

Duncanville City Council Meeting Minutes
Regular Meeting
Tuesday, March 31, 2020

CALL TO ORDER

A regular meeting of the Duncanville City Council was called to order on Tuesday, March 31, 2020, at 6:00 p.m. in the Council Briefing Room at City Hall via teleconferencing with a quorum to wit:

COUNCIL PRESENT: Mayor Barry L. Gordon
Councilmember At-Large Patrick Harvey
Councilmember Joe Veracruz
Mayor Pro Tem Don McBurnett
Councilmember Mark D. Cooks
Councilmember Johnette Jameson

COUNCIL VIA TELECONFERENCING: Councilmember Monte Anderson

STAFF PRESENT: City Secretary Kristin Downs
Assistant City Manager Paul Frederiksen
City Manager Kevin Hugman

STAFF VIA TELECONFERENCING: City Attorney Shelby Pearcy

1. 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”

Mayor Gordon explained how the meeting would be conducted via teleconferencing. Audience is in “Listen Only” mode and the public comments that were submitted prior to the deadline will be read into record. Each Councilmember present or on the phone, must announce their name prior to speaking. Votes will be by roll call as the City Secretary calls each Councilmember’s name.

Mayor Gordon provided the invocation.

Mayor Gordon read the item into record. The following emails were provided to the City Secretary by 4:00 p.m. on March 31, 2020:

Chris Reno – wrote on social distancing in the parks.

Matt Matern – wrote on helping retail centers with remodeling.

Jim Pyeatt – wrote on essential businesses.

JoAnn Louis – wrote on obtaining the infected COVID-19 residents and their travels.

Jennifer Cole – wrote on social distancing in the parks.

Misty Bain – wrote on the postponement on the May 2nd election and how it would affect term limits and social distancing in the parks.

City Manager Hugman stated the basketball rims, swings, and volleyball nets have been removed and yellow tape is around the parks to adhere by the social distancing rules that have been placed.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

2.A. Consider a Resolution ordering a cancellation of the Joint Election on May 2, 2020, and declaring the election of unopposed candidates for

Mayor and Councilmember from District 4 of the City Council of the City of Duncanville, Texas for a two year term.

City Secretary Downs presented the item. An At-Large race (Mayor) is running unopposed along with District 4, the City Secretary has the option to cancel those races and only have an election for District 2.

In order to cancel the Mayor and District 4 portion of the Election the City Secretary will need to provide a Certification of Unopposed Candidates and Resolution to the Dallas County Elections Department. Dallas County Elections stated if the Mayor and District 4 candidates' names are left on the ballot it could ultimately triple the City of Duncanville's election cost to keep the unopposed candidates name on the ballot; the total is based off the number of voters.

The following candidates are running unopposed:

- Mayor, Barry L. Gordon
- Councilmember District 4, Mark D. Cooks

Councilmember Cooks requested staff provide financial information from Dallas County to compare the costs of leaving names on the ballot when running unopposed. Councilmember Cooks stated he spoke with Election Administrator Toni Pippins-Poole and understood there would be no additional cost associated.

City Secretary Downs stated she understood from Election Administrator Pippins-Poole there would be an additional cost because you are creating a new template for a ballot. Pippins-Poole stated she could add the names to the District 2 ballot at no additional cost because the ballot is being prepared however, District 2 voters will be the only voters seeing the ballot.

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

2.B. *Consider amending Resolution 2020-009, postponing the General Election of May 2, 2020 to November 3, 2020, for the purpose of electing one Councilmember for District 2 for a two (2) year term; designating polling places; authorizing execution of Joint Election contract for the November 3, 2020 election.*

City Secretary Downs presented the item. Due to the COVID-19 pandemic, and pursuant to the provisions of Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date.

If the City of Duncanville chooses not to participate and postpone their General Elections; Dallas County Elections would only be able to offer limited assistance. Dallas County Elections has stated they could reach out for more details from their vendor however, this process may triple the cost of the City of Duncanville holding their own elections. On March 23, 2020 Dallas County Elections Department stated: Our office is a non-essential government service and will be closed Tuesday, March 24, 2020 to Friday, April 3, 2020. If another shelter-in-place order is issued there would not be any assistance between the Dallas County Elections Department and the City Secretary.

City Secretary Downs stated postponing the election until November 2020 does not re-open the candidate filing period and the term limit is from November 2020 to May 2022.

Councilmember Jameson questioned by postponing the election does that mean the term limits change.

City Attorney Percy stated the Governor's proclamation regarding the postponement of the May Elections does not adjust the term of office. The

current office holder will hold their seat until November. The newly elected official will serve a term of one in a half years until the May 2020 Election.

City Manager Hugman read the Section 2.04 of the City Charter.

Sec. 7.02 - REGULATION OF ELECTIONS

The Council shall make all regulations considered to be necessary or desirable, which are not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud, and shall make provisions for recount of the ballots in case of doubt or fraud. The Council will appoint election officials who will conduct the municipal elections consistent with this Charter, regulations made by the Council or the laws of the State of Texas.

Sec. 2.04 VACANCIES IN COUNCIL

In the event a vacancy occurs in the office of the Mayor or Councilman, the Council shall call a special election to fill such vacancy for the unexpired term if there remains more than six (6) months remaining in such unexpired term at the time such vacancy occurs. If such unexpired term shall be less than six (6) months and more than ninety (90) days at the time such vacancy occurs, then such vacancy shall be filled by a majority vote of the remaining members of the Council within thirty (30) days of the vacancy and the person chosen shall serve for the unexpired term only. If such vacancy occurs within ninety (90) days prior to a general City election, then no special election shall be held and no appointment shall be made to fill such vacancy.

The special election shall be held during the period not less than thirty (30) days and not more than forty (40) days after the vacancy occurs, or if not permitted by prevailing law during such period, then such election shall be held on the earliest date after such period as permitted by prevailing law.

Nominations for a special election called pursuant to this Section 2.04 shall conform to the requirements of Section 7.03 of this Charter. Filing with the City Secretary shall be within the time fixed by the ordinance calling such special election. (Ord. No. 713, §2, adopted 2-27-78, approved at election 4-1-78)

Sec. 2.01 NUMBER, SELECTION, TERM

The Council shall consist of seven (7) members, a Mayor and six (6) Council Members, elected from the City in the manner provided in Article VII, for a term of two (2) years or until a successor has been elected or appointed and takes office as provided in Section 2.04 of Article II. (Ord. No. 1491, adopted 1-21-97, approved at election 5-3-97; Ord. No. 1783, adopted 3-19-02, approved at election 5-4-02)

City Manager Hugman questioned if Council were to move the election to November would there be any violations by shortening the term limit for District 2. Are Sections 2.01 and 7.02 consistent with what the Governor is proposing.

City Attorney Percy stated yes.

City Secretary Downs stated on May 5, 2020 the Mayoral and District 4 races will be canvassed and the Oaths of Office will be provided.

At-Large Councilmember Patrick Harvey made a motion to approve the items as stated, Councilmember Joe Veracruz seconded the motion. The vote was cast 7 for, 0 against. Item passed.

3. DISCUSSION

3.A. *Discuss meeting protocols during COVID-19 emergency period.*

City Council discussed how they would like to conduct future Council meetings. Council concluded to move forward with the Regular Council meetings and to

utilize videoconferencing and teleconferencing as much as possible. Keeping the agenda compact and to the point.

I. ADJOURNMENT

The meeting was adjourned at 7:17 p.m.

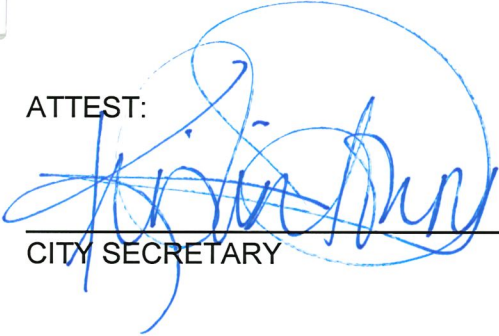
II. DISCUSSION

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY