

**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, JULY 13, 2020
CITY HALL COUNCIL CHAMBER
7105 WHITLEY ROAD
6:30 PM**

CALL TO ORDER

The Regular 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 with the following members present:

Arthur Miner, Mayor
Mark Taylor, Mayor Pro Tem/ Council Member Place 6
Council Member Place 1, Danielle Tucker (unexcused absence without notice)
Council Member Place 2, Tom Snyder
Council Member Place 3, Lovie Downey
Council Member Place 4, Andrew Neal
Council Member Place 5, Juanita King
Council Member Place 7, Kim Irving

and

Andrea Gardner, City Manager/ City Secretary
Raquel Guajardo, Deputy City Secretary
Sandra Gibson, Director of Finance
Marcia Reyna, Director of Human Resources/ Civil Service
Bradley Fraley, Chief Information Officer/ PIO
Randy Richards, Building Official
George Hyde, City Attorney

Mayor Miner read a statement regarding the Public Testimony opportunities and procedures.

INVOCATION

Chaplain Dennis Serrat, Watauga Police Department gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the pledge to the flags.

ANNOUNCEMENTS

There were no announcements.

PRESENTATIONS

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

Ms. Gardner recognized Mr. Neal DeSpain, Public Works, for 10 years of service; Mr. Paul Hackleman, Public Works, for 5 years of service and Mr. James Vieu, Fire Department, for 5 years of service.

2. Presentation of Proclamations recognizing July as Park and Recreation Month and September as Pulmonary Fibrosis Awareness Month.

Mayor Miner recognized July as Parks and Recreation Month and September as Pulmonary Fibrosis Awareness Month.

PUBLIC TESTIMONY

Mayor Miner called for public testimony. Request to Speak forms were not received.

CONSENT AGENDA

Mayor Miner read through the following consent agenda items and requested Council to present changes. Mayor Miner requested Consent Agenda Item #3 be moved to the Action Item portion of the agenda. Consent Agenda Item #3 will now be identified as Action Item #1. The original action items will be identified numerically to accommodate the change.

1. Consider action to accept the Watauga Crime Control and Prevention District Proposed Budget for the Fiscal Year 2020-2021
2. Consider action to set a public hearing date of August 10, 2020 for the Watauga Crime Control and Prevention District Budget for the Fiscal Year 2020-2021
3. ~~Consider action on a resolution to rescind Resolution 06-08-28, designating the rights of the Mayor and the Mayor Pro Tem as having primary responsibility to execute checks on behalf of the City (Moved to Action Item #1)~~
4. Consider action on the meeting minutes for the Regular Meeting of the City Council held on August 12, 2019, the Regular Meeting of the City Council held on May 11, 2020, the Council Workshop held May 11, 2020, the Special Meeting of the City Council held on June 1, 2020, the Regular Meeting of the City Council held on June 8, 2020 and the Special Meeting of the City Council held on June 15, 2020, the Juneteenth Proclamation presentation held on June 19, 2020 and the PTSD Awareness Month Proclamation presentation held on June 26, 2020.
5. Consider action to amend Chapter 12, Fee Schedule, Section 12-2 of the City of Watauga Code of Ordinances to provide for the establishment of fees related to Certified Records and Deposition of Records
6. Consider action to approve the Monthly Financial Report for the period ending May 31, 2020
7. Consider action to approve the second (2nd) and final renewal term for Bid # 18-020 Parts: Water, Sewer & Utility

Mayor Pro Tem Snyder made a motion to accept the consent agenda items as amended. Motion seconded by Council Member King. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving
Nays: None
Abstain: None

PUBLIC HEARINGS / ACTION

1. Conduct a public hearing and consider action adopting an Ordinance of the City Council of the City of Watauga, Texas authorizing a zoning map amendment to the zoning ordinance affecting the property located at 6001 plum street, from local business (LB) to general business (GB); authorizing the issuance of a specific use permit (SUP), permitting a contractor, electrical/mechanical/plumbing facility with outside storage, as described in planning and zoning Case Z.20-01 to Meter Calibration Solutions, LLC., as the owner of property; providing for repeal; providing for severability; providing a penalty; providing an effective date; and containing other provisions relating to the subject. The property is located at 6001 Plum St., being Lot 12, Block 8 of the Original Town of Watauga, east of Denton Highway, west of Plum St. and north of Bowie St. The application was submitted by Adam Thompson

Mr. Richards provided background information of this item.

Mayor Miner called for Public Testimony. Request to Speak forms were not received.

Mayor Miner opened the public hearing at 6:52 p.m., and closed the public hearing at 6:53 p.m.

Mr. Hyde provided legal guidance to Council regarding granting the specific use permit.

Council Member Neal made a motion to accept the rezoning to general business and authorize the specific use permit. Motion seconded by Council Member Downey. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving

Nays: None

Abstain: None

ACTION ITEMS

1. **Consider action on a resolution to rescind Resolution 06-08-28, designating the rights of the Mayor and the Mayor Pro Tem as having primary responsibility to execute checks on behalf of the City (*Formally Consent Agenda Item #3*)**

Mayor Miner requested legal counsel to explain reason for the repeal. Mr. Hyde stated with recent charter revisions approved by the voters in November 2019, the resolution is longer valid as the charter amendments changed the Chief Executive Officer from Mayor to City Manager.

