

**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, APRIL 13, 2020
HELD BY VIDEOCONFERENCE
6:30 PM**

CALL TO ORDER

The Videoconference Meeting of the City Council was called to order at 6:30 p.m.

ROLL CALL

The City Council of the City of Watauga, Texas convened the Regular Meeting of the City Council by videoconference, with the following members present:

Arthur Miner, Mayor
Mark Taylor, Mayor Pro Tem/ Council Member Place 6
Scott Prescher, Council Member Place 1
Torn Snyder, Council Member Place 2
Lovie Downey, Council Member Place 3
Andrew Neal, Council Member Place 4
Juanita King, Council Member Place 5
Kim Irving, Council Member Place 7

and

Andrea Gardner, City Manager/ City Secretary
Sandra Gibson, Director of Finance
Paul Hackleman, Director of Public Works
Marcia Reyna, Director of Human Resources/ Civil Service
Bradley Fraley, Chief Information Officer/ PIO
George Hyde, City Attorney
Trent Petty, Consultant with Petty & Associates
Katia Gonzalez, Representative with Alliance for Children

ANNOUNCEMENTS

No announcements were made.

PUBLIC TESTIMONY

Mayor Miner read written testimony into the record that was received from Brian Jennings, 5940 Highcrest Dr., Watauga, TX 76148.

The written comments received from Mr. Jennings were as follows:

I urge you to adopt a resolution that will immediately open the Watauga City Park parking lots. I am sure you are aware that Mayor Miner issued an executive order last week closing the parking lots until May 1. This move corresponded with the city of Fort Worth; however, Fort Worth's closure went only through Easter Weekend. Fort Worth is a much larger community and has many more cases of Covid 19 than Watauga so Mayor Miner's order is much more restrictive than necessary. I ask you to

consider that many Watauga citizens that enjoy our parks do not live close to the parks and this is not fair to them. Secondly, this restriction places an undue burden on disabled citizens. Third, the continued closure is likely to cause citizens to park on nearby streets and this will likely displease residents that live close to the parks. Lastly, the order doesn't make any sense. There haven't been any gatherings in the city park parking lots that I am aware of. I believe that the main reason for the order was to reduce traffic in the parks during the Easter Holiday and that reason has passed. Simply put, Covid 19 is not likely to spread in the Watauga City Park Parking lots.

Our parks are very important to Watauga Citizens for both mental and physical health. We need to keep them open and accessible.

Mayor Miner provided a factual response to the comments by stating that an executive order wasn't issued for closing the parking lots to the City parks and that the decision was made with the Emergency Management Team that consisted of the Police Chief, the Fire Chief, the Deputy Fire Chief/Emergency Management Coordinator, the City Manager and himself as the Emergency Management Director. He also clarified that the purpose of the closing wasn't simply to follow the action of surrounding cities, but to respond to issues of previous requests for voluntary compliance of the COVID-19 community spread prevention efforts.

PRESENTATIONS

1. Presentation of Service Awards for City of Watauga Employees celebrating a milestone anniversary during the month of April 2020

City Manager Gardner provided public recognition to John Crader celebrating 5 years of service with the City, Cherie Lawson celebrating 10 years with the City, Barbara Dunseth celebrating 10 years with the City and Sal Torres celebrating 15 year with the City.

2. Presentation on the Tarrant County Census 2020 – You Count!

Mr. Randy Richards, Development Services, provided information regarding the 2020 Census, the process being utilized by the Census Bureau to obtain household count information and informed the public of that representatives collecting census data will never request banking information and the like. He also provided response percentages as of April 11, 2020 to be 47.9% national response, 43.4% State of Texas response, 56.5% response for the City of Watauga.

Upon conclusion of the presentation by Mr. Richards, Mayor Miner encouraged citizens to complete the census online, stating it takes approximately 10 minutes.

Mayor Pro Tem Taylor asked if the City has contacted the Census staff regarding the fact that the online response shows the City name for zip code 76148 to be Fort Worth. Mr. Richards replied that the zip code matter is a postal issue and that Watauga residents will be counted correctly.

3. Presentation of a Proclamation to recognize Child Abuse Prevention Month

Mayor Miner read the proclamation for Child Abuse Prevention Month and introduced Katia Gonzalez from Alliance for Children. Ms. Gonzalez expressed appreciation to the City for providing the proclamation.

Council Member Prescher encouraged citizens to google Tarrant County Child Abuse volunteer opportunities.

CONSENT AGENDA

Mayor Miner read Consent Agenda items 1 through 12, which included captions for items 3, 4, 5 and 6.

Mayor Pro Tem Taylor requested item 7 be pulled from the consent agenda and considered as an action item.

Council Member Prescher requested item 6 be pulled from consent agenda and considered as an action item.

Council Member Downey made a motion to accept the consent agenda items 1-5 and 8-12. Motion seconded by Council Member King. Mayor Miner called for the Council to vote. Motion passed 7-0-0.

Ayes: 7; Nays: 0; Absent:01, Abstain: 0

1. Consider action to adopt a Resolution by the City Council of the City of Watauga, Texas adopting the Watauga Economic Development Corporation Strategic Plan for the fiscal year 2020-2025; providing that all resolutions in conflict herewith are hereby repealed to the extent that they are in conflict; providing a savings clause; providing an effective date.

Andrea Gardner, City Manager

2. Consider action to adopt a Resolution by the City Council of the City of Watauga, Texas approving the advanced funding agreement between the City of Watauga, Texas and the Texas Department of Transportation for the Green Ribbon Program; providing for Severability, providing an effective date (for right-of-way landscaping improvements from North Tarrant Parkway to Watauga Road along Highway US377)

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

3. Consider action to adopt an Ordinance by the City Council of the City of Watauga, Texas appointing J. Stewart Bass pursuant to Section 30.00006 of the Texas Government Code, Section 8.02 of the Watauga City Charter, and Sections 24-29, 24-30, 24-31, and 24-32 of the Watauga Code of Ordinances, to serve a Municipal Court Judge of the Municipal Court of Record for the City of Watauga; providing that all ordinances in conflict herewith are hereby repealed to the extent that they are in conflict; providing a savings clause; providing an effective date

Sandra Gibson, CGFO, CGFM, Director of Finance

Andrea Gardner, City Manager

4. Consider action to adopt an Ordinance by the City Council of the City of Watauga, Texas appointing Lorraine Irby pursuant to section 30.00006 and 30.00008 of the Texas Government Code to serve the Alternate Municipal Court Judge of the Municipal Court of Record for the City of Watauga; providing that all ordinances in conflict herewith are hereby repealed to the extent that they are in conflict; providing a savings clause; providing an effective date

Sandra Gibson, CGFO, CGFM, Director of Finance

5. Consider action to adopt an Ordinance of the City of Watauga, Texas amending Chapter 40, Section 40-122 of Watauga Code of Ordinances regulating permitted vehicular speed in school zones; providing that all ordinances in conflict herewith are hereby repealed to the extent that they are in conflict; providing a savings clause; providing an effective date

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

6. Consider action on an Ordinance by the City Council of the City of Watauga, Texas adopting Sections 2-2 and 2-3 of Chapter 2, Article I of the Code of Ordinances of the City of Watauga, Texas; prohibiting secretly recording certain oral and electronic communications of city employees and city officials; providing for severability; establishing a penalty; and providing an effective date

Andrea Gardner, City Manager

The item was removed from the consent agenda by Council Member Prescher and was considered as action item prior to the posted action items.

The Mayor called for Mr. Prescher to state a motion for the item. Mr. Prescher made a motion to postpone the item to a future Council Meeting to allow for the ordinance to be clarified and changed.

The motion failed for a lack of a second.

Council Member Neal made a motion to accept the item as presented. Council Member King seconded the motion.

The Mayor open the matter for Council discussion and recognized Mr. Prescher. Mr.

Prescher stated he had several questions regarding the ordinance and the way it is worded. He stated it prevents every person in community from recording employees of the City without stating the interaction with the employee will be recorded. He further stated he feels the ordinance is overkill due to the fines and he feels like communications means emails and text messages. He expressed the item includes too many items that are vague and a private citizen should be able to record the call with a City employee without disclosure because that will not be required to be retained for compliance with the Texas Public Information Act.

Mr. Hyde, City Attorney, responded after being recognized by the Mayor, by stating the comments that were made by Council Member Prescher do not comply with Federal or State Law and that Chapter 331 of the Code of Construction would be invalidated if Mr. Prescher's comments were accepted. He pointed out that law enforcement already uses body cameras for the purpose of protecting themselves against the public.

Mayor Pro Tem Taylor stated many states require all parties to disclose if a conversation is being recorded.

The City Attorney confirmed Mayor Pro Tem Taylor's statement and added that 11 states specifically require disclosure.

Council Member Downey asked why the item was on the agenda. City Manager Gardner responded with the explanation she was made aware of recordings being made without the knowledge or consent of staff by members of a prior Council and some members of the public.

Council Member Prescher stated he was concerned with the language in the ordinance not being clearly defined.

Mayor Miner requested clarification from the City Manager regarding the item and its purpose. The Mayor then asked the City Attorney about the City's liability regarding the matter.

The Mayor called for a vote. The motion carried 6-1-0-0 with Mr. Snyder, Mrs. Downey, Mr. Neal, Mrs. King, Mr. Taylor and Mrs. Irving casting aye votes and Mr. Prescher casting the nay vote.

7. Consider action on the March 9, 2020 Regular Council meeting minutes and the March 23, 2020, Special Council meeting minutes.

Raquel Guajardo, Deputy City Secretary

Andrea Gardner, City Manager

The Mayor opened the matter for Council discussion after calling on the Mayor Pro Tem for a motion.

Mayor Pro Tem Taylor made a motion to approve the minutes as written with a correction to the retreat dates voted on during the March 9 Council Meeting as July 31 – August 2, 2020 and inclusion of the vote outcome details on matters not approved by a unanimous decision.

Council Member Downy seconded the motion.

Mayor stated no public testimony was requested and called for a vote. The item carried by a vote of 7-0-0-0.

8. Consider action to authorize the City Manager to execute a Buy Board contract with the Playground, Shade and Surfacing Depot, LLC for completion of the Capp Smith Park Bench project

Sal Torres, Parks and Community Services Director

Andrea Gardner, City Manager

9. Consider action to approve the Monthly Financial Report for the period ending February 29, 2020

Sandra Gibson, CGFO, CGFM, Director of Finance

Andrea Gardner, City Manager

10. Consider action to adopt a Resolution by the City Council of the City of Watauga, Texas approving a professional services agreement between the City of Watauga, Texas and Burgess & Niple, Inc. for construction on Whitley Road 4; providing for repeal; providing for severability; providing an effective date

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

11. Consider action to adopt of a Resolution by the City Council of the City of Watauga, Texas approving the purchase of Three 2020 Police Package Chevrolet Tahoes from Caldwell County Chevrolet; providing for repeal; providing for severability; providing an effective date

Paul Hackleman, P.E., CFM, Director of Public Works

Robert Parker, Chief of Police

12. Consider action to adopt a Resolution by the City Council of the City of Watauga, Texas approving amendments to the bylaws of Watauga Economic Development Corporation; repealing all resolutions and provisions in conflict herewith; providing that all resolutions in conflict herewith are hereby repealed to the extent that they are in conflict; providing for a savings clause; providing for an effective date

Andrea Gardner, City Manager

PUBLIC HEARINGS / ACTION

1. Conduct a public hearing to receive input on community needs and project selection relative to funds to be received in the 46th Year of Tarrant County's Community Development Block Grant (CDBG) Program

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

Mayor Miner read the caption for the public hearing and opened the public hearing at 7:00 pm.

Paul Hackleman, Public Works Director, provided an overview of the item.

The Mayor noted no public testimony was provided for this item.

Mayor Miner closed the public hearing at 7:01 pm.

2. Conduct a public hearing on Planning and Zoning Commission Case 20-01, recommendation from the City Manager's Work Group and Planning & Zoning Commission for amendment to the City of Watauga 2016 Comprehensive Plan

Randy Richards, CFM, Building Official

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

Mayor Miner read the caption and opened the public hearing at 7:02 pm. The Mayor introduced Mr. Trent Petty of Petty and Associates. Mr. Petty provided a detailed overview of the item with the use of a 27 slide presentation that covered the proposed RTMU zoning designation, allowable using proposed for the new designation, the impact on existing single family property to the east and the possible need for creating a TIRZ over the northern and southern zones. He also reviewed the economic development incentives the City and WEDC might expect to consider, reviewed the many questions received and responded to since presenting the comprehensive plan to the public and reviewed the next step as preparing the needed changes to the City's zoning ordinance if the proposed plan is approved by Council.

The Mayor stated there were no requests for public testimony. Hearing no questions or comments from the public or members of the City Council, he closed the public hearing at 7:36 pm.

ACTION ITEMS

1. Discuss and consider action to schedule a Council Meet & Greet Ice Cream Social in May 2020

Council Member Scott Prescher

Andrea Gardner, City Manager

Mayor Arthur L. Miner

The Mayor introduced the item and called for a motion by Mr. Prescher. Mr. Prescher made a motion to authorize the Meet & Greet Ice Cream Social and schedule at a future date as determined by the Council. Council Member Downey seconded the motion.

Mayor Pro Tem Taylor expressed there was too much uncertainty related to the COVID-19 crisis but agreed with the concept.

Council Member Irving agreed with Mayor Pro Tem regarding the difficulty to determine a date.

Mr. Prescher clarified that the date could be scheduled for a Saturday morning in June and can be canceled if need be due to the crisis.

Council Member King feels August would be a better month.

Council Member Downey agreed with the concept but didn't want to host until after the May election and now that election was changed to November, thus recommended to push until after November election and change from ice cream to something else being served.

Council Member King recommended coffee being served.

Council Member Irving feels we need to wait until after the November election.

Mayor Pro Tem requested guidance from the City Attorney on the date and how the motion was made.

The City Attorney stated the item for a vote was to take action to schedule the social for a future date.

The Mayor Pro Tem called the question.

Additional discussions occurred between members of the Council that were becoming emotionally charged. Mr. Prescher requested to defend himself and the Mayor stated there was no need to defend himself, plus he had a call the question to be resolved. He recessed the meeting at 8:15 pm and consulted with the City Attorney.

The Mayor reconvened the regular meeting at 8:32 pm, explained the need to take a vote on the motion with the call the question made. The Mayor then suggested consideration of the original motion to approve the ice cream social to be determined for a later date.

The motion passed by a vote of 7-0-0-0.

2. Discuss and consider action on an Engineering Contract with Burgess Niple, Inc. for the design and construction administration of 46th Year Community Development Block Grant (CDBG) Project

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

Mayor Miner mentioned a public hearing was conducted earlier in the meeting and no further public testimony was received.

Council Member Neal made a motion to accept the item as presented. Council Member Irving seconded the motion.

Mayor Miner called for vote. The motion carried by a vote of 7-0-0-0.

3. Discuss and consider action to adopt a Resolution by the City Council of the City of Watauga, Texas amending Policy 3.01 Recruitment of the Personnel, Administration and Financial Policies and Procedures Manual regarding procedures for recruiting city personnel; providing for repeal; providing for severability; providing an effective date

Marcia Reyna, Human Resources and Civil Service Director

Andrea Gardner, City Manager

Mayor Miner introduced the item and called for a motion from Mr. Prescher since he requested the item be placed on the agenda. Mr. Prescher made a motion to approve the item as presented with three grammatical changes to Section F, subsection 1, paragraphs a, b and d. Council Member Irving seconded the motion.

The item was discussed by the City Council. During the discussion, Council Member Snyder requested the City Manager provide her recommendation. City Manager Gardner stated she recommends a policy that prohibits of the hiring of relatives in the third degree of consanguinity, excluding Great Grandson, Great Granddaughter, Great Grandfather and Great Grandmother and in the second degree of affinity, excluding Spouse (of employee)'s Grandmother, Spouse's Granddaughter, Spouse's Grandfather, Spouse's Grandson, Grandparent's Spouse and Grandchild's Spouse.

After discussion, Mr. Prescher agreed to amend his original motion to accept the additional changes as recommended by the City Manager. Council Member Snyder seconded the amendment.

Additional discussion occurred by members of the Council regarding volunteers and the impacts of the policy to volunteers. The City Attorney stated an amendment could be made by Mr. Prescher to exclude the language related to volunteers for now and allow staff the opportunity to provide revised language regarding volunteers at a future date. Mr. Prescher made a second amendment to his original motion to exclude the language related to volunteers. Mayor Pro Tem seconded the amendment.

The Mayor restated the motion for the Council with the two amendments and called for a vote. The Motion with the two amendments carried by a vote of 6-1-0-0.

Mr. Prescher, Mr. Snyder, Mrs. Downey, Mr. Neal, Mrs. King and Mr. Taylor voted aye and Mrs. Irving voted nay.

4. Discuss and consider action to appoint a member to Place 4 on the Watauga Economic Development Corporation Board to serve an unexpired term ending on August 31, 2020

Andrea Gardner, City Manager

Mayor Miner read the agenda item and requested the City Manager provide background on the item. The City Manager explained that Becky Hartless submitted her resignation to the WEDC due to work schedule conflicts and that Ms. Hartless' term is set to expire on August 31, 2020. Mayor Miner explained that Council Member Neal as the Council Liaison made the

verbal recommendation to the Mayor to appoint Mr. Damon Solko to the unexpired term ending August 31, 2020.

Mr. Prescher requested to speak and stated he would prefer to have Mr. Hubbard serve on the Board.

Mayor Pro Tem called Point of Order on the process. The City Attorney ruled the Mayor makes the nomination and Council votes for or against the nomination.

Mayor Miner nominated Mr. Damon Solko for unexpired position on the WEDC Board.

Mayor Pro Tem Taylor made a motion to accept the Mayor's nomination. Council Member Irving seconded the motion.

Mr. Prescher requested to speak and once recognized encouraged the Council to vote for Mr. Hubbard and not approve Mr. Solko. He expressed the nomination didn't make sense and he will not vote for it.

Mayor called for a vote. The vote was taken and the motion carried 6-1-0-0. Mr. Snyder, Mrs. Downey, Mr. Neal, Mrs. King, Mr. Taylor and Mrs. Irving voted aye and Mr. Prescher voted nay.

5. Discussion and action on Resolution by the City Council of the City of Watauga, Texas approving updates to the Comprehensive Plan; providing for severability; and providing an effective date

Randy Richards, CFM, Building Official

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

Mayor Minor stated the City received no requests for public testimony on the item and called for a motion. Mayor Pro Tem Taylor made a motion to proceed with approving the resolution to approve the update to the Comprehensive Plan. Council Member Snyder seconded the motion.

There was no discussion on the item. The Mayor called for a vote and noted the motion carried 7-0-0-0.

REPORTS

1. Report on the projected financial impact of COVID-19

Sandra Gibson, CGFO, CGFM, Director of Finance

Andrea Gardner, City Manager

The Mayor read the agenda item and provided Sandra Gibson, Finance Director, and City Manager Gardner to provide the report. Mrs. Gibson provided a report that was documented by a presentation. The presentation is attached as part of the minutes. City Manager Gardner provided further information regarding the sales tax election for street maintenance and noted for the Council that the Comptroller's Office extended the City's ability to collect

that tax through December 31, 2020 to allow for the voters to decide in November. Mrs. Gardner also read excerpts from a news article regarding a SB 2 provision related to disaster declarations.

There were no questions from the City Council.

ITEMS FOR FUTURE CITY COUNCIL MEETINGS

The Mayor called for items from each member of the Council. No items were requested.

EXECUTIVE SESSION / MEETING

The City Council will recess its open meeting and reconvene in executive session to discuss the following items pursuant to the below referenced section(s) of the Texas Government Code:

The City Council will convene in executive session pursuant to (Texas Open Meetings Act), Chapter 551 of the Texas Government Code, Section 551.074 Personnel Matters and Section 551.071 Consultation with Attorney, which allow the following:

1. To deliberate upon the annual performance evaluation and updates to the City Manager employment agreement with Andrea Gardner, City Manager, and to seek legal advice of its attorney regarding contract terms

Marcia Reyna, Human Resources and Civil Service Director

Mayor Miner read the provisions of Texas Government Code for executive session discussion and recessed the Regular Meeting at 9:26 pm.

RECONVENE

The City Council will return to open session in the City Council Chamber for possible discussion and action as a result of the Executive Session.

ITEMS OF EXECUTIVE SESSION DELIBERATION

1. Discuss and consider action on amendments to the City Manager employment agreement between the City and Andrea Gardner

Marcia Reyna, Human Resources and Civil Service Director

Mayor Miner reconvened the Regular Meeting at 11:45 pm. The record notated Mrs. King and Mrs. Irving left the Executive Session Meeting prior to its conclusion and were not present once the Regular Meeting was reconvened into open session. Mayor Miner called for a motion from the Council regarding matters discussed in executive session. Council Member

Downey made a motion to accept the amendments to the employment agreement between the City and Andrea Gardner. Council Member Neal seconded the motion. The Mayor called for a vote. The motion carried 5-0-2-0.

Council Member King and Council Member Irving were absent for the vote.

ADJOURNMENT

Mayor Miner adjourned the meeting at 11:47 pm.

APPROVED:

this 11TH day of May, 2020

SIGNED:

this 13TH day of May, 2020

APPROVED:

Arthur L. Miner /s/
Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner /s/
Andrea Gardner, City Secretary

NOTE: Original Audio and Video Recording of this meeting is preserved and maintained by the City Secretary's Office