

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, September 15, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, September 15, 2020, at 6:00 p.m. via videoconference 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
Public Works Director Greg Ramey
Finance Director Richard Summerlin
City Secretary Kristin Downs
Interim City Manager Paul Frederiksen
City Attorney Robert E. 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 combination of telephone/video conference and in person at 7:00 pm on Tuesday, September 15, 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 telephone/video conference and in person. There will be limited public access to appear at the City Council Chambers in Duncanville City Hall, 203 E. Wheatland Road for the public hearing on the Tax Rate. City Staff and City Council are encouraged to participate in the meeting by teleconference/video in order to allow the City to follow the CDC’s social distancing guidelines. Please see details found at the bottom of the agenda. Members of the public may appear by telephone/video conference and in person for the public hearing comment period. Members of the public that appear in person should notify the office of the City Secretary by 4:00 p.m. September 15, 2020 in order to make adequate safety measures to ensure social distancing. Masks are required for in person appearance. Members of the public may also appear by dial-in as set forth in this notice.

To speak during Citizen Comments, you must register with the City Secretary before 4pm on Tuesday, September 15, 2020, email citysecretary@duncanville.com and title the email “Public Comment – September 15th. 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 camera and microphone for you 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 technological issues that may arise.

To speak during the Public Hearing, you need to REGISTER in advance with the link above. When the Public Hearing is opened by the Mayor, you will need to use the “raise your hand” option that is provided by ZOOM. If you are calling in and would like to speak, press *9 on your phone’s dial pad to “raise your hand”. You may also submit your comments in advance in accordance with the guidelines for “Public Comments” to the City Secretary.

This is an open meeting conducted by video conference. There will be no public access to a physical location other than noted above for limited public access for the public hearing on the tax rate.

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_LUHDy2nESQapO0Eu-NtWGQ

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 record, and Interim City Manager Frederiksen reviewed each item. Item 4C - Consider a Resolution authorizing award of Bid #20-027, Meadowcreek Dr. Bagwall Erosion Control to Knight Erosion Control, Inc through the City's competitive bid process, with an estimated expenditure amount of \$166,236.26. Item pulled; staff to reevaluate bid submittals.

I.2. BRIEFINGS / PRESENTATIONS

I.2.A. *Briefing to City Council on Drainage Utility Fee Billing.*

Public Works Director Ramey presented the item. The City first established Drainage Utility Fee Program in September 1997; fee based on parcel size exclusively. The most recent update to the Drainage Utility Fee Ordinance was in September 2018 which revised the methodology for calculating the Drainage Utility Fee for non-residential properties; fee based on impervious area. The ongoing conversion of City permit and billing software to Tyler Munis products will provide more flexibility in assessing and collecting drainage utility fees.

What does drainage utility fee cover?

- Drainage Administration
 - Employee Compensation (4 FTEs)
 - Stormwater System O&M
 - Municipal Separate Storm Sewer System (MS4) Compliance
- Capital Improvement Projects
 - Erosion Control (Bag Wall Program)
 - Drainage Infrastructure
 - Alley Drainage
 - Drainage Studies & Master Planning

Current Drainage Utility Fee Structure

- Fee reflects how much storm water the property contributes to the storm water system.
- Based on size of impervious area.
- Impervious area is divided into Equivalent Residential Units (ERU)
- One ERU = 4,300 SF of impervious area which reflects the average "contribution" of a single-family residence in Duncanville.

Current Drainage Utility Fee Billing

- Residential & Non-residential properties are billed through the City Utility Bill for active accounts based on mailing address
- Issues include:
 - Collection from parcels without active Water/Sewer account
 - Non-residential parcels with multiple water meters and account mailing addresses differing from DCAD parcel mailing address
 - Obsolete Utility Billing software

Recommended Drainage Utility Fee Billing

- Tyler Munis Utility Billing Software will "Go Live" in March/April 2021
- Residential customers with active water meters will continue to pay the Drainage Utility Fee monthly as part of City Utility Bill. Residential properties with inactive accounts will be billed similar to non-residential properties
- Non-residential property owners will pay for annual Drainage Utility Permit (lump sum) in lieu of adding Drainage Utility Fee to City utility bill
- Resolves issues of multiple meters/addresses for properties
- Allows for billing properties without active Utility accounts

Mayor Gordon, Councilmember Cooks and Councilmember Jameson voiced their concerns regarding yearly billing and collections. Interim City Manager Frederiksen stated staff would research additional billing options; monthly, quarterly, and yearly.