Mayor Pro Tem Snyder made a motion to accept the item as presented. Motion seconded by Council Member Downey. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving

Nays: None

Abstain: None

2. Discuss and consider action to renew the contract for the purchase of health insurance with Blue Cross Blue Shield of Texas for all eligible employees

Ms. Reyna provided a brief overview and stated that there will be no rate increase, a tobacco surcharge will be added, and spouses of employees that have coverage option through their own employer will no longer be eligible. Ms. Reyna also stated that there have been no complaints from staff regarding BCBS medical coverage.

Council Member Taylor stated that he understands the reason for renewal this year but wants to go on record stating his desire is to have an "apples to apples" plan comparison.

Council Member Taylor commented that all (3) plans made available should have the same city contribution level.

Council Member Irving stated that the options should ensure that all employees can afford a high deductible plan.

Council Member Neal inquired of underwriting costs. Ms. Reyna stated that there was no additional fee for the third plan option. Ms. Reyna also stated that (12) employees waived option for insurance coverage.

Council Member King asked if the City considered providing AFLAC and an option to which Ms. Reyna responded that it has been available for 15 years.

Council Member Neal made a motion to accept the item as presented. Motion seconded by Council Member Irving. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving

Nays: None

Abstain: None

3. Discuss and consider action to adopt an Ordinance by the City Council of the City of Watauga, Texas, repealing Ordinance 2020-016, temporarily suspending enforcement of utility late fees on past due amounts and disconnect actions under sections 442.85, 42-88, and 12-42€-(f), Watauga Code of Ordinances; providing for repeal, providing for severability, and providing an effective date

Ms. Gibson provided background information of the presented item and stated that the suspension was intended to be temporary. Delinquent accounts that are 2-4 months behind have totaled \$104,000 and there are (3) accounts that are delinquent 6 months or greater. There are (7) commercial accounts that are 3-5 months delinquent. Past due accounts incur late fees, but going forward, charges aren't assessed on late fees. First disconnect will occur July 28, 2020.

Mayor Miner confirmed that every effort would be made to work with citizens before disconnection occurs.

Council Member Taylor made a motion to repeal Resolution 2020-016. Motion seconded by Mayor Pro Tem Snyder.

Mayor Miner called for Public Testimony. Request to Speak forms were not received.

As there was no additional discussion, Mayor Miner called for the Council to vote.
Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving

Nays: None

Abstain: None

4. Discuss and consider action adopting an Ordinance Amending the FY 2019-2020 Budget to decrease revenues and expenditures in the General Fund and Crime Control and Prevention District Fund; authorize transfers between departments in the General Fund; and authorize transfers from Equipment Replacement Fund

Ms. Gibson gave an overview of the presented item which included a hiring freeze on discretionary spending. In regards to sales tax, prior to COVID there was projection of a 2% increase, however with COVID an 8% decline is anticipated. Other program revenues decreased as well as recreation events and programs were canceled due to COVID. Ms. Gibson also commented on the CARES Act relief.

Council Member Neal made a motion to accept the item as presented. Motion seconded by Council Member Downey. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving

Nays: None

Abstain: None

5. Discuss and consider direction on scheduling regular town hall meetings and the release of a weekly Mayor Message

Mayor Miner asked for consideration of an amendment to the Standard Operation Procedures to allow more frequent scheduling of town hall meetings and a weekly Mayor's Message.

Council Member Taylor made a motion to postpone this topic to discuss at the Council Retreat scheduled for August 1, 2020. Motion seconded by Mayor Pro Tem Snyder. Mayor Miner called for discussion.

Council Member Neal inquired if the Mayor's Messages will be suspended until further discussion is held.

Council Member Taylor stated that he asked for the postponement because a prior City Council Member had been denied the same request and didn't feel members of the Council had the authority, including the Mayor, to discuss operational issues. He also stated that other members should then also

be allowed to record their own messages.

Mr. Hyde commented that current policy prohibits Town Hall Meetings until after election. Mayor Miner clarified that he does not consider the weekly video as such and stated the meetings were conducted per the request of citizens. Council Member Taylor stated that weekly presentations regarding COVID should be allowed per the emergency order authorized by Council, but is concerned with discussion expanding beyond the COVID topic.

Council Member Neal remarked that he feels the messages are on point and would like to see them continue.

Mr. Hyde further stated the citizens engagement policy does not apply to weekly videos.

As there was no additional discussion, Mayor Miner called for the Council to vote.
Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving
Nays: None
Abstain: None

Mayor Miner called for Public Testimony of item. Request to Speak forms were not received.

6. Discuss and consider action on a resolution to nominate an individual(s) to serve as a TML Intergovernmental Risk Pool Board Trustee

Ms. Gardner presented the item to Council.

Mayor Miner called for Public Testimony. Request to Speak Forms were not received.

Council Member Irving made a motion to accept the item as presented. Mayor Miner stated that a nomination is required. Council Member Irving responded that she has no nomination at this time.

Mr. Hyde stated that he would serve without cost.

Council Member Taylor made a motion to nominate Mr. George Hyde to serve. Motion seconded by Council Member Neal.

Council Member Taylor amended his motion to nominate Mr. George Hyde, to serve in Place 3. Motion seconded by Council Member Neal. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving
Nays: None
Abstain: None

7. Discuss and consider action on resolution to amend the bylaws for the Watauga Economic Development Corporation

Ms. Gardner presented the item to Council in regards to amendments needed to the board seat terms so that odd numbered seats would expire in odd numbered years and even numbered seats would expire in even numbered years. Ms. Gardner then introduced Mr. Hyde to present amendments associated with the process and approval of WEDC expenses and that the City Attorney would also act as the WEDC attorney.

Mayor Miner called for Public Testimony. Request to Speak forms were not received.

Council Member Taylor asked if the City Attorney appointment would create a conflict of interest. Mr. Hyde responded that the legal conflict of interest had been reviewed. Council Members do not have fiduciary responsibility requirements to uphold statutes, however Board Members do. The amendment would be a cost saver as only one attorney would be needed to review documents for both City Council and WEDC Board. Mr. Hyde continued to address the bylaw amendment process and stated that State law allows for Council to amend the Articles of Incorporation without Board approval and the bylaws must be consistent with the Articles of Incorporation. The WEDC Board will ratify the changes at their next meeting scheduled for July 21, 2020.

Council Member Downey made a motion to accept the item as presented. Motion seconded by Council Member Taylor. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving
Nays: None
Abstain: None

8. Discuss and consider adopting a Resolution by the City Council of the City of Watauga, Texas in support of equality and justice.

Ms. Gardner presented the item to Council.

Council Member Taylor made a motion to accept the item as presented.

Mayor Miner called for Public Testimony. Request to Speak forms were not received.

Motion seconded by Council Member Neal. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving
Nays: None
Abstain: None

ITEMS FOR FUTURE CITY COUNCIL MEETINGS

Mayor Miner asked the Council to present agenda items for future Council meetings.

Council Member Taylor would like to discuss the March 23, 2020 emergency declaration to discuss continuing or retirement of the declaration.

Mayor Miner recessed the regular meeting and entered into executive session at 8:11 p.m.

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 551.072 Deliberation regarding Real Property, which allows the following:

1. Pursuant to Section 551.071 and 551.074, to deliberate upon and seek the advice of the City Attorney regarding the duties of the City Manager
2. Pursuant to Section 551.071, deliberate upon and seek the advice of the City Attorney regarding the calling of the election to renew the Watauga Crime Control and Prevention District
3. Pursuant to Section 551.071 to deliberate upon and seek the advice of the City Attorney regarding Empower Texans Foundation, Inc. v. The City of Watauga, et al. Case No. 44:20-cv-00416-O filed in the U.S. District Court for the Northern District of Texas, Fort Worth Division.
4. Pursuant to Section 551.071 deliberate and seek the advice of the City Attorney regarding the ability to enforce or regulate the use of the City Seal, city logos and city trademarks
5. Pursuant to Section 551.071 and 551.074, to deliberate upon and seek the advice of the City Attorney regarding the duties of Council Member Place 1, Danielle Tucker

RECONVENE

Mayor Miner reconvened the regular meeting at 10:05 p.m.

ITEMS OF EXECUTIVE SESSION DELIBERATION

1. **Discuss and consider the adoption of 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 surreptitiously recording oral and electronic communications of city officials, employees or volunteers; repealing Ordinance no. 2020-013, enacted April 13, 2020, in its entirety; providing for severability; establishing a penalty; and providing an effective date.**

Mayor Miner stated that the purpose of the ordinance was to specifically address previous Council Members and their actions.

Mr. Hyde presented a repeal of Ordinance 2020-13 enacted April 13, 2020, and creation of a new ordinance that only prohibits employees, volunteers, and city officials to record conversations of city business without notification that conversation is being recorded.

Council Member Downey made a motion to accept the item as presented. Motion seconded

by Council Member Irving. As there was no additional discussion, Mayor Miner called for the Council to vote. Motion passed 6-0-0.

Ayes: Snyder, Downey, Neal, King, Taylor, Irving
Nays: None
Abstain: None

ADJOURNMENT

Mayor Miner adjourned the meeting at 10:10 p.m.

APPROVED:

this 10th day of August, 2020

SIGNED:

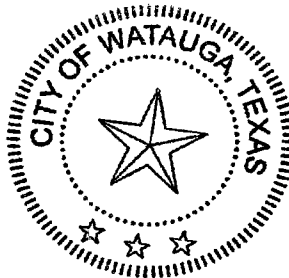
this 11th day of August, 2020

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