MINUTES
WATAUGA CITY COUNCIL
SPECIAL MEETING
COUNCIL RETREAT
SATURDAY, AUGUST 1, 2020
HURST CONFERENCE CENTER
1601 CAMPUS DRIVE, MEETING ROOMS 1-2
HURST, TX 76054
8:00 A.M.

CALL TO ORDER

The City Council of the City of Watauga, Texas convened at 8:11 a.m.

ROLL CALL

The following members were present:

Mayor, Arthur Miner
Mayor Pro Tem/Council Member, Place 2, Tom Snyder
Council Member, Place 3, Lovie Downey
Council Member, Place 4, Andrew Neal
Council Member, Place 5, Juanita Kina
Council Member, Place 6, Mark Taylor

The following members were absent:

Council Member, Place 1, Danielle Tucker (Unexcused Absence)

(A written statement sent by Place 1 was read into the record by the City Secretary and has been attached to the minutes)

Council Member, Place 7, Kim Irving – (Unexcused Absence/Notice not provided)

and

Andrea Gardner, City Manager / City Secretary
Marcia Reyna, Director of Human Resources/Civil Service
George Hyde, City Attorney

PUBLIC TESTIMONY

No Public Testimony given.

ACTION ITEMS

Action Items were not presented; however, the following topics were discussed.

1. **Discuss and provide direction to the City Manager on employee benefits and Paid Time Off options**

   Marcia Reyna, Director of Human Services/Civil Service, presented the item to the Council. Ms. Reyna provided a review of the City's TMRS program and a review of the phased implementation for a paid time off program.

Phase 1 – Reduce paid holidays from 13 currently to 11 in FY 2020-21 and to 10 in FY 2021-22 and a reduction of bereavement leave from 5 days to 3 days in FY 2021-22.

Phase 2 – Implement Buy Back program in FY 2020-21 at 80% of cost and in FY 2021-22 at 75% of cost.

Phase 3 – Full implementation of PTO leave with maximum carryover of 60 days for all employees and maximum payout at separation to be based on years of service.

Director Reyna emphasized Phases 2 and 3 of the proposed PTO program must be reviewed and approved by both the Police and Fire Associations for implementation with civil service employees. She also recommended establishing an employee committee to gauge how receptive employees would be to a change.

Council Member Andrew Neal inquired about integrating PTO with Watauga Fit and Director Reyna mentioned the opportunity to earn a wellness day off from work.

No vote or action was taken at this time.

The Mayor called for a recess at 9:39 a.m., and reconvened the meeting at 9:50 a.m.

2. **Discuss and provide direction to the City Manager on utility matters to include senior discounts, utility deposits and utility rates**

Ms. Gardner presented the item to the Council that included a review of the financial impact of the automatic return of deposits. It was pointed out that the fewer deposits on file with the City the greater the risk for bad debt becomes. A review of the activity regarding utility accounts since the Council action to automatically return the utility deposits was completed. During the discussion on bad debt, it was noted that over the long term, increases to bad debt could have an impact on the utility rates.

Several questions were asked by members of the City Council with a commitment from staff to return to Council in a workshop and provide the answers to those questions. Council did emphasize the need to initiate a public involvement process regarding the impacts such policies have on the future of utility rates.

Following the utility deposit discussion, Ms. Gardner reviewed the utility senior discounts.

Ms. Gardner and Mr. Hyde presented the topic to the Council. Mr. Hyde emphasized to the Council that the City must charge equal and uniform rates to customers. During the discussion with Council, Mr. Hyde provided an option to the Council of setting rates based on consumption/volume of use.

The next topic discussed was the utility rate study. Ms. Gardner presented a new approach for completing the utility rate study and Mr. Hyde reviewed State Law requirements with the Council.

At the conclusion of the discussion, the Council direction was to provide greater information regarding utility deposits, conduct public engagement on the topic, base future utility rates on consumption levels in some form and continue with the rate studies.

The Mayor recessed the meeting at 11:02 a.m., and reconvened the meeting at 11:16 a.m.

3. Discuss and provide direction to the City Manager on merchant and bank fees recovery

Ms. Gardner reviewed the presentation on merchant fee recovery with the City Council. The presentation noted that the City currently accepts visa and master card and that the fees vary. It was pointed out that the City is not currently recovering all of the convenience fees being charged. The current fee is $1.75 per transaction in accordance with the fee schedule. $1.25 of the total $1.75 is charged to the City by Tyler Technologies, the City's software vendor, and the remaining $.50 is retained by the City.

Mr. Hyde stated that Title IV of the law allows the City to recover its costs. He also stated that contracts are generally based on the number of transactions.

Ms. Gardner will determine if all departments accepting credit card payments work under a single contract or if each department utilizing credit card payments has a separate contract.

Council Member Taylor suggested staff to bring an item to Council to charge a percentage fee for credit card payments.

Mr. Hyde asked Ms. Gardner to determine the charges associated with transactions so if the City charges a percentage then it can be determined how that would compare to a flat per transaction fee for recovery purposes.

Council Member Neal asked if the transaction fee can be built into the base utility rate.

Council Member Taylor responded that he doesn't feel all citizens should pay for convenience of others and adding to the base rate would do that.

Mr. Hyde stated that legally the City will not be able to build into the base rate.

Mayor Miner agreed it is a convenience to pay by credit card and Mr. Neal agreed to recover more of the costs.

The overall consensus of the Council was to recover more of the fees charged.

Mayor Miner requested to move Item 5 before Item 4. With no objections, Mayor Miner introduced Item 5.

5. Update, discuss and provide direction to the City Manager regarding the Police and Library facility projects

Ms. Gardner provided the background on the police facility project status by mentioning that City staff has developed the public education platform to be utilized as directed by Council in early calendar year 2020. It was noted that the platform has not gone live due to COVID and other high-profile national issues.

Ms. Gardner inquired with the Council about delaying the project due to the need for financial recovery from COVID before issuance of that amount of debt. Ms. Gardner estimated the project would need to be pushed out 2-3 years. She also commented the Library project should be delayed too.

The entire City Council concurred with the staff recommendation to delay both the public education and the bond issuance.

Mayor Miner recessed the meeting for lunch at 11:43 a.m., and reconvened the meeting at 11:58 a.m.

Mayor Miner requested to conduct the Executive Session portion of the meeting during the lunch hour to allow completion of the agenda in one day. With no objections, the City Council adjourned into Executive Session under 551.071 and 551.074 at 11:59 a.m. to address the following items:

1. **Pursuant to Section 551.071 to deliberate and seek legal advice from the City Attorney regarding Empower Texans Foundation, Inc. v. The City of Watauga, et al and City of McAllen, Texas, et al v. State of Texas, et al**

2. **Pursuant to Section 551.074 to deliberate upon the duties of the City Attorney**

The Mayor reconvened into open session at 1:34 p.m. and stated there was no action to be taken as a result of the Executive Session.

4. City Manager update on Council assigned goals for April 2020 through March 2021

Ms. Gardner reviewed each Council assigned goal and the status. The first goal discussed was COVID-19 Recovery. Ms. Gardner stated the City was not yet in full recovery mode and that she conducts daily meetings with key members of emergency management and has visited businesses to assist with CARES Act funding applications. As a result of the business visits, staff identified the need for a new business registration system. After discussion, the WEDC Board agreed and authorized the use of a business registration software. The financial impact of COVID was mentioned to remind Council of an executive session discussion related to the topic. Ms. Gardner stated the FY 2021 Budget was delivered to Council on July 31, 2020.

Council Member Neal inquired about Haltom City's advertisement on a billboard. Ms. Gardner couldn't confirm but suspects it was to promote Tarrant County's CARES Act funding opportunity.

Ms. Gardner stated that the City did receive about $1.3 million from the County in CARES Act funds but that those funds may only be utilized for specific purposes/expenses. Mayor Miner inquired about the deadline to expend funds and the reply was December 31, 2020.

The next goal discussed was the evaluation of employee benefit programs. Ms. Gardner stated that this goal was complete as of today's first discussion item.

The completion of the RTMU zoning designation is expected to be complete by February 2021 after updates to the City's zoning ordinance are completed.

Continue seeking grant funding was the next topic and Ms. Gardner pointed out that the City received the SAFER grant of just under $900,000 and the CARES Act grant and that staff is working to complete the EDA grant application for the incubator project and the Police Department applied for the COPS grant for a total of 3 positions. Thus, this goal is considered met.

Continuing representing the City at key events was discussed next. Ms. Gardner asked for confirmation from Council Member Neal as to the intent behind this goal since she already attends many events in the State and region on behalf of the City. Council Member Neal confirmed he wanted to ensure the City continues to be represented. Ms. Gardner explained that due to COVID there are not many public events, but she will continue to represent the City as appropriate.

Another goal was to research opportunities for efficiency. This goal has been satisfied, but research will continue. Ms. Gardner reminded Council of the executive session topic that completed this goal and pointed out that the contracts approved by Council and implemented by Fleet Services (contracts with the City of Trophy Club, Blue Mound and Westlake) also satisfy this goal.

Ms. Gardner stated that the next goal, continue the Annual State of the City Address, was completed by recording and broadcasting on the City website. She mentioned the event for 2021 is currently being planned and hopes to have a live event.

Completion of the City's Succession Plan is well on its way to completion by December 2020. Ms. Gardner pointed to the succession plan in the City Secretary's office as she nears completion of the Texas Municipal Clerk certification program and Ms. Raquel Guajardo, Deputy City Secretary, is set to begin in April 2021 with the first focus on budget. The hands-on experience to complement the training will come with the preparation of the FY 2022 Budget for both the City Secretary's office and the Council.

Completion of the goal for continuing efforts with new business development and business retention was discussed next. Ms. Gardner again pointed to the visits with local businesses being done monthly and the production of the business spotlight videos, assistance to businesses during COVID-19 and the new business registration program as efforts to complete this goal.

Ms. Gardner encouraged the Council to consider the options for succession (internal or external) to fill the position of City Manager when she retires. She also mentioned that she will work with the WEDC Board to determine the succession plan for the Executive Director position, since she is filling those duties currently.

It was agreed that Ms. Gardner is on track to meet all of the assigned goals for FY 2020-21 prior to March 2021.

6. Discuss and provide direction to the City Manager on the City's Strategic Plan for FY 2020 - 2030

Ms. Gardner reviewed the current Strategic Plan of the City and the initiatives included in the plan. Upon completion of the updates for each initiative, Ms. Gardner introduced some new initiatives to the Council for consideration to include in the next update to the Plan.

The new initiatives included; continue to review and evaluate the need for the Police Department to respond to calls for enforcement vs. service, evaluate the need for the appropriate response staff or enhanced officer training to sufficiently respond to the growing need for service type calls (i.e. Mental health), develop sworn and civilian positions within the department to respond to specific types of service calls to allow for proper enforcement of laws when applicable and relationship building with specialized partner entities, continue to review and evaluate the need for the number of sworn staff to respond to calls for enforcement, and continue to review our community outreach programs (i.e. Coffee with a Cop and Citizen's Police Academy) along with volunteer opportunities and find new opportunities for community engagement.

Council consensus was to update the initiatives currently included in the plan as presented and discussed during retreat agenda item #1 and include as a new goal, continue to review and evaluate the need for the Police Department to respond to calls for enforcement vs. service and evaluate the need for the appropriate response staff or enhanced officer training to sufficiently respond to the growing need for service type calls (i.e. Mental health).

The Council directed the City Manager to delay adding, *develop sworn and civilian positions within the department to respond to specific types of service calls to allow for proper enforcement of laws when applicable and relationship building with specialized partner entities*, until the initiative related to mental health was completed.

The Council directed the City Manager to have the Police Department to add, *continue to review our community outreach programs (i.e. Coffee with a Cop and Citizen's Police Academy) along with volunteer opportunities and find new opportunities for community engagement*, to the departmental strategic plan.

Mayor Miner recessed the meeting at 3:21 p.m. and reconvened the meeting at 3:36 p.m.

7. Discuss and provide direction to the City Manager and City Attorney on Council Rules and Council Conduct

Ms. Gardner introduced the item by stating the Strategic Planning Committee met after Council directed the matter to be considered by that committee and returned to the City Council. The Committee consists of the Mayor, the Mayor Pro Tem, Council Member Taylor and the City Manager. Ms. Gardner highlighted the fact that the last update was completed on November 5, 2019. Sections 3.04, 3.05(a), 4.02, and 4.05(c) were discussed. In Section 3.04 the Committee requested to remove the language permitting three (3) council members from scheduling workshop meetings. After discussion with Council and the City Attorney, it was decided that a Council Member is not likely to prepare or have available the information needed to present a topic during a workshop meeting. The City Attorney informed the Council that any meeting other than a regular meeting could be considered a special meeting, to include a workshop meeting. The final consensus was to have the City Attorney and City Manager to prepare draft language to comply with the Council intent.

The City Attorney stated the last four lines in Section 3.05(a) appear to have an accidental line added that should be removed.

Section 4.02 should have the word "proposed" