

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, July 21, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, July 21, 2020, at 6:00 p.m. via video conference with a quorum to wit:

**COUNCIL VIA VIDEO
CONFERENCING:**

Mayor Barry L. Gordon
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Monte Anderson
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

COUNCIL ABSENT:

Councilmember At-Large Patrick Harvey

**STAFF VIA VIDEO
CONFERENCING:**

IT Director Tracy Beekman
Economic Development Director Jessica James
Public Works Director Greg Ramey
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Shelby Pearcy
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, as extended by Office of the Governor on June 12, 2020, the City Council for the City of Duncanville, Texas will conduct a City Council Regular Meeting by video conference at 6:00 pm on Tuesday, July 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 – July 21st. All public comments submitted by 4pm on Tuesday, July 21, 2020 will be provided to the City Council members and entered into the record for the July 21, 2020 City Council Special Meeting.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_eNgrV7TeRZerCeumsl41MA

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.

I. WORK SESSION / BRIEFING

I.1. DISCUSS AGENDA ITEMS

Mayor Gordon read the item into record, and Interim City Manager Frederiksen reviewed each item. Item 4B - Consider approval of a Resolution approving shared-use bike lanes locations and implementation utilizing the 2018 Bond Funds for trails. At the joint meeting with the Park Board in February the establishment of the map for shared use lanes that created a trail loop within the City was agreed upon. At the Budget Workshop held on June 9, 2020, Council requested to add Cockrell Hill Road and Wintergreen Avenue of the Stars as additional shared use lanes. In order to implement the signage and identify the shared bike lanes, the cost will be approximately \$50,000.00.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Receive a presentation from Jason Hughes with Hilltop Securities and hold a discussion on Public Improvement Districts (PIDs).*

Economic Development Director James introduced Jason Hughes with Hilltop Securities. Mr. Hughes presented the item. The following was discussed; what a Public Improvement District (PID) is, what a PID can do, how a PID is established, what is provided in a service and assessment plan/feasibility report, a recommendation of an advisory board, determination of assessment, administrative responsibilities, and the comparison between a Tax Increment Reinvestment Zones (TIRZ) and PIDs.

Mayor Gordon questioned the additional cost to the property owners; would the landowners have to start their own petition to start a PID, would the petitioners then establish the boundary lines for the PID, or would it be by individual property. Mr. Hughes stated if it was a new development then the boundary lines would be submitted to Council for review. However, if it is an existing development then yes, the petitioners would submit their recommendation based on tax value, number of owners, and area. Hilltop Securities would work with Council and staff to determine what the boundaries would be. The boundaries must occur in area that will benefit from a PID. For example, you would not include a stretch of businesses if there was no benefit for them.

Councilmember Jameson questioned who would initiate the PID if the land has already been developed. Mr. Hughes stated it would be the property owners, in conjunction of talks with the City.

Mayor Pro Tem McBurnett questioned if the requests would go to the Planning and Zoning Commission first. Mr. Hughes stated yes, most do, especially on the capital side.

Finance Director Summerlin questioned if staff would be responsible for the accounting and reporting. Mr. Hughes stated yes, because it is an entity controlled by the City and will show up in the audit. The PID administrator would handle all the information and then turn it over to staff on September 30th.

Councilmember Cooks provided background information on the PID and explained his experience with the maintenance area. A PID can help establish a name or wall to help enhance the overall community; increasing home values.

I.2.B. Discuss potential options for utilizing Duncanville CARES ACT funding.
Economic Development Director James presented the item. The following items were discussed; eligible expenses, fund details, recap of funding breakdown, program comparisons, benefits of a business and a residential program with Dallas County, and proposed funding allocation.

I.2.C. Discuss the City Council Calendar.
City Council Concluded:

- All August Joint Meetings will be postponed.
- August 4, 2020 City Council Meeting to be held via ZOOM.
- August 13, 2020 Budget Workshop to be held in person.
- August 18, 2020 City Council Meeting to be held via ZOOM.

II. EXECUTIVE SESSION

II.1 City council shall convene into closed executive session pursuant of 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: real properties generally located north of Wheatland Rd., east of Cedar Ridge, west of Cockrell Hill Rd, and south of Redbird Lane.