I.2.B. Discuss the 2020 Census.

Interim City Manager Frederiksen provided an update on the City's analytics and the efforts being made due to the pandemic.

I.2.C. Discuss Annual City Council Calendar.

Interim City Manager Frederiksen discussed the item.

Council concluded the following:

- Continue with Joint Meetings – via Zoom
- Council Workshop, October 27, 2020 – 5:00 p.m.
- Cancel November 3, 2020 City Council meeting, due to Elections

II. EXECUTIVE SESSION

Executive Session was moved until after Staff and Board Reports.

II.1 City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov't Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

1. *EON Reality Management Agreement Lease, Security Interest.*

II.2 City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to receive a report from the City Attorney concerning a complaint alleging a violation of Code of Ethics by a Board of Director of Duncanville Community Economic Development Corporation, to wit: David Galbraith.**III. REGULAR SESSION - CONVENE INTO THE COUNCIL CHAMBERS (7:00 P.M.)**

The City Council convened into Regular Session in the Council Chambers at 7:06 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.**

Encouraged everyone to take part in:

Operation: Clean Duncanville

Date: October 10, 2020

Time: 8:00 a.m. – 1:00 p.m.

Location: Armstrong Park

Mayor Gordon provided an updated on COVID-19 and encouraged all citizens to social distance and wear their masks.

III.1.B. Councilmembers' Reports

Mayor Pro Tem McBurnett encouraged all citizens to complete their 2020 Census.

Councilmember Cooks recognized Hispanic Heritage Month and Councilmember Anderson on his Community award.

Councilmember Cooks encouraged everyone to attend:

Meet, Connect, and Learn

Topic: City Budget

Guest: Mayor Gordon and Finance Director Summerlin

Date: October 26, 2020

Time: 10:00 -11:15 a.m.

via ZOOM

Councilmember Jameson congratulated Councilmember Anderson on his Community award.

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

None.

III.2. PROCLAMATIONS AND PRESENTATIONS

None.

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:

Yerahi Cruz - recognized Hispanic Heritage Month.

Patricia Ebert – forwarded an email on the following items; Harrington Park Bond improvements status, and agenda Item 5E rate increase.

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 August 4, 2020 City Council Regular Meeting and the August 13, 2020 Special City Council Meeting.*

III.4.B. *Consider a Resolution authorizing award of Bid #20-016 Meadowcreek Dr. Drainage Improvements to La Banda, LLC, through the City's competitive bid process, with an estimated expenditure amount of \$283,106.00.*

III.4.C. *Consider a Resolution authorizing award of Bid #20-027, Meadowcreek Dr. Bagwall Erosion Control to Knight Erosion Control, Inc through the City's competitive bid process, with an estimated expenditure amount of \$166,236.26.*

Item pulled.

III.4.D. *Consider a Resolution approving the terms and conditions of Amendment No. 3 to the Household Hazardous Waste (HHW) Interlocal Agreement with Dallas County to coordinate the planning and implementation of a Hazardous Waste Collection Program, from October 1, 2020 through September 30, 2021, for a cost not to exceed \$58,856.00.*

III.4.E. *Consider a Resolution agreeing to engage TriStem to perform a contingency based audit of utility billings paid by the City of Duncanville and franchise fees paid and/or owed to the City by electric, gas, telephone, cable, tv/video, and waste providers; authorizing the Interim City Manager to execute the contract and addendum.*

III.4.F. *Consider a Resolution approving and accepting the terms and conditions of an agreement with Dallas County on behalf of the Health and Human Services Department for a Mosquito Ground Control Program, attached hereto and incorporated herein as Exhibit "A", effective October 1, 2020 through September 30, 2021, at a rate of \$185.00 per hour.*

Councilmember Johnette Jameson made a motion to approve the item as stated, Mayor Pro Tem Don McBurnett 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 on the 2020 proposed tax rate.*

Finance Director Summerlin presented the item.

