

**MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF WILMER
APRIL 16, 2020**

Councilmembers Present

Emmanuel Wealthy, Mayor
Candy Madrigal, Mayor Pro Tem
Phyllis Slough, Councilmember
Jeff Steele, Councilmember
Melissa Ramirez, Councilmember

Councilmembers Absent

Sergio Campos, Councilmember

City Staff

Rona Stringfellow, City Administrator
Mark Hamilton, Fire Chief
Victor Kemp, Police Chief
Terry Capehart, Consulting City Planner
Michael Halla, City Attorney
Mayra 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 at 7:17 p.m. on Thursday, April 16, 2020. Due to the COVID-19 (coronavirus) state of emergency and consistent with the Governor's Order regarding modifications to the Texas Open Meetings Act, and executive orders regarding the public, the meeting was broadcast live via telephone conference.

Invocation

Police Chief Kemp gave the invocation.

Proclamation

Mayor Wealthy read a proclamation announcing April 12th through 18th, 2020 as "National Public Safety Telecommunicators Week." She extended her gratitude to the City's Public Safety Telecommunication staff and encourage all residents to honor those whose diligence and professionalism keep our city and citizens safe.

Community Announcement

City Administrator Stringfellow provided an update on COVID-19 (Coronavirus) and shared that Dallas County Judge Clay Jenkins amended the orders on April 16, 2020 to include "Covering of Nose and Mouth." She read, "Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's nose and mouth is necessary to help slow the spread of the virus. Effective at 11:59 p.m. on April 17, 2020, to the greatest extent possible all persons over the age of two (2) shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, when patronizing an Essential Business or using public transportation pursuant to the rules outlined in Exhibit G. Parents

and Guardians of children under 10 shall be responsible for appropriately masking children pursuant to this Order. To the greatest extent possible, all non-medical employees who work at an Essential Businesses or perform services that are exempt under this Order must wear face coverings over their noses and mouths while performing their work. An owner or operator of an Essential Business may refuse admission or service to any individual who fails to wear face covering. Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus.”

Mayor Wealthy provided an update on the 2020 Census and shared that the results of the 2020 Census will help determine how hundreds of billions of dollars in federal funding flow into communities every year for the next decade. She stated that the funding shapes many different aspects of our community and encourage all to share the importance of the Census 2020 and to complete the census online, by phone, and by mail.

Citizens Comments:

No citizens were pre-registered.

Executive Session:

1. **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.**
2. **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 7:32 p.m. and reconvened into open session at 8:46 p.m.

There was no action.

Consent Agenda

City Secretary Ortiz read the consent agenda.

3. **Consider approval of minutes from the City Council Regular Meeting held on February 20, 2020 and March 19, 2020.**

MOTION: Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal to approve consent item 3. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

Action:

4. Discuss and consider approving a resolution appointing the Board of Directors for Reinvestment Zone Number One, also known as Tax Increment Reinvestment Zone (TIRZ) No. 1.

Councilmember Steele inquired from City Attorney Halla the judiciary responsibility should the City Council reappoint the inactive TIRZ Board. City Attorney Halla stated that the appointments are at Councils' discretions. Also, he noted that the City's Ordinance identifies the board members criteria in which at least one (1) position shall be a City Council member.

Councilmember Steele inquired if the City will waive immunity should Mayor and City Council members were appointed to the board. City Attorney Halla stated the City will not waive immunity. City Attorney Halla indicated the board is similar as the Board of Adjustment and referenced the Local Government Code, Sec. 211.008, Board of Adjustment, (g) "The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter." He reiterated that the governing body will not waive immunity should the governing body be appointed.

Mayor Wealthy suggested to also include a representative from the business corporation.

Councilmember Steele inquired the member limitations on the board. City Attorney Halla stated there are no limitations as long as the member fits the criteria stated in the ordinance.

Mayor Pro Tem Madrigal agreed with Councilmember Steele suggested to appoint Mayor and City Council members.

Mayor Wealthy inquired confirmation from Councilmember Slough the desire to serve on the board. Councilmember Slough confirmed.

Laura Hoffmann, Attorney for LPC Southport Master Developer, LLC, stated that under Section 3.2 of the City's Ordinance, established the positions of the Tax Increment Fund for the Zone which include a City Council Member, County resident, County resident, County resident or owner of property within the Zone recommended by the majority owner of property within the Zone, and if the County participates in the Zone, the County representative; and if the County does not participate in the Zone, a County resident. She provided a nomination to appoint County Resident Kimberly Cole to the TIRZ board in replacement of one of the aforementioned members.

City Attorney Halla shared that should the governing body be appointed, a joint agenda notice in accordance with the Texas Open Meetings Act would be required as the governing would be serving as the City Council and the Board of Directors for Reinvestment Zone Number One, also known as Tax Increment Reinvestment Zone (TIRZ) No. 1. City Attorney Halla shared that Councilmember Steele suggestion is legal and an option to consider. He suggested for the motion to identify each Council's name.

MOTION: Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal to appoint Emmanuel Wealthy, Candy Madrigal, Phyllis Slough, Jeff Steele, Melissa Ramirez, Sergio Campos, and Kim Cole to the Board of Directors for Reinvestment Zone Number One, also known as Tax Increment Reinvestment Zone (TIRZ) No. 1. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

5. Discuss and consider approving appointments to the City of Wilmer Boards and Commissions.

MOTION: Councilmember Steel made a motion, seconded by Councilmember Slough to reappoint Patricia Havard, Roberto Madrigal, Allison Mears, and Pamla Wood and appoint Lorrie McDonald to the Planning and Zoning Commission. The vote was cast 3 for, 1 against [Madrigal] [Campos absent]. The motion carried.

MOTION: Councilmember Steele made a motion, seconded by Councilmember Slough to appoint Pamela Wash and Elizabeth Barrientos and reappoint Candy Madrigal, Michael Wasserman, and Emmanuel Wealthy to the Wilmer Economic Development Corporation (4A). The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

MOTION: Councilmember Ramirez made a motion, seconded by Councilmember Slough to appoint Laura Jacobs and LaKesha Williams and reappoint Rhonda C. Henry, Sheila Petta, Letha Reese, and Victor Pena to the Wilmer Community Development Corporation (4B). The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

Councilmember Ramirez inquired from City Attorney Hall if she may rescind a vote. City Attorney Halla shared that she would have to make a motion to reconsider.

Councilmember Steele spoke in opposition of the Councilmember Ramirez's motion to reconsider. City Attorney Halla shared that Robert's Rule states, "The motion to Reconsider is subject to some unique limitations, it must be made on the same day as the meeting in which the motion to be reconsidered was decided. It must be made by a person who voted on the prevailing side of the motion to be reconsidered."

MOTION: Councilmember Ramirez made a motion, seconded by Mayor Pro Tem Madrigal to reconsider the approval to the Planning and Zoning Commission. The vote was cast 3 for, 2 against [Slough and Steele] [Campos absent]. The motion carried.

Mayor Pro Tem Madrigal inquired from City Secretary Ortiz new applicants that desire to serve on the Planning and Zoning Commission. City Secretary Ortiz stated that Tiara Anderson is an applicant available.

MOTION: Mayor Pro Tem Madrigal made a motion, seconded by Councilmember Ramirez to reappoint Patricia Havard to the Planning and Zoning Commission. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

MOTION: Councilmember Ramirez made a motion to reappoint Roberto Madrigal to the Planning and Zoning Commission. The Motion failed from lack of second.

MOTION: Councilmember Slough made a motion, seconded by Councilmember Steele to reappoint Allison Mears to the Planning and Zoning Commission. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

MOTION: Councilmember Ramirez made a motion, seconded by Mayor Pro Tem Madrigal to reappoint Pamla Wood to the Planning and Zoning Commission. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

City Attorney Halla suggested that Mayor Wealthy may abstain.

MOTION: Councilmember Steel made a motion, seconded by Councilmember Slough to appoint Lorrie McDonald to the Planning and Zoning Commission. The vote was cast 3 for, 2 against [Madrigal and Ramirez] [Campos absent]. The motion carried.

MOTION: Councilmember Ramirez made a motion, seconded by Councilmember Steele to reappoint Roberto Madrigal to the Planning and Zoning Commission. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

MOTION: Councilmember Steele made a motion, seconded by Councilmember Slough to reappoint Gail Bell, Elizabeth Gonzalez, John F. Phinney, Renee Turner, and Vicky Vandygriff to the Library Advisory Board. The vote was cast 3 for, 1 against [Ramirez] [Campos absent]. The motion carried.

MOTION: Councilmember Ramirez made a motion, seconded by Mayor Pro Tem to appoint Karlin Lee, Jr. to the Library Advisory Board. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

Mayor Wealthy nominated Tiara Anderson to the Parks Advisory Board.

MOTION: Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal to appoint Juan Cervantes, Jacinto Dominguez, Angela Dawson, Tiara Anderson, and Maria Garcia to the Parks Advisory Board. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

Below is a recap of the 2020 appointments.

	<u>Term Expires</u>	
<u>Library Advisory Board</u>		
Gail Bell	2021	Reappointment
Elizabeth Gonzalez	2022	Reappointment
John F. Phinney	2021	Reappointment
Karlin Lee, Jr.	2022	Appointment
Renee Turner	2021	Reappointment
Vicky Vandygriff	2021	Reappointment
<u>Park Advisory Board</u>		
Juan Cervantes	2022	Appointment
Jacinto Dominguez	2021	Appointment
Angela Dawson	2021	Appointment

Tiara Anderson	2022	Appointment
Maria Garcia	2021	Appointment
Vacant (Ramirez)	2022	

**Planning & Zoning
Commission**

Patty Havard	2021	Reappointment
Roberto Madrigal	2022	Reappointment
Allison Mears	2021	Reappointment
Pamla Wood	2022	Reappointment
Lorrie McDonald	2021	Appointment

**Wilmer Economic
Development Corporation
(4A)**

Pamela Wash	2021	Appointment
Candy Madrigal	2022	Reappointment
Michael Wasserman	2021	Reappointment
Elizabeth Barrientos	2022	Reappointment
Emmanuel Wealthy	2021	Reappointment

**Wilmer Community
Development Corporation
(4B)**

Rhonda C. Henry	2021	Reappointment
Sheila Petta	2022	Reappointment
Letha Reese	2021	Reappointment
Victor Pena	2022	Reappointment
LaKesha Williams	2022	Appointment

TIRZ

Emmanuel Wealthy	2022	Appointment
Candy Madrigal	2021	Appointment
Jeff Steele	2021	Appointment
Phyllis Slough	2021	Appointment
Melissa Ramirez	2022	Appointment
Sergio Campos	2022	Appointment
Kimberly Cole	2022	Appointment

6. Discuss and consider approving an ordinance establishing the preparedness and response to COVID-19; providing to extend the disaster period; and providing an effective date.

Mayor Wealthy spoke on item 6 and shared that on Thursday, March 12, 2020, Dallas County Judge, Clay Jenkins, issued an order prohibiting community gatherings, of 500 persons or more anywhere in Dallas County beginning at 11 a.m. on March 13, 2020, and continuing for seven (7) days through 11:00 a.m. on March 20, 2020. On Friday, March 13, 2020, Mayor Wealthy-Williams authorized a declaration of local disaster for public health emergency. Pursuant to section 418.108(b) of the Government Code, the state of

disaster for public health emergency shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the City Council. On Thursday, March 19, 2020, City Council approved Resolution 2020-0319A ordering a declaration of a local state of disaster to take effect immediately and shall expire on April 3, 2020. On April 2, 2020, City Council approved Resolution 2020-0402A extending the disaster period to April 30th. is being considered as the local state of disaster will expire on April 3, 2020.

City Administrator Stringfellow stated that City Attorney advised that in order to establish a penalty provision the governing body must adopt an ordinance. Staff prepare the item to establish rules and regulations for the duration of the disaster and establish penal provisions.

City Attorney Halla confirmed and shared that a penal provision must be enacted as an ordinance and shall be published in the City's newspaper of record.

MOTION: Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal to table item 6 to the April 30, 2020 City Council Special Meeting. The vote was cast 4 for, 0 against [Campos absent]. The motion carried unanimously.

ADJOURNMENT

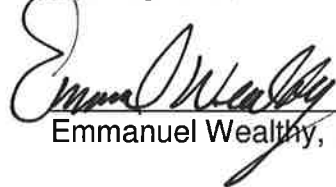
There being no further business, Mayor Wealthy adjourned the regular session at 10:32 p.m.

ATTEST:



Mayra A. Ortiz, City Secretary

APPROVED:



Emmanuel Wealthy, Mayor