

Notice of Special Meeting of the Wilmer City Council

1-844-992-4726 (Toll Free) or 408-418-9388
Access code: 146 918 8883

Monday, June 22, 2020 at 7:00 pm



Important Notice Regarding Public Participation and City Council Attendance:

Due to the COVID-19 (coronavirus) public health emergency, and in an effort to reduce face-to-face contact, Governor Greg Abbott has granted a temporary suspension of certain provisions of the Texas Open Meetings Act. While preserving government transparency and maintaining government operations, the Meeting of the City Council will be conducted by teleconference. The meeting will be broadcast live via telephone conference by dialing any of the following phone numbers:

- 1-844-992-4726 (Toll Free) or 408-418-9388
- Access code: 146 918 8883

CALL TO ORDER

CITIZENS' COMMENTS:

In an effort to continue to allow members of the public to address the City Council may do so at one of the following temporary alternate options:

- Electronic Mail (E-mail): Submit your name, address, and subject and/or agenda item(s) to City Secretary at mortiz@cityofwilmer.net by 5:00 p.m. on Monday, June 22, 2020.
- By phone. Please call 1-844-992-4726 (Toll Free) or 408-418-9388; Access code: 146 918 8883 before the Call to Order and provide your name, address, and subject and/or agenda item(s).

At this time, citizens who have pre-registered before the call to order from one of the above options will be allowed to provide comments on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three (3) minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law. You will be called by the Mayor during the meeting in the order received.

ACTION:

1. Discuss and consider a resolution approving the terms and conditions of a Cooperative Agreement by and between the City of Wilmer and Dallas County to provide the Community Development Block Grant Program.

ADJOURNMENT

EXECUTIVE SESSION: The City Council reserve the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the Texas Government Code to seek legal advice concerning such subject.

ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities are wheelchair accessible. For sign interpretive services, call the City Secretary's office, 972-441-6373, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

CERTIFICATE

I hereby certify the above Notice of Meeting was posted at the Wilmer City Hall on June 18, 2020 at 5:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, and City Council members.



Mayra A. Ortiz, City Secretary

Confirmation of Agenda Removal on _____, 2020.

CITY OF WILMER

City Council Special Meeting

1.

Meeting Date: 06/22/2020

Policy Statement:

Submitted by: Rona Stringfellow, City Administrator

Agenda Caption:

Discuss and consider a resolution approving the terms and conditions of a Cooperative Agreement by and between the City of Wilmer and Dallas County to provide the Community Development Block Grant Program.

Background:

Every three years Dallas County is required to confirm the City's participation in its Community Development Block Grant (CDBG) program. In order for Dallas County to qualify they must enter into agreements with local governments and have the collective population of the County's unincorporated area and the local Governments total at least 1,000,000 people.

CDBG funds are administered through Dallas County and may only be used on the projects that eliminate blight, and community threatening conditions, or primarily benefit low/moderate-income residents. About 65% of Dallas County's funding is allocated to its participating cities using a formula that takes into account a city's population and the percentage of it that is low and moderate-income. The primary objective of the program is to develop sustainable urban communities that meet the public service and housing needs of low and moderate-income households. Federal rules allow each community to tailor its program to address specific local needs. Historically, the City of Wilmer has used this funding for residential roadway, water, and sewer projects.

Operational Considerations:

The current agreement between the City of Wilmer and Dallas County will expire on June 26, 2020. It is necessary to renew the agreement in order for the City of Wilmer to remain eligible for this program. Funds may only be utilized for qualifying projects that meet the criteria established by the U.S. Housing and Community Development Act of 1974. The City of Wilmer has historically utilized these funds for full roadway, water, and wastewater projects.

Legal:

The City Attorney has reviewed and approved this resolution as to form.

Public Information Considerations:

This item is being considered at a Special Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

Fiscal Impact:

In order to receive this funding, the U. S. Department of Housing and Urban Development (HUD) requires the County and all interested cities with populations of less than 50,000 to enter into a cooperative agreement. Dallas County allocates funding on a bi-annual formula for participating cities and exact allocation amounts vary.

Options/Alternatives:

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution and direct staff.

Recommendation:

Staff recommends approval, as presented.

Attachments

Resolution

Exhibit A

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF WILMER, TEXAS AND DALLAS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT TO PROVIDE FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM; AUTHORIZING ITS EXECUTION BY THE MAYOR; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas County Department of Planning and Development has been in existence since 1988 and has been able to provide more than \$60 million dollars in funding to the City of Wilmer, and other cities within Dallas County; and

WHEREAS, the City of Wilmer desires to enter a cooperative agreement with Dallas County to receive funding for its residents within low to moderate income areas; and

WHEREAS, Dallas County will provide CDBG, Home program, and ESG funding to the City in order to assist with such projects as road reconstruction, water/sewer installation, park improvements, code enforcement, down-payment assistance, and housing reconstruction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS:

SECTION 1. That the Dallas County Department of Planning and Development Cooperative Agreement for Fiscal Year 2020, attached hereto and incorporated herein by reference as Exhibit "A", having been reviewed by the City Council of the City of Wilmer, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved.

SECTION 2. That the Mayor of the City of Wilmer, Texas, is hereby authorized to execute said agreement.

SECTION 3. That any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. That should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 5. That this Resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY PASSED and approved by the City Council of the City of Wilmer, Texas, on this the 22nd day of June, 2020.

ATTEST:

APPROVED:

Mayra A. Ortiz, City Secretary

Emmanuel Wealthy, Mayor

APPROVED AS TO FORM:

Michael B. Halla, City Attorney

AGREEMENT of COOPERATION for CDBG/HOME/ESG PROGRAMS

WHEREAS, the 93rd Session of Congress passed, and the President of the United States signed into law, the Housing and Community Development Act of 1974 (PL93-383) which created the Community Development Block Grant (CDBG) program; and

WHEREAS, Dallas County, Texas, is applying to the U.S. Department of Housing and Urban Development (HUD) for Urban County CDBG entitlement status; and

WHEREAS, in order to qualify for this status, Dallas County must enter into cooperation agreements with local governments and have the collective population of the County's unincorporated area and the participating local governments total at least 100,000 people; and

WHEREAS, Texas cities and counties are authorized under Chapter 373, Local Government Code, and Section 381.003, Local Government Code, to conduct essential housing and community development activities; and

WHEREAS, Texas cities and counties are authorized under Chapter 791, Government Code, to enter into cooperation agreements with one another.

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Wilmer (hereafter, "City") supports the efforts of Dallas County, Texas to qualify as an Urban County for the CDBG program and asks that its population be included in such a program beginning for Federal Fiscal Years 2021, 2022, and 2023.

This Cooperation Agreement covers the CDBG entitlement program and when applicable, the HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) programs.

This Agreement remains in effect until the CDBG (and where applicable, HOME and ESG) funds and program income received with respect to the three-year qualification period are expended and the funded activities completed, and that the County and City may not terminate or withdraw from the Agreement while the Agreement remains in effect.

The City understands that by executing this CDBG Cooperation Agreement it:

1. May not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in the County's CDBG program; and
2. May receive a formula allocation under the HOME Program only through the County. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments; and
3. May receive a formula allocation under the ESG program only through the County.

County and City agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities.

County and City shall take all actions necessary to ensure compliance with the Urban County certification by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1968 and other applicable laws.

County and City shall take all actions necessary to ensure compliance with Section 109 of Title I of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, and Age Discrimination Act of 1975.

County and City understand and agree that Urban County funding will not be provided for activities, within or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with County fair housing certifications.

City understands and agrees, that in accordance with 24 CFR 570.501(b) and 570.503 (which requires a written agreement), it shall be subject to the same administrative requirements as a grant fund any subrecipient should it receive funding under this program.

City agrees to report to the County of any income generated by the expenditure of CDBG, HOME, and/or ESG funds received; and that any such program income must be paid to the County to be used for eligible activities in accordance with the original grant requirements.

County is responsible for monitoring and reporting to HUD on the use of any program income, and that in the event of close-out or change in status of the City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County.

City agrees to notify the County of any modification or change in the use of the real property from that planned at the time of acquisition or improvement, including disposition, and further agrees to reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG/HOME/ESG funds) for property acquired or improved with CDBG/HOME/ESG funds that is sold or transferred for a use which does not qualify under the CDBG/HOME/ESG regulations.

Any money generated from the disposition or transfer of property will be treated as program income and returned to the County prior to, or subsequent to, the close-out, change of status, or termination of this Agreement between the County and City.

City understands that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974.

County shall notify City in writing, by the date specified in the HUD urban qualification notice for the next qualification period, of its right not to participate.

City has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable state and local laws against physical barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

City understands that the County will have final responsibility for administering the CDBG/HOME/ESG programs, selecting CDBG/HOME/ESG projects and activities, and making annual grant requests.

City's Mayor, or their legal designee, is authorized to sign any additional forms, on behalf of the City, that HUD may require.

APPROVED AND ACCEPTED THIS THE _____ day of _____, 2020.

CITY OF WILMER:

DALLAS COUNTY:

Emmanuel Wealthy, Mayor
City of Wilmer, Texas

Clay Lewis Jenkins, County Judge
Dallas County, Texas

Date

Date

Approved as to Form:

Approved as to Form:*

John Creuzot
District Attorney

Michael B. Halla, City Attorney

By: _____
Randall Miller
Assistant District Attorney

*By law, the Dallas County District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).