Recap of Prior Budget and Tax Calculations

- No-New-Revenue (NNR) Tax Rate is the rate applied to current year taxable valuations that would yield the same property tax revenue as in the previous budget year.
- Voter-Approval (VA) Tax Rate is the maximum tax rate without triggering a general election to approve the tax rate.
- Tax Rates based on DCAD’s legally certified estimates (JULY)
 - NNR Tax Rate was \$0.748609
 - VA Tax Rate was \$0.773007
 - Budget was filed at the end of July based on the current tax rate of \$0.743447
- At the August 13, 2020 Budget Workshop.
 - Staff presented the **estimated** NNR and VA tax rate calculations based on **an estimate of the Certified Tax Roll** which were much lower than the previous calculations based on DCAD certified estimates.
 - Council consensus was for staff to receive the Certified Tax Roll from DCAD and re-calculate the tax rates targeting the re-calculated VA Tax Rate.

Re-calculated Tax Rates Based on Certified Tax Roll Received August 20, 2020

- NNR Tax Rate using Certified Tax Roll \$0.698961
- VA Tax Rate using Certified Tax Roll \$0.721852
- Budget revised to reflect a proposed tax rate of \$0.716852 which is a half cent less than the re-calculated VA Tax Rate (GF property tax revenue difference between the VA Tax Rate and the proposed tax rate is \$133,225)

NNR And VA Tax Rate History

Historical Tax Rate Comparison and Revenue Impacts Between the Adopted Rate and the NNR Rate									
Fiscal Year (CAP %)	Tax Year (CAP %)	Adopted Tax Rate	Voter- Approval Tax Rate	Difference Between the Adopted Rate and the VA Rate	%	No-New Revenue Rate	Difference Between the Adopted Rate and the NNR Rate	%	Revenue Impacts If Adopted Rates were at the NNR Rate
2015 (8%)	2014 (8%)	\$0.758447	\$0.789267	\$0.030820	4.1%	\$0.722816	-\$0.035631	-4.7%	\$ (614,393)
2016 (8%)	2015 (8%)	\$0.758447	\$0.790517	\$0.032070	4.2%	\$0.718796	-\$0.039651	-5.2%	\$ (718,691)
2017 (8%)	2016 (8%)	\$0.758447	\$0.763848	\$0.005401	0.7%	\$0.704578	-\$0.053869	-7.1%	\$ (1,061,180)
2018 (8%)	2017 (8%)	\$0.758447	\$0.780079	\$0.021632	2.9%	\$0.717895	-\$0.040552	-5.3%	\$ (842,254)
2019 (8%)	2018 (8%)	\$0.748448	\$0.748940	\$0.000492	0.1%	\$0.689904	-\$0.058544	-7.8%	\$ (1,345,829)
2020 (8%)	2019 (8%)	\$0.743447	\$0.751442	\$0.007995	1.1%	\$0.686452	-\$0.056995	-7.7%	\$ (1,427,412)
2021 (3.5%)	2020 (3.5%)	\$0.716852	\$0.721852	\$0.005000	0.7%	\$0.698962	-\$0.017890	-2.5%	\$ (483,594)
Note: The FY21 (TY20) Adopted Tax Rate is proposed and subject to discussion.									

This chart compares the adopted rate each year to the VA rate and the NNR rate. The revenue impacts calculated are the difference between the adopted rate and the NNR rate based on total taxable value each year.

Revenue Effect Between the Proposed Tax Rate and the NNR Tax Rate

Total Property Tax Revenue at .716852 (Proposed Tax Rate)	\$ 19,293,490
Discount 1% For Delinquent Taxes	\$ 19,100,555
Less Debt Service	\$ 1,383,157
Total General Fund Revenue for FY21 at the Proposed Tax Rate	\$ 17,717,398
Total Property Tax Revenue at .698962 (NNR Tax Rate)	\$ 18,811,995
Discount 1% For Delinquent Taxes	\$ 18,623,875
Less Debt Service	\$ 1,383,157
Total General Fund Revenue for FY21 at the NNR Tax Rate	\$ 17,240,718
Difference	\$ (476,680)

City Council Direction at The September 1, 2020 City Council Meeting

- Proceed with the proposed rate of \$0.716852
- Notice of the tax rate prepared and published with the proposed rate of \$0.716852
- Notice of the Public Hearing prepared and published with the proposed rate of \$0.716852

Mayor Gordon opened the Public Hearing at 7:28 p.m.

No one spoke.

Councilmember Mark D. Cooks made a motion to close the Public Hearing, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 7 for, 0 against. Item passed.

Mayor Gordon closed the Public Hearing at 7:29 p.m.

Councilmember Cooks stated he would like to see a mid-year budget for two additional police officer positions.

