal of FY2020 Community Development Block Grant (CDBG) Project/Activity Application with Dallas County.***

Public Works Director Ramey and Parks and Recreation Director Stevenson presented the item. The City has participated in the Community Development Block Grant (CDBG) program since 2001. In 2015, the program changed to provide bi-annual funding to allow more substantial projects. Historically, a portion of CDBG funding was used to fund a Code Enforcement Officer dedicated to low-to-moderate income areas; remaining funds were used to fund water, sewer, street, and park improvements. For the FY21/FY22 CDBG Program Cycle, the City is eligible to receive $203,605.00 in grant funds. *(Identified 04/16/2020)*

CDBG Guidelines

- Eligible projects must be located in CDBG designated area. (Defined as areas where at least 51% of the residents are classified as low-to-moderate income.)
- There are a variety of types of projects which may be funded under the program, provided they meet one of the three national objectives:
- ➢ Eliminates blight
- ➢ Eliminates a community-threatening condition
- ➢ Principally benefits low/moderate income people

Councilmember Jameson questioned if bond monies could be used for the parks.

Parks and Recreation Director Stevenson stated yes, it is an option.

Summary of Project Options

CDBG Funding Available for FY21 / FY22	**$203,605.00**	
Code Officer for two years	**- $112,198.00**	**$56,099.00/yr towards salary and other expenses**
CDBG Funding Remaining	**$91,407.00**	
Opt #1 –Lakeside Park Improvements	**- $80,000.00**	**Any remaining funds will be used to increase project scope or cover cost escalation.**
OR		
Opt #2 – ADA Ramp Improvements	**- $79,933.04**	

Mayor Gordon stated both projects are great and a necessity to the city and questioned if both projects could be done with left over monies from the bond project.

City Manager Hugman stated park projects and trails could be used with bond funds because it is a long-term capital project. Other projects are not eligible because they are not considered long-term and short-term projects should not be used with bond money.

Councilmember Jameson stated the ramps for the sidewalk's monies would come from the General Fund and the park items could come from bond funds.

City Manager Hugman stated the ramps would come out of the General Fund, trails from the bond projects, and the other projects as they came up.

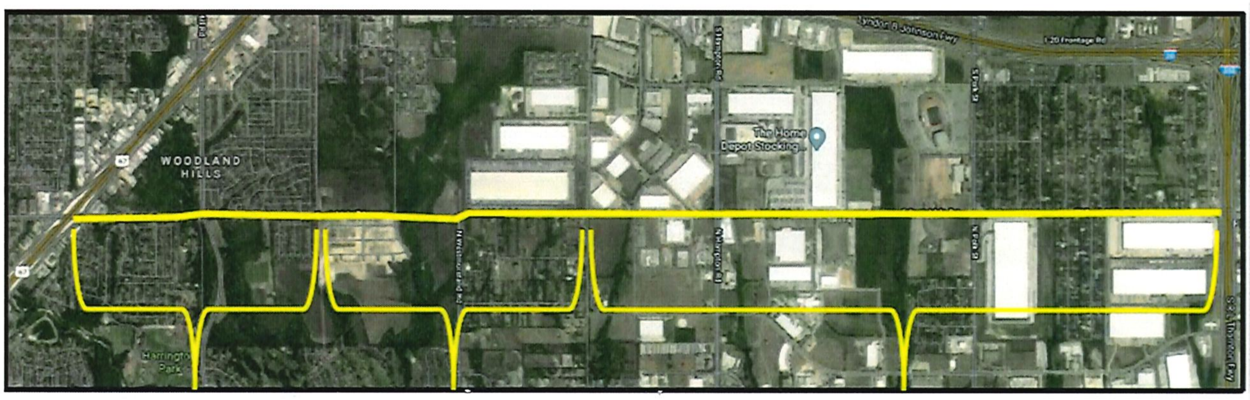
Council agreed on the CDBG Officers and Option #2.

Councilmember Johnette Jameson made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against.

III.5.E. ***Consider a Resolution supporting Dallas County's Danieldale Road project application for Better Utilizing Investment to Leverage Development (BUILD) Grant.***
Public Works Director Ramey presented the item. Duncanville residents approved general obligation bonds for street improvements on November 6, 2018. On May 7, 2019 City Council approved the design contract for Danieldale Road street and subsurface utilities reconstruction. A full corridor study was requested at that time. On November 5, 2019 City Council approved the Danieldale Road Corridor Study with recommendations to convert Danieldale Road to four vehicular lanes with supporting bike and pedestrian facilities (Resolution No. 2019-107).

What is BUILD Grant?

- BUILD – Better Utilizing Investments to Leverage Development
- $1B Available Nationwide – Max $25M/Project
- Allows U.S. Dept of Transportation to invest in road, rail, transit, and port projects that make America's transportation systems safer and more efficient
    - Improve access to reliable, safe, affordable transportation
    - Address public health and safety
    - Promote regional connectivity
    - Facility economic growth
- Federal/Local Cost Share, 80%/20%



Duncanville: Convert existing 6-lane road to 4 lane road with buffered bike lanes.

DeSoto: Upgrade existing 2-lane road to 4-lane road with bike & pedestrian facilities.

Dallas: Upgrade existing 2-lane road to 4-lane road with bike & pedestrian facilities

Councilmember Mark D. Cooks made a motion to approve the item as stated, Councilmember Monte Anderson seconded the motion. The vote was cast 7 for, 0 against.

III.5.F. ***Take any necessary action as a result of the Executive Session.***
No action taken.

III.4.D. ***Consider a Resolution authorizing incorporation of Amendment Number 1 to Contract #20-017 to Eagle Remediation and Demolition Services, LLC in the amount of $13,977.00 for the demolition and removal of a lube pit and underground fuel storage tanks at the property located at 727 S. Cockrell Hill Rd for the revised total contract amount of $53,768.00.***
Councilmember Jameson questioned if staff met with the applicants.

Public Works Director Ramey stated he met with the bidders at the pre-bid meeting and at the initial kick off meeting before they went out and received the final measurements of the volumes of contaminated liquid they had to remove.

Councilmember Jameson read from the staff report based on this initial finding, the City is amending the original contract to reflect the new volume of contaminated liquid to be removed. The revised contract amount now exceeds $50,000.00 and therefore must go to Council for consideration. Work has not started on this project. Councilmember Jameson stated all the extra work should be specified. The law states you cannot charge over 25% of the bid amendment.

City Attorney Hager stated the original contract was not awarded therefore this is not a change order. Council can either accept the full amount or reject the amount and rebid.

Councilmember Jameson questioned why the project was not rebid.

City Attorney Hager stated no one knew what the volume of the liquid in the tanks was or had access to all the information.

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Mayor Barry L. Gordon seconded the motion. The vote was cast 6 for, 1 against (Councilmember Johnette Jameson).

III.6. STAFF AND BOARD REPORTS

III.6.A. ***Receive the FY20 Second Quarter Investment Report as of March 31, 2020.***

III.6.B. ***Receive the Monthly Financial Report as of March 31, 2020.***

III.6.C. ***Receive the Parks and Recreation Quarterly Report.***

III.6.D. ***Receive the Fieldhouse Quarterly Report.***

IV. ADJOURNMENT

The meeting was adjourned at 10:04 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY