

**MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF WILMER
MARCH 19, 2020**

Councilmembers Present

Emmanuel Wealthy-Williams, Mayor
Candy Madrigal, Mayor Pro Tem
Phyllis Slough, Councilmember
Jeff Steele, Councilmember
Melissa Ramirez, Councilmember
Sergio Campos, Councilmember

City Staff

Rona Stringfellow, City Administrator
Mark Hamilton, Fire Chief
Victor Kemp, Police Chief
Michael B. Halla, City Attorney
Mayra A. Ortiz, City Secretary

Call to Order

With a quorum present, the Regular Meeting of the Wilmer City Council was called to order by Mayor Wealthy-Williams at 7:01 p.m. on Thursday, March 19, 2020 in the Wilmer Community Center, 101 Davidson Plaza, Wilmer, Texas.

Invocation

Police Chief Kemp gave the invocation.

Pledge of Allegiance

Councilmember Phyllis Slough led the pledge of allegiance.

Proclamation

Mayor Wealthy-Williams read a proclamation announcing the month of March, 2020 as "Women's History Month." She encouraged all residents to observe and encourage all to continue to work on making the world a better place and continue to support all women, and support one another.

Community Announcement

City Administrator Stringfellow provided an update on COVID-19 (Coronavirus) and read Dallas County Judge Clay Jenkins Amendment Order. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, the Order prohibits community gatherings, of 50 persons or more anywhere in Dallas County continuing through 11:00 a.m. on March 20, 2020. City Administrator Stringfellow stated the definition of "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, gym, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

City Attorney Halla provided additional comments on-going evaluation of circumstances related to the virus, COVID-19.

Councilmember Steele added that the City and the governing body is considered to be critical infrastructure.

Citizens Comments:

No citizens were pre-registered.

Action:

- 1. Discuss and consider approving a resolution for the preparedness and response to COVID-19; providing for a disaster period; and providing an effective date.**

Councilmember Ramirez inquired about the gathering limit from the initial declaration to the recent amendment made by Dallas County.

Mayor Wealthy-Williams shared that Dallas County and cities within the County issued an order prohibiting community gathering of 500 persons or more. She indicated that the item is to address the continuation or renewal of the disaster declaration by the City Council.

City Attorney Halla suggested that the governor body may extend the period and alter the order to be more restricted than the State's Executive Order and County's Amended Order. The City can not remove or soften the order.

Councilmember Steele inquired from City Attorney Halla the ability to include an expiring date. City Attorney Halla agreed.

Mayor Pro Tem Madrigal suggested to extend the period to align with Dallas County.

Mayor Wealthy-Williams inquired from Fire Chief Hamilton the lasted order.

Fire Chief Hamilton shared that Governor Abbott issued an order to avoid social gatherings in groups of more than 10 people and it shall remain in effect until April 3, 2020.

Councilmember Steele recommended to establish an effective period.

Councilmember Campos shared that Governor Abbott executed his order at approximately Noon. City Secretary Ortiz confirmed that the ordered was filed in the Office of the Secretary of State.

Councilmember Steele inquired the recommended action needed for item 1. City Secretary Ortiz stated the resolution provided was a draft as staff was uncertain of the continuation or renewal extension of the disaster declaration.

City Attorney Halla suggested to add in Section 2, "but in any case, shall expire on April 3, 2020" and in Section 5 to include, "and shall expire on April 3, 2020." He recommended adding Section 6, "the recitals of this resolution are officially adopted herein by replacing as if fully recited." He shared that pursuant to Section 418.108(b) of the Government Code, the Mayor had the authority to declare a state of disaster for public health emergency for a period of not more than seven days from the date of March 13, 2020 and it may be continued or renewed by the City Council.

Mayor Pro Tem Madrigal inquired which order the City will adopt as there have been updates since the publication of item 1.

City Attorney Halla suggested to include Governor Abbott's Executive Order as an attachment to the resolution as Exhibit "B."

MOTION: Councilmember Steele made a motion, seconded by Councilmember Campos to approve item 1, Resolution 2020-0319A with the suggested changes made by City Attorney Halla. The vote was cast 5 for, 0 against. The motion carried unanimously.

- 2. Discuss and consider an ordinance postponing the General Election to be held on Saturday, May 2, 2020, for the purpose of electing a Mayor, at-large, and two (2) Council Members, at-large, to November 3, 2020 pursuant to proclamation from Governor Gregory Abbott; providing for the publication and posting of notice.**

Discutir y considerar mostración de una ordenanza que posa las elecciones generales que se celebrará el sábado 2 de mayo de 2020, con el propósito de elegir a un alcalde, a bordo, y dos (2) miembros del Consejo, en general, hasta el 3 de noviembre de 2020 de conformidad con la proclamación del gobernador Gregory Abbott; la publicación y publicación del aviso.

Mayor Wealthy-Williams stated that the health crisis has impacted every aspect of public gatherings like city events and functions.

Councilmember Steele inquired more information on item 2 and reasoning for the postponement as Uniform Municipal Elections are historical. Mayor Wealthy-Williams shared that due to the COVID-19 Disaster Declaration made by the County and the State, many cities and entities are postponing the May 2nd election and several ISD facilities are closing indefinitely.

City Secretary Ortiz stated the Dallas County Elections Administrator, Toni Pippins-Poole, shared that unfortunately with the seriousness of COVID-19, the Disaster Declaration ordered both by the State and Dallas County, and the challenging times to keep us all safe, Dallas County Elections Department will not be able to contract to administer the May 2nd election. We strongly advise the postponement to the date listed in the Governor's Proclamation, November 3rd.

City Attorney Halla stated that Dallas County can not force the City to postpone the date and the City can force Dallas County to assist with the elections.

Councilmember Steele communicated his concerns with the promptness to postpone the City's elections.

Councilmember Ramirez expressed her concerns for staff and related expenses for continuing to hold the City's elections.

The City Council recessed and reconvened into open session at 8:11 p.m.

Councilmember Steele requested Governor Abbott's language for the postponement. City Secretary Ortiz read Governor Greg Abbott proclamation:

"NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to .the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation."

Councilmember Slough asked if the terms of office expiring May 2020 will be extended. City Attorney Halla confirmed.

Councilmember Steele expressed his concerns with postponing the elections. City Attorney Halla stated that the suspension gives the governing body the authority to consider.

MOTION: Mayor Pro Tem Madrigal made a motion, seconded by Councilmember Ramirez to approve Ordinance 2020-0319B. The vote was cast 3 for, 2 against [Steele and Slough against]. The motion carried.

Consent Agenda

City Secretary Ortiz read the consent agenda.

- 3. Consider approval of minutes from the City Council Regular Meeting held on February 6, 2020.**
- 4. Consider a resolution authorizing the Mayor and/or the City Administrator to amend an agreement by and between the City of Wilmer and the City of Lancaster for the sale of wholesale treated water.**

Councilmember Steele pulled item 4.

MOTION: Councilmember Steele made a motion, seconded by Councilmember Slough to approve consent item 3. The vote was cast 5 for, 0 against. The motion carried unanimously.

- 4. Consider a resolution authorizing the Mayor and/or the City Administrator to amend an agreement by and between the City of Wilmer and the City of Lancaster for the sale of wholesale treated water.**

Councilmember Steele inquired about section 7.2 of the agreement, Purchase Price based on Demand, which states, "Should demand go over 1.0 MGD, and should Lancaster incur additional charges from the City of Dallas for additional MGD unit or price increase those charges will pass through to the City of Wilmer."

City Administrator Stringfellow shared that the contract is calculated based on one million gallons per day (MGD) and should the MGD exceed or price increase the cost will be pass to the City.

Councilmember Steele inquired the demand rate should it exceed the MGD. City Administrator Stringfellow shared the initial demand rate to the City of Lancaster at \$278,229.00 and will be charged at a monthly rate of \$23,210.75. She shared that she will obtain the rate over million gallons per day (MGD).

MOTION: Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal to approve item 4. The vote was cast 5 for, 0 against. The motion carried unanimously.

- 5. Discuss and consider approving appointments to the City of Wilmer's Boards and Commissions.**

No action.

Executive Session:

- 6. The City Council shall convene into closed executive session pursuant to:
 - a. Section §551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: matters related to WEDC/WCDC Executive Director John Hubbard.**
 - b. Section §551.071(2) of the Texas Government Code to seek legal advice amending the budget as to line items and salaries of employees and procedures for amending same.****
- 7. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/ session matters executive.**

The City Council recessed for Executive Session at 8:25 p.m. and reconvened into open session at 10:30 p.m.

MOTION: Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal authorizing City Administrator Stringfellow to reorganize the organization and make appropriate implementations, as necessary. The vote was cast 5 for, 0 against. The motion carried unanimously.

ADJOURNMENT

There being no further business, Mayor Wealthy-Williams adjourned the regular session at 10:31 p.m.

ATTEST:



Mayra A. Ortiz, City Secretary

APPROVED:



Emmanuel Wealthy-Williams, Mayor