III.5.B. **Consider an Ordinance approving and adopting a budget for the City for the Fiscal Year October 1, 2020, through September 30, 2021; providing that expenditures for said Fiscal Year shall be made in accordance with said Budget and ratifying the revised FY 19-20 Budget (Section 7 of the attached ordinance).**

Finance Director Summer line presented the item.

Mayor FY21 Revenue Changes

- Senate Bill 2 (SB2) reduced the property tax cap from 8% to 3.5% which significantly reduces cities’ primary revenue which is property tax
- Senate Bill 1152 (SB1152) reduced certain franchise tax payments paid to cities by telephone and cable companies that use city owned right-of-way to house their equipment and lines
- Then along came COVID-19
 - Major impact to sales tax revenues due to sales tax generating businesses being closed or reducing tax generating activity (Duncanville lost a major sales tax generating company prior to COVID-19)

General Fund Overview

	SOURCES & USES OF FUNDS	2019-20 BUDGET	2019-20 REVISED	2020-21 BUDGET
1	TOTAL REVENUES	\$ 32,906,358	\$ 32,067,919	\$ 32,619,360
2				
3	TOTAL EXPENDITURES	\$ 33,871,582	\$ 33,787,308	\$ 34,266,139
4				
5	NET REVENUES	\$ (965,224)	\$ (1,719,389)	\$ (1,646,780)
6				
7	FUND BALANCE			
8	BEGINNING FUND BALANCE	\$ 7,603,995	\$ 10,097,354	\$ 8,377,965
9				
10	ENDING FUND BALANCE	\$ 6,638,771	\$ 8,377,965	\$ 6,731,186
11	Days of Operations	75	96	75
12				
13	Designated Operating Reserve	\$ 6,646,704	\$ 6,551,562	\$ 6,730,457
14				
15	Number of Days Operating Reserve Calculated On	75 Day	75 Day	75 Day
16				
17	Amount Above or (Below) Operating Reserve Target	\$ (7,933)	\$ 1,826,403	\$ 729

FY21 Proposed General Fund Budget Highlights

- \$466,879 increase in property tax revenue
- (\$566,831) decrease in sales tax revenue based on loss of a major sales tax generator and uncertain economic recovery from COVID-19
- (\$127,000) decrease in franchise receipts primarily due to SB1152 combined with erosion of telephone and cable franchise revenues
- (\$205,000) cuts in travel and training, insurance, position reorganizations
- (\$17,000) reduction in fleet replacement contributions
- (\$49,737) savings from detention cost center reduction for regional jail implementation
- \$188,229 in compensation for a 2% mid-year increase

- \$838,003 in funding for P-25 public safety radio system (total cost approximately \$2,000,000)

FY21 Budget Challenges

- Economic recovery after pandemic is uncertain:
- No new programs, no new projects, no new positions
- Maintaining services at current levels with current staffing
- Maintaining competitive pay and benefits continues to be a challenge as we compete with other public sector entities and the private sector to attract and retain employees
- Compliance with unfunded regulatory and reporting mandates is difficult to achieve with lean staffing (mandates continue to increase)
- Restoration of deferred street maintenance and other building and equipment maintenance costs continue to present challenges

Mayor Pro Tem Don McBurnett made a motion:

I move adoption of the Fiscal Year 2020-21 Budget and the revised Fiscal Year 2019-20 Budget as presented in the City Council Agenda Packet. This budget will raise more total property taxes than last year’s budget by \$464,905 or 2.48%, and of that amount \$90,195 is tax revenue to be raised from new property added to the tax roll this year.

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

- III.5.C. ***Consider an Ordinance Levying Ad Valorem Taxes for the Year 2020 at a rate of \$0.716852 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the Corporate limits of the City as of January 1, 2020, to provide revenues for current expenses and interest and sinking fund requirements; providing for due and delinquent dates together with penalties and interest.***
- Finance Director Summerlin presented the item.

Senate Bill 2 (SB2) New Tax Rate Nomenclature

- No-New-Revenue (NNR) Tax Rate is the rate applied to current year taxable valuations that would yield the same property tax revenue as in the previous budget year
- Voter-Approval (VA) Tax Rate is the maximum tax rate without triggering a general election to approve the tax rate (the cap in calculating this rate was reduced from 8% to 3.5% under SB2)

Comparison to Prior Year Tax Rate

	Tax Year 2020 Tax Rates	Difference From Prior Year Adopted Tax Rate	Percentage Above (Below) Prior Year Tax Rate
NNR Tax Rate	\$0.698962	\$ (0.044485)	-5.98%
Prior Year Adopted Tax Rate	\$0.743447		
VA Tax Rate	\$0.721852	\$ 0.021595	2.90%

Comparison to Proposed Tax Rate

	Tax Year 2020 Tax Rates	Difference From Proposed Tax Rate	Percentage Above (Below) Proposed Tax Rate
NNR Tax Rate	\$0.698962	\$ (0.017890)	-2.50%
Proposed 2020 Tax Rate	\$0.716852		
VA Tax Rate	\$0.721852	\$ 0.005000	0.70%

Councilmember At-Large Patrick Harvey made a motion.

I move that the property tax rate be increased by the adoption of a tax rate of \$0.716852 per \$100 valuation, which is effectively a 2.56 percent increase in the tax rate.

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

III.5.D. Consider an Ordinance ratifying the Fiscal Year 2020-2021 Budget which raises more revenue from property tax than in the previous year.
Finance Director Summerlin presented the item.

Ratification Vote

- Section 102.007(c) of the Texas Local Government Code requires a ratification vote on a budget that will raise more revenue from property taxes than the previous year. This vote must be separate from the adoption of the budget or tax rate.
- Because the City of Duncanville has experienced an increase in property valuations, the proposed tax rate will generate more revenue even though the 2020 tax rate is lower than the 2019 tax rate. Therefore, this ordinance must be approved in compliance with state law.

Mayor Pro Tem Don McBurnett made a motion.

I move ratification of the FY21 Budget which will raise more total property taxes than last year’s budget by \$464,905 or 2.48%, and of that amount, \$90,195 is tax revenue to be raised from new property added to the tax roll this year.

Councilmember Joe Veracruz seconded the motion. The vote was cast 7 for, 0 against. Item passed.

III.5.E. Consider a Resolution approving Republic Waste Services of Texas, Ltd., request to the City of Duncanville to increase contract rates under the Municipal Materials Management Agreement by 2.0% for Residential Collection and 2.91% for Commercial Services, effective October 1, 2020.

Public Works Director Ramey presented the item. On July 16, 2019, the Duncanville City Council approved a Municipal Materials Management Agreement ("Agreement") with Republic Waste Services of Texas, Ltd., ("Republic") to provide for continued garbage, recycling, and bulk and brush collection and disposal services. The initial term of Agreement is September 21, 2019 through September 20, 2026. The agreement will renew for successive 5-year periods unless terminated in advance by the City or Republic.

Section 7.2 – Annual Rate Adjustments, of the Agreement provides for Republic to increase contract rates annually on the Effective Date of the Agreement in an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (Water, Sewer and Trash Collection Services) U.S. City Average, as published by the U. S. Department of Labor, Bureau of Statistics ("the CPI").

On September 03, 2020, staff received Republic's most recent request to increase the contract rate for residential by 2.0% and increase the contract rates for commercial by 2.91% based on the June 2020 CPI with rates effective 10/01/2020. (CPI All-Urban in June 2020 was 2.91%)

Rate Summary

- Impact to City Solid Waste Collection Contract:

Residential Collection	Proposed FY21	Current FY20	Difference
Residential Trash (2/Wk)	\$ 10.05	\$ 9.85	+ \$0.20
Residential Recycling (1/Wk)	\$ 5.37	\$ 5.26	+ \$0.11
Residential Bulk/Brush (10 CY,2/Mo)	\$ 3.06	\$ 3.00	+ \$0.06
Total Residential /Month	\$ 18.48	\$ 18.11	+ \$0.37

- Impact to residents in Master Fee Schedule:

Type	Proposed FY21	Current FY20	Difference
Single Family/Duplex/Multi – Curbside Svc	\$24.36**	\$23.99	+ \$0.37 (+1.5%)
Single Family/Duplex/Multi – Alley Service	\$30.54**	\$30.08	+ \$0.46 (+1.5%)

** Rate covers: Solid Waste Collection, Landfill, Alley CIP Projects, HHW, Operation Clean
Duncanville, Sanitation Admin

Mayor Gordon questioned If Council choose not to approve the rate increase how would that effect the service to the city.

Robynn Mota, Republic Services stated Republic Services would bring the annual rate increase back to Council next month; due to the financial impacts from the COVID-19 pandemic.

City Attorney Hager stated there is usually a service-based reason why a City would not be giving the contracted amount and therefore that strikes the reasonability clause. Unless there is a service-based reason to consider then the contract a CPI increase.

Councilmember Jameson showed concern on the built in annually rate increases for future years.

Councilmember Anderson stated he will be voting against the increase due to not recalling the discussion of a rate increase.

Councilmember Cooks questioned what the total amount would be if the increase was not passed onto the citizens.

Finance Director Summerlin stated he does not have that amount calculated however, being at 35 days fund balance any absorption without passing on the increase will erode the fund balance. If any type catastrophic event were to happen there would not be any funds available.

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion.

Councilmember Mark D. Cooks made a motion to table the item as stated, Councilmember Johnette Jameson seconded the motion.

Councilmember Cooks stated he is not totally against the increase however, he would like more information.

Finance Director Summerlin stated when the budget was presented it included the cost increase on expenditure side but did not anticipate or include any increase on the rates. The 35-day project fund balance includes the rate increase.

Mayor Gordon questioned the additional information Councilmember Cooks requested has been discussed and approved by Council for the upcoming budget.

Finance Director Summerlin stated yes.

The vote was cast 4 for, 3 against (Councilmember Joe Veracruz, Councilmember Councilmember At-Large Patrick Harvey, Mayor Pro Tem Don McBurnett and Mayor Barry L. Gordon). Item failed.

Mayor Pro Tem Don McBurnett made a motion to approve the item as stated, Councilmember At-Large Patrick Harvey seconded the motion. The vote was cast 4 for, 3 against (Councilmember Monte Anderson, Councilmember Mark D. Cooks, and Councilmember Johnette Jameson). Item passed.

III.5.F. Consider an Ordinance approving the Fiscal Year 2020-2021 Master Fee Schedule, which is attached hereto and incorporated herein as Exhibit “A”.

Finance Director Summerlin presented the item.

Councilmember At-Large Patrick Harvey 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.G. Consider a Resolution casting votes for Places 1- 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Finance Director Summerlin presented the item.

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

Incumbents appointed: Robert T Herrera – Place 1, John W. (Buzz) Fullen – Place 2, Jeffrey Snyder – Place 3, Robert S. Hauck – Place 4.

III.5.H. Take any necessary action as a result of the Executive Session.

Item moved after Staff and Board reports.

III.6. STAFF AND BOARD REPORTS

III.6.A. Receive the Economic Development Department Quarterly Report.

No questions.

Mayor Gordon recessed the Briefing Session at 8:42 p.m. for City Council to convene into Executive Session.

II. EXECUTIVE SESSION

The Executive Session was called into session at 8:49 p.m. and City Attorney Hager read the item into record.

II.1 City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov’t Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

- 1. EON Reality Management Agreement Lease, Security Interest.

II.2 City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to receive a report from the City Attorney concerning a complaint alleging a violation of Code of Ethics by a Board of Director of Duncanville Community Economic Development Corporation, to wit: David Galbraith.

The Council closed the Executive Session at 10:30 p.m.

The City Council reconvened into Regular Session at 10:05 p.m.

III.5.H. Take any necessary action as a result of the Executive Session.

Item II.1

City Council shall convene into closed executive session pursuant to Section 550.71 of the Texas Gov’t Code to seek legal advice from the City Attorney about pending litigation and claims in the following matters:

- 1. EON Reality Management Agreement Lease, Security Interest.

No action taken.

Item II.2

City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code, Personnel Matters, to receive a report from the City Attorney concerning a complaint alleging a violation of

Code of Ethics by a Board of Director of Duncanville Community Economic Development Corporation, to wit: David Galbraith.

City Attorney Hager read a motion:

“Motion to issue a letter of notification that any disclosure Duncanville Community Economic Development Corporation (DCEDC) Board member was unintentional; and to request that the Board member meet with the Mayor to address concerns and avoid any future violations.”

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

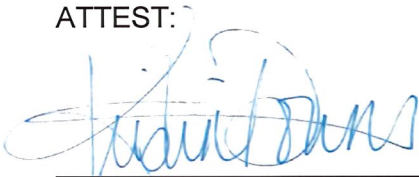
IV. ADJOURNMENT

The meeting was adjourned at 10:08 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY