

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, June 2, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, June 2, 2020, at 6:00 p.m. in the Council Briefing Room at City Hall 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
Finance Director Richard Summerlin
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, May 19, 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 – June 2nd”. All public comments submitted by 4pm on Tuesday, June 2, 2020 will be provided to the City Council members and entered into the record for the June 2, 2020 City Council Regular Meeting.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_AYo6xcJUTcWNdstiEYM6jQ

After registering, you will receive a confirmation email containing information about joining the webinar. The registration email will provide you with a telephone number to call in if needed.

A recording of the video meeting will be made available to the public in accordance with the Open Meetings Act upon written request.

II. WORK SESSION / BRIEFING

II.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and City Manager Hugman reviewed each item. Item 4G - an Agreement of Cooperation for CDBG/HOME/ESG Programs with Dallas County. An administrative contract with Dallas County to allow the city to participate in the CDBG program; the city does not participate in HOME or ESG. The contract is effective for three years. The contract is not tied to the funding however, If the agreement is not in place the city cannot participate.

II.2. BRIEFINGS / PRESENTATIONS

II.2.A. *Discuss the City Council Calendar.*

City Manager Hugman presented the item.

Council concluded the June 8th and 9th Budget workshops will be hybrid meetings.

Council concluded due to current restrictions with COVID-19, the Joint meeting with the Planning and Zoning Commission will be postponed until July and August.

Mayor Gordon recessed the Briefing Session at 6:38 p.m. for City Council to convene into Executive Session.

III. EXECUTIVE SESSION

The Executive Session was called into session at 6:48 p.m. and City Attorney Hager read the item into record.

III.1 *City Council shall convene into closed executive session pursuant to Section 551.074 Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; to wit, name an interim City Manager effective July 1, 2020.*

The Council closed the Executive Session at 7:24 p.m.

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

The City Council convened into Regular Session in the Council Chambers at 7:27 p.m. with Mayor Gordon presiding.

The Invocation was delivered by Councilmember Jameson

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

IV.1. REPORTS

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

Mayor Gordon read a statement in regard to the unjust death of George Floyd.

Assistant Police Chief LiVigni read a letter he and Chief Brown wrote.



June 1, 2020

The Duncanville Police Department sends our condolences to the family of Mr. George Floyd. The appalling death of Mr. Floyd, a week ago today, at the hands of police officers of the Minneapolis Police Department was inhumane, deeply disturbing, upsetting and heartbreaking. The actions and use of force displayed are inconsistent with the training and protocols of the Duncanville Police Department.

Furthermore, the Duncanville Police Department has implemented additional training for our police officers regarding Care, Custody, Control and Restraint of Prisoners. This additional training is meant to augment training our police officers have already received, thereby enhancing our commitment to our duty of care to all, especially those in our custody. Additionally, and beyond citizen interaction training recently mandated by the State of Texas, members of our department have attended de-escalation training, as well as training on the concept of implicit bias, all of which are of paramount importance in effectively and compassionately providing professional police services to our community.

While no single incident should define a City or its Police Department, we as police officers must be willing to stand up and denounce injustice which so clearly shocks our conscience in the absence of any viable explanation, especially when the injustice is committed by a police officer. Simply put, the involved Minneapolis Police Officers must be held legally accountable for their actions and inactions. The legitimacy of law enforcement throughout our country is based on our objective reputation which directly affects our effectiveness. That legitimacy rests solely with the communities we serve based on their trust in our police organizations.

The Duncanville Police Department has enjoyed a long history of community support. Everyday, members of our department strive to compassionately and professionally ensure public safety of all citizens. Please rest assured, the men and women of the Duncanville Police Department prioritize the sanctity of life in every situation. Further, we are committed to respecting and protecting the dignity, safety and rights of all citizens. The Duncanville Police Department remains steadfast in our duty to honorably serve the citizens of Duncanville while being accountable to you, our citizens, through our unparalleled professionalism and dedication.



Our badge has been tarnished by Mr. Floyd's senseless and tragic death. Our job will be even more difficult because of the inexcusable actions of police officers formerly employed by the Minneapolis Police Department. However, the men and women of the Duncanville Police Department are committed to working even harder to keep, and in some cases gain, your trust. We thank you for your tremendous support.

Sincerely,

Robert D. Brown, Jr.
Chief of Police
Duncanville Police Department

Mark LiVigni
Assistant Chief of Police
Duncanville Police Department

IV.1.B. **Councilmembers' Reports**

Councilmember Cooks spoke on the critical state of COVID-19 and the heightened awareness of racism in America.

Councilmember Anderson spoke on the task force with business owners; 12 business owners have been selected.

Mayor Pro Tem McBurnett encouraged all citizens to complete their census survey.

Councilmember Jameson expressed her sadness for the current racial events that have recently taken place.

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

None.

IV.2. **PROCLAMATIONS AND PRESENTATIONS**

None.

IV.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"

Public Comments submitted by email to the City Secretary via citysecretary@duncanville.com. All public comments submitted by 4pm on Tuesday, June 2, 2020 will be provided to all City Council members and will be entered into the record for the June 2, 2020 City Council Meeting.

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:

No one spoke.

IV.4. **CONSENT AGENDA**

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

- IV.4.A. ***Consider the Minutes for the May 19, 2020 City Council Regular Meeting.***
- IV.4.B. ***Consider a Resolution approving the Landscape Maintenance Agreement with the Texas Department of Transportation (TxDOT) for landscape improvements along U.S. Highway 67 Corridor.***
- IV.4.C. ***Consider a Resolution authorizing a Cooperative Purchasing Agreement with Sam Pack's Five Star Ford LTD. through The Local Government Purchasing Cooperative (BuyBoard) Contract #601-19 in the expenditure amount of \$117,758.00.***
- IV.4.D. ***Consider a Resolution authorizing a Cooperative Purchasing Agreement with Vortex Companies Vortex Infrastructure Holdings, LLC, using The Interlocal Purchasing System (TIPS), Contract #1711050 Wastewater Improvements – Pipebursting, for the Public Works Department, with an estimated expenditure amount of \$1,162,258.75.***
- IV.4.E. ***Consider a Resolution approving the terms and conditions of the Project Specific Agreement with Dallas County for mill & overlay of City streets in the amount of \$355,510.00.***
- IV.4.F. ***Consider a Resolution approving the terms and conditions of the Project Specific Agreement with Dallas County for reconstruction and replacement of a portion of Wintergreen Rd and Drainage Pipe in the amount of \$122,000.00.***
- IV.4.G. ***Consider a Resolution for an Agreement of Cooperation for CDBG/HOME/ESG Programs with Dallas County.***

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember Johnette Jameson seconded the motion. The vote was cast 7 for, 0 against. Items passed.

IV.5. ITEMS FOR INDIVIDUAL CONSIDERATION

- IV.5.A. ***Consider a Resolution approving an Interlocal Agreement by and between Dallas County, Texas and the City of Duncanville to provide funding to the City of Duncanville under the Coronavirus Aid Relief and Economic Security Act (CARES ACT) under the terms and conditions of said agreement; providing for administration; authorizing execution of the agreement by the Mayor.***

City Manager Hugman presented the item. CARES Act passed by US Congress; provided funding for state and local governments. Direct funding to counties and cities over 500,000 pop. State of Texas has allocated \$1.85B to cities and counties that did not receive direct allocation; cities in Dallas County not included.

Dallas County has allocated funding at \$55/capita to cities:

Duncanville share: **\$2,173,050**
 20% up-front: **\$434,610**

Interlocal Agreement:

Dallas County Commissioners Court approved ILA for cities

- 20% of funding available immediately
- 80% of funding available for relief assistance as the city may wish to program / use
 - Must comply with CARES Act requirements
 - Must have Dallas County approval prior to use of funds
- City has incurred \$277,726 in COVID-19 related expenses to date (personnel, equipment and services)

At-Large Councilmember Harvey encouraged the use of a third-party administrator to utilize the monies moving forward.

Mayor Gordon stated he has been in close contact with the commissioner's court and they strongly recommend Dallas County signs on with a third-party administrator to prevent the duplication of funds.

Councilmember Jameson requested Council see monthly reports on the monies being spent.

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

IV.5.B. *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.*

Finance Director Summerlin presented the item.

Councilmember Mark D. Cooks made a motion to appoint At-Large Councilmember Patrick Harvey as Chair and the following to the Audit Committee:

City Council appointed the following to the Audit Committee:

- James Talley
- Steve Rutherford

City Council appointed the following Councilmembers to the Audit Committee:

- At-Large Councilmember Patrick Harvey as Chair
- Councilmember Joe Veracruz
- Councilmember Johnette Jameson

Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

IV.5.C. *Take any necessary action as a result of the Executive Session.*

City Attorney Hager read the motion:

"Motion to appoint Paul Frederiksen as Interim City Manager effective July 1, 2020 subject to a contract prepared by City Attorney and approved by City Council"

Councilmember Johnette Jameson made a motion to approve the item, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 7 for, 0 against. Item passed.

IV.6. STAFF AND BOARD REPORTS

IV.6.A. *Receive the Public Works Department Quarterly Report.*

IV.6.B. *Receive the Monthly Financial Report as of April 30, 2020.*

Discussion on sales tax revenue and the effect of COVID-19 took place.

V. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY