

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, January 7, 2021 @ 1:00 p.m.**  
**Virtual Zoom Meeting**

The Durham City Council held a virtual Work Session on the above date and time with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, Pierce Freelon, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also present: Interim City Manager Wanda Page, City Attorney Kim Rehberg and City Clerk Diana Schreiber.

Mayor Schewel called the meeting to order and welcomed everyone in attendance at the virtual meeting.

**[ANNOUNCEMENTS BY COUNCIL]**

Council Member Reece spoke to the fact that the meeting was the last meeting of 2020; appreciated city staff for their work during the pandemic in maintaining a high level of responsiveness to residents; and graciously thanked the city employees.

Mayor Schewel echoed the graciousness and appreciation of the city's employees and noted that he missed seeing staff since the pandemic prevented in person interactions.

Council Member Caballero expressed optimism regarding 2021.

**[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]**

Interim City Manager Page announced the priority items:

Item 5) Requested Council suspend the rules and vote to extend the temporary outdoor seating ordinance that was expiring on December 31, 2020.

Item 7) Requested Council suspend the rules and vote to authorize the contract with Open Table Ministry Inc. for White Flag Cold Weather Emergency Shelter.

Item 19) Presentation Item.

Item 27) Supplemental Item of a Citizen's Matter, Attachment 4 was added.

**MOTION** by Council Member Freeman, seconded by Mayor Pro Tempore Johnson, to approve the Interim City Manager's Priority Items at 1:10 p.m. by the following vote:

Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

City Attorney Rehberg expressed appreciation and the extra effort that her staff displayed during the pandemic.

City Clerk Schreiber echoed the appreciation for the City Clerk's Office staff and looked forward to 2021.

Taking the prerogative of the chair, Mayor Schewel announced the order of the agenda: Supplemental Item 27, Presentation Item 19, Citizen's Matter, the pulled items and then two presentations of Items 20 and 21.

Mayor Schewel read the agenda items on the printed agenda. The following items were pulled for further discussion: Items 19, 5, 6, 7, 8, 9, 10, 12, 13, 16.

**[SUPPLEMENTAL ITEM]**

**SUBJECT: CITIZEN'S MATTERS: STELLA ADAMS (ITEM 27)**

Stella Adams, representing the Durham Committee on the Affairs of Black People, addressed disparities in how bids were awarded; observed there were many single bidders; expressed concerns about how complicated the RFP process was and that this represented a barrier to small firm participation; and urged more participation by small and local black owned businesses.

Interim City Manager Page urged that all areas of procurement be considered and discussed by staff in order to ensure better outcomes for businesses owned by persons of color and women.

**SUBJECT: COVID-19 UPDATE (ITEM 19/ PR 14386)**

Ryan Smith, Manager, Budget and Management Services, introduced the presentation item and deferred to Ron Jenkins, of the Durham County Health Department, for presentation. Director Jenkins spoke to various statistics in his report that included the number of active COVID-19 cases, inactive, deaths, and noted the seven day moving average was increasing. He noted that Latino/Hispanic cases were comprised the majority of the cases and appreciated the advocacy of Council Member Caballero in improving communications with the Latinx community.

Director Jenkins noted that there was a potential for allergic reactions in lipid protein triggers and that allergy-prone recipients needed to consider this aspect of the vaccine.

Council was excited to see the vaccination program ramping up, encouraged the Health Ambassadors to continue their outreach into communities of color. Director Jenkins noted that messaging plans were underway to build confidence in Durham's diverse communities.

Director Jenkins was asked about a two-tier supply chain. He responded that there were two types of vaccine in the market, one by Pfizer the other, Moderna, and this could be the source of the myth.

Council Member Caballero expressed appreciation for the Health Ambassadors and the Back on the Bull Campaign and the many supporters who had been working steadily in communicating with the diverse populations.

Ryan Smith noted that the city and county partners in conjunction with Duke Health were funding a digital tool for businesses to safely operate during the pandemic, for more information: [www.greenlightdurham.com](http://www.greenlightdurham.com)

**SUBJECT: CITIZEN'S MATTER: JESSICA SHEFFIELD (NO AGENDA NUMBER)**

Ms. Jessica Sheffield, Executive Director of the Eno River Association, expressed appreciation for Council's environmental advocacy during 2020.

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: TEMPORARY OUTDOOR SEATING ORDINANCE EXTENSION  
(ITEM 5/ PR 14382)**

Sara Young, Director of City-County Planning, presented the staff report.

Mayor Schewel asked if there could be a term included in the ordinance.

Director Young stated an end date was a reasonable request to amend the order to fit with the pandemic and would amend the ordinance accordingly.

Council Member Reece supported the suggestion for an end date and requested staff to make a more long-term change and supported the seasonality of the outdoor dining concept, the Streeter. This encouraged more pedestrian usage.

Council Member Middleton inquired about how to end a state of emergency and asked if the ordinance continued after the end of the state of emergency, who said the state of emergency was over.

Attorney Rehberg noted that local emergency ordinances were tied to the County or State notices of emergency and did not require additional action. She noted that the Governor would conclude the state of emergency and then the local state of emergency would end.

Council Member Middleton requested that this process be codified.

Attorney Rehberg offered to refine the language to connect the local state of emergency with the state-level State of Emergency.

Mayor Schewel agreed to work with the City Attorney's Office to write a process, following the holiday break.

**MOTION** by Council Member Middleton, seconded by Council Member Freelon, to suspend the rules in order to vote. The motion was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

Council Member Freeman opposed approving the ordinance without written language.

Council Member Reece supported moving forward with the item with an amendment to make the ordinance invalid upon rescission of the Durham County State of Emergency or by June 30, 2021.

**MOTION** by Council Member Reece, seconded by Mayor Pro Tempore Johnson, to extend the previously adopted temporary ordinance amending certain provisions regarding Outdoor Dining Permits in the City Code of Ordinances to promote the City's economic and social recovery from the coronavirus pandemic was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Middleton and Reece. Noes: Council Member Freeman.

**ORDINANCE #15756**

**SUBJECT: AMENDMENT TO YOUTH INITIATIVES MANAGER INTERLOCAL AGREEMENT (ITEM 6/ PR 14370)**

Council Member Freeman inquired about how was the initiative set up and how were demographics being tracked.

Laura Khalil, Manager in the Office of Youth, responded to Council's questions.

**SUBJECT: CONTRACT WITH OPEN TABLE MINISTRY, INC. FOR 'WHITE FLAG' COLD WEATHER EMERGENCY SHELTER (ITEM 7/ PR 14383)**

Reginald Johnson, Director of the Department of Community Development, presented the staff report and explained the urgency of the approval timeline.

Council Member Freeman inquired if demographics were tracked.

Director Johnson responded affirmatively and stated that demographics were utilized in the Homeless Management Information System; and encouraged Council to approve the contract.

**MOTION** by Council Member Caballero, seconded by Council Member Freelon, to suspend the rules in order to vote. The motion was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

**MOTION** by Council Member Middleton, seconded by Council Member Freelon, to authorize the expenditure of \$250,000 in Dedicated Housing funds; and

To authorize the City Manager to execute a contract with Open Table Ministry, Inc. in the amount of \$250,000 to provide a cold weather emergency shelter and hotel program from January 1, 2021 to March 31, 2021. Motion was approved by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

**SUBJECT: TIP #C-5605E CONGESTION MITIGATION AND AIR QUALITY (CMAQ) IMPROVEMENT PROGRAM BIKE LANES SUPPLEMENTAL MUNICIPAL AGREEMENT (ITEM 8/ PR 14369)**

Mayor Schewel asked Assistant Director of Transportation Bill Judge if were any of the bike lanes were separated bike lanes and asked about funding/freezing of projects.

Assistant Director Judge explained that there were numerous protected bike lanes with buffers; and confirmed the projects had been previously frozen and were being unfrozen and then advanced.

Council Member Caballero referenced Items 8, 9 and 10; and asked if associated increases in costs were hinged on the delay with NCDOT and stated she had added up the increase, amounting to over \$609,000, and expressed her concern.

Assistant Director Judge responded that it was no 100%, but that the delay was responsible for some of the inflation.

**SUBJECT: CITY OF DURHAM EMPLOYMENT AND TRAINING 2020-2022 GRANT PROJECT ORDINANCE SUPERSEDING ORDINANCE #15708 (ITEM 12/ PR 14346)**

Council Member Freeman requested additional information on the city's partnership with Durham Technical Community College and requested information on how to increase financial allocations to the program.

Edward Nixon, Office of Workforce Development, would follow-up.

**SUBJECT: DURHAM CITY-COUNTY INTERLOCAL AGREEMENT FOR CONTINUATION OF THE GANG REDUCTION STRATEGY (ITEM 13/ PR 14374)**

Council Member Freeman inquired about the gang reduction strategy and asked for staff's feedback.

Police Chief Kevin Cates, Gang Intervention Unit and James Stuit, Gang Reduction Strategy Manager, responded to questions.

Council Member Freeman inquired about the financing of the program and how had the strategy been revised over the years.

Mr. Struit addressed the program that focused on prevention, intervention and suppression.

Interim City Manager Page noted that the interlocal agreement consisted of \$102,575 toward Project Build with \$54,782 toward the Gang Reduction Manager component.

Mayor Schewel requested a breakdown of funds within the program for the upcoming Council meeting and to confirm what each the city and county were covering.

**SUBJECT: CONTACT WS-85, SEWER EXTENSION ON GARRETT AND MIMOSA  
(ITEM 16/ PR 14295)**

Mayor Schewel requested additional information from Assistant Director Tasha Johnson concerning the sewer extension, what was the policy that permitted the extension and what was the city's obligation.

Rob Joyner, Public Works, explained the background of the regulation/statute; and noted that there was a section of the ordinance allowed someone who had made a payment to the city to extend the utility as a function of the ordinance. He stated the ordinance was not used often and was going to be removed.

Mayor Schewel was concerned about applying city funds for private usage.

Deputy City Manager for Operations Bo Ferguson noted that staff was bringing forward options regarding the petition process to Council in the future.

**[PRESENTATION ITEMS]**

**SUBJECT: CITY OF DURHAM OFFICE ON YOUTH 2020 UPDATE  
(ITEM 20/ PR 14371)**

Lara Khalil, Manager of the Office on Youth, introduced her presentation team: Jaylen Segers, Project Assistant on Youth and staff persons Nori McDuffie and A'lice Frazier. The group tag teamed the presentation that included an update of activities in conjunction with a PowerPoint presentation.

The presentation included:  
Update on Strategic Youth Initiative  
Grounding in values & vision  
Office on Youth goals & progress  
Work ahead

Ms. Khalil spoke to the city-county strategic youth initiative origins to reduce barriers. The agreement established a city-county initiative in 2017; position housed in the CMO. City and County youth services were the focus. Challenges of youth, the role of the City-County Youth Initiatives Manager and the Office on Youth' goals were presentation points.

Create new opportunities for young people ages 13-24 years to fully participate in local government planning and decision making. Information available on the YODURHAM listserv. Convening providers to share/organize around listening project priorities; continue expanding and nurturing listserv. Youth listening project- purpose, process. Youth services landscape and inventories. Connecting young people to resources – Instagram, YODURHAM text line, youth ambassadors, DPS institutional support team.

Mayor Schewel stated that they considering 2021 plans, aside from COVID, what was the biggest impediment to achieving their goals.

Mr. Segers spoke to their projects being partner and community based; and that partner engagement and buy-in was necessary.

Mr. McDuffie emphasized the need to gain trust and reduce barriers.

Interim City Manager Page noted that the CMO provided the team with freedom to self-determine their direction.

Ms. Khalil noted that a full report would be provided to Council in early 2021.

**SUBJECT: CITY CONTRACTOR WORKFORCE DIVERSITY  
(ITEM 21/ PR 144377)**

Finance Director David Boyd and Assistant City Attorney Fred Lamar made the staff report regarding how to encourage city contractors to hire more diverse workforces and incorporate such hiring practices into the contracting process. A PowerPoint was presented titled, *City Contractor Workforce Diversity- Update and Proposed Initiatives*.

The working group members consisted of representatives from E&I, Finance, Public Works, General Services, Water Management and City Attorney's Office; and devised their objectives.

Attorney Lamar spoke to problems with the current tool, E-104 Form, specifically the form was not covered by EBOP Ordinance, nor the UBE/MWBE Program. He stated the form represented a snap shot rather than workforce diversity efforts and resembled the EEO-1 US Equal Employment Opportunity Commission form. The rationale for emphasizing efforts to have a diverse workforce were detailed. Ways to promote workforce diversity involved contractors with over 10\* or more employees to respond to a questionnaire on diverse hiring practices, then summarize the contractor responses to add to the agenda memo with employee breakdown, create uniform workforce diversity scoring worksheet to use as a contractor selection evaluation tool. Statutory obstacles were presented: what statutory authority did the city have to reject a bidder/proposer for disappointing workforce diversity; least flexibility- purchases, construction, repair, where contracts were awarded based on lowest price among responsive bids. Options: reject a bidder for failure to respond or provide information requested, or reject all bids and re-bid again (but may get same low bidder you did not like in the first place). Most

flexibility- service contracts, where the selection criteria was based on factors that are based on public purpose and benefit and are in best interest of city. Presented an option of incorporating a uniform evaluation measure as one factor used to evaluate in the RFP process. Note, in the case of professional services (RFQs) the evaluation factor must contribute to the selection of the best qualified firm.

Details on the questionnaire were that the questionnaire required the contractor to list and respond to ways the contractor had made efforts to hire a diverse workforce; and required a contractor to provide its own explanation as to why it believed its workforce was or was not diverse; and required a contractor to complete a workforce diversity breakdown table. The Diversity Scoring Worksheet Tool would be used for service contracts where a contractor's response may be used as part of the evaluation process, certain responses to the questionnaire were weighted and assigned points. An example of the worksheet was displayed.

Next steps: Formalize the city policy to implement use of questionnaire and promote the contractor workforce diversity; provide public purpose and benefit of policy, explain when and how questionnaire was to be used, provide guidance on how to incorporate information from questionnaire as part of a recommendation for award and provide guidance on conditions when bids should be rejected for failure to provide substantive responses.

Council Member Caballero added two questions:

- Do you have an official talent/recruitment/retention policy?
- Have you ever hired professional services to help create or implement official recruitment/retention strategies?
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Mayor Pro Tempore Johnson dissuaded the use of the term minority and replace it with people of color; and advocated support for people who identified outside of gender binary.

Council Member Freeman explained the difference between racial equity and equality and supported the step being made by the City Attorney's Office; and pushed for inclusion and equity in purchases, construction and repair contracts.

Finance Director Boyd responded that the information was going to be gathered from everyone and the results would be included in the agenda packets for Council's review. It was necessary to abide by regulations in the RFP awards.

Council Member Middleton asked if additional staff needed to be incorporated with staff from the Finance Department and the City Attorney's Office, specifically, Equity staff working with the Shared Economic Prosperity Plan. He spoke to the Built to Last Program and shared global equity in the bidding process.

Mayor Schewel acknowledged that the workgroup had incorporated Council's questions toward contractors in a standard way and would incorporate it into an adopted city policy. He noted that the workgroup had devised a plan to give workforce diversity

'teeth' by creating a scoring card for RFP contracting and spoke to wealth building within communities of color.

Council appreciated the efforts of the workgroup.

Next steps: Finance Director Boyd would incorporate Council's feedback pertaining to questions and administratively the policy would be adopted, once in place, details would be ironed out and used the information in rewarding of service contracts.

City Clerk Schreiber announced the Council nominations to boards, committees and commissions:

Anthony F Patterson was nominated to the Durham Bicycle and Pedestrian Advisory Commission, representing a North Carolina Central University Liaison – Appointment; Dan Harrop was nominated to the Durham City-County Appearance Commission-Appointment; and Council requested the Raleigh-Durham Airport Authority Appointment to be referred back to the administration for re-advertising.

**SETTLING THE AGENDA – JANUARY 19, 2021 CITY COUNCIL MEETING**

Interim City Manager Page requested that the following items be placed on the Consent agenda for the January 19, 2021 City Council Meeting: Items 1 through 4, Item 6, Items 8 through 18; and Items 22 through 26 onto General Business Agenda - Public Hearings.

**MOTION** by Council Member Freelon, seconded by Council Member Reece, to settle the agenda as stated by the Interim City Manager Page at 4:50 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None.

Being no additional business, the meeting adjourned at 4:51 p.m.

Diana Schreiber, CMC, NCCMC  
City Clerk