Executive Session was moved until after the Staff and Board reports.
Mayor Gordon recessed the Briefing Session at 7:42 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 7:43 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 encouraged all citizens to wear their masks and take all precautions to help reduce the numbers of COVID-19.

III.1.B. *Councilmembers' Reports*

Councilmember Cooks encouraged all citizens to complete their 2020 census.

Councilmember Cooks invited all citizens to attend:

Meet, Connect & Learn

July 25, 2020

10:00am – 11:15am

ZOOM

Topic: The Education Outlook is Bright

Guest: Dr. Marc Smith, Duncanville ISD Superintendent

Councilmember Jameson offered her condolences on the passing of Congressman John Lewis.

Mayor Pro Tem McBurnett offered his condolences on the passing of Allan Powell and encouraged all citizens to compete their 2020 census.

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

None.

III.2. PROCLAMATIONS AND PRESENTATIONS

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. The following spoke during the Citizens Input Period:

No comments were submitted.

III.4. CONSENT AGENDA

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

Consider a Resolution authorizing an amendment to Resolution 2020-004 approved on January 21, 2020 for an increase in the amount of \$30,001.00

at the approved rate for a new annual amount up to \$102,501.00 with Visiting Nurse Association using Interlocal Cooperative Contract with the City of Grand Prairie Contract #17124, for the senior meal program service.

- III.4.A. *Consider the Minutes for June 8, 2020 Budget Workshop Special Meeting, June 9, 2020 Budget Workshop Special Meeting, June 16, 2020 City Council Regular Meeting, and the July 7, 2020 Special Meeting.*
- III.4.B. *Consider approval of a Resolution approving shared-use bike lanes locations and implementation utilizing the 2018 Bond Funds for trails.*
- III.4.C. *Consider a Resolution authorizing award of bid IFC # 20-018 to Elite Striping, LLC; for pavement marking for an annual amount up to \$112,409 with annual renewal options; providing for a novation of previous bid, award or renewal.*
- III.4.D. *Consider a Resolution authorizing a Purchase Agreement with Sam Pack's Five Star Ford LTD. using the (BuyBoard) Contract #601-19 and Tarrant County Commissioners Court Bid 2019-041 in the amount of up to \$142,534.90.*

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, with Councilmember At-Large Patrick Harvey absent.

III.5. ITEMS FOR INDIVIDUAL CONSIDERATION

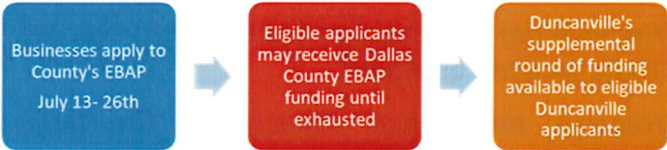
- III.5.A. *Consider approval of an Ordinance abandoning a portion of Shady Trail Drive known as described, depicted and authorized in Exhibit "A"; providing that said ordinance shall constitute a quitclaim deed that may be recorded with the County Clerk of Dallas County Texas.*
Public Works Director Ramey presented the item.

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, with Councilmember At-Large Patrick Harvey absent.

- III.5.B. *Consider a Resolution approving the usage of CARES ACT funding and a Letter of Intent by and between Dallas County, Texas and the City of Duncanville to participate in the Dallas County Emergency Business Assistance Program under the Coronavirus Aid Relief and Economic Security Act (CARES ACT) under the terms and conditions as stated in the Letter.*
Economic Development Director James presented the item.

Fund Usage Opportunities:

- The City has learned that straight time and emergency leave associated with the pandemic are now considered eligible employee payroll costs that can be recovered by this funding. This increases the amount of reimbursable expenses the City can recover from the original estimated \$434,610 to \$703,050.
- Dallas County has provided Duncanville the opportunity to partner with their Dallas County Emergency Business Assistance Program (EBAP). This means the County will administer the funds Duncanville provides to them for business assistance.



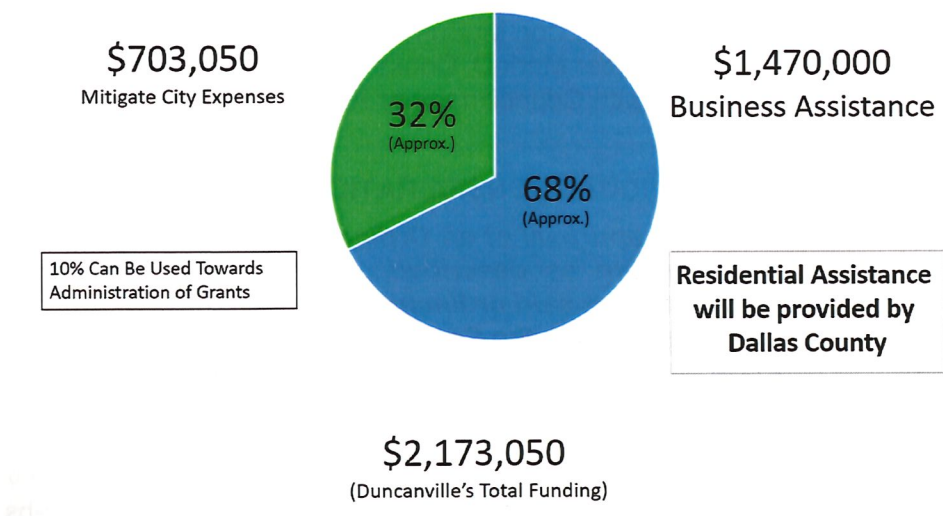
- In addition, Duncanville can partner with Dallas County on their residential assistance program. Dallas County has enough funds available to assist residents of the County through December.

Benefits of a Business and Residential Program Partnership with Dallas County:

Most efficient use of funds as it:

- there is no cost to the City to partner with County, and
- the County will be utilizing their own funds - not Duncanville’s funds, and
- the City will only pay a 7% administrative fee for the City of Duncanville business funds disbursed, and
- ensures legal compliance with the federal government eliminating future clawbacks for this portion of the money, and
- minimizes required documentation, reporting, and audit exposure, and
- reduces wait time for businesses and residents to receive needed assistance, since the programs are already up and running, and
- streamlines the process as Dallas County already has programs established and are being administered by a third party, and
- reduces the amount of staff time associated with administering the programs - the City does not have the amount of staff needed to properly administer these programs nor does Duncanville local non-profits

Proposed Funding Allocation:



Proposed Funding Allocation Plan:

- A. (\$703,050) - Mitigate City Expenses
- B. (\$1,470,000) - Business Assistance
- C. Approve the Letter of Intent between Dallas County, Texas and the City of Duncanville to participate in the Dallas County Emergency Business Assistance Program under the CARES ACT.

Councilmember Johnette Jameson made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett seconded the motion. The vote was cast 6 for, 0 against, with Councilmember At-Large Patrick Harvey absent.

- III.5.C. **Take any necessary action as a result of the Executive Session.**
Item was moved until after Staff and Board reports.

III.6. STAFF AND BOARD REPORTS

- III.6.A. **Receive the Monthly Financial Report as of May 31, 2020.**
There were no questions.
- III.6.B. **Receive the Fire Department Quarterly Report.**
There were no questions.
- III.6.C. **Receive the Police Department Quarterly Report and the Police Department's Use of Force Discussion.**
Chief Brown presented the Use of Force presentation as requested by Councilmember Cooks.

Policy Development:

- A recognized police agency by the Texas Police Chiefs Association Best Practices Recognition Program
- The Recognition Program evaluates a Police Department’s compliance with over 168 Best Business Practices for Texas Law Enforcement.

These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service and the protection of an individual's rights

- Received the award of "Recognized Law Enforcement Agency" from the Texas Police Chiefs Association Law Enforcement Recognition Program in 2016 and received re-recognition status in 2020
- Transparency in reporting high liability areas

A report is prepared and presented to the City Manager and City Council each month noting the number of use of force incidents, number of police pursuits, and the number of internal/external complaints.

Any disciplinary action taken is also noted in the monthly report

- Arrest and use of force authority derived from Chapter 9 of the Texas Penal Code

Policy Highlights:

- Our Use of Force policy was updated on June 18, 2020

Chokeholds and carotid artery neck restraints are prohibited

Duty to intervene and stop excessive force by another officer required

- Officers may only use the force that appears reasonably necessary to effectively bring an incident under control
- Use of unnecessary force will not be tolerated
- The level of cause or justification for using any force on a free citizen is the objective reasonableness standard of the Fourth Amendment (Objectively Reasonable Standard is the facts or circumstances, which would cause a reasonable officer to act or think in a similar way under similar circumstances. *Graham v. Connor*, 490 U.S. 386 (1989) 396-397)
- Once the officer recognizes the force justification has changed (e.g. compliance or control), the officer must reassess the force application to a reasonably objective choice
- Every use of force action is reviewed by our Personnel and Training Unit and the officer's Chain of Command
- Officers involved in the use of deadly force will be placed on administrative leave pending investigation

8 Can't Wait Campaign

8 Can't Wait Campaign list policies governments can adopt to reduce use of force.

- **Ban chokeholds and strangleholds** – The Duncanville Police Department has a written directive that prohibits the use of chokeholds and carotid artery neck restraints. The only exception to the use of a chokehold or a carotid artery neck restraint could be when the officer involved is justified in the use of deadly force. We do not teach these types of restraints.
- **Require de-escalation** – De-escalation, as well as training on the concept of implicit bias, are part of our ongoing training program. This training is presented during the basic police academy. Additional training is provided after the officers' graduate from the basic police academy.
- **Require warning before shooting** – In situations where an officer reasonably believes a person will cause imminent death or serious bodily injury if not immediately apprehended, the officer should, where feasible, identify themselves and give a verbal warning that deadly force may be used.
- **Exhaust all other means before shooting** – The men and women of the Duncanville Police Department prioritize the sanctity of life in every situation. Our written directive states, "It is the policy of this law enforcement agency that officers use only the force that appears reasonably necessary, and under the circumstances, to effectively bring an incident under control while, protecting the life of the officer and/or others."
- **Duty to intervene and stop excessive force by other officer** – The Duncanville Police Department requires any officer present and observing another officer, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances

shall, when in a position to do so, safely intervene to prevent the use of excessive force.

- **Ban shooting at moving vehicles** – While it is not banned, officers should move out of the path of an approaching vehicle. The practice is only allowed when the officer reasonably believes there are no other reasonable means available to avert the threat of the moving vehicle, or if deadly force other than the vehicle is directed at the officer or others. We do not shoot at a vehicle in an attempt to disable the vehicle.
- **Require use of force continuum** – The option of force used should escalate/de-escalate as individual circumstances dictate and in accordance with Chapter 9 of the Texas Penal Code. The Duncanville Police Department utilizes a force array, which places the officer in the center of a circle with all his/her options equally available. Officers shall only use that amount of force that reasonably appears necessary.
- **Require comprehensive reporting each time an officer uses force or threatens to do so** – All use of force actions are documented and reviewed by each officer’s chain of supervisors, then analyzed by the department’s Training and Personnel Unit and submitted to the Chief of Police.

Regular Session recessed at 8:29 p.m.

II. **EXECUTIVE SESSION**

The Executive Session was called into session at 8:36 p.m. and City Attorney Hager read the item into record.

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

- a. ***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***
- b. ***To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).***

Regarding to wit: real properties generally located north of Wheatland Rd., east of Cedar Ridge, west of Cockrell Hill Rd, and south of Redbird Lane.

The Council closed the Executive Session at 10:00 p.m.

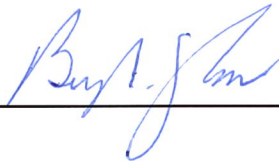
Regular Session was reconvened at 10:02 p.m.

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

IV. **ADJOURNMENT**

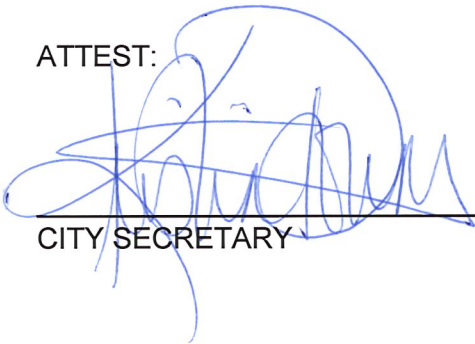
The meeting was adjourned at 10:03 p.m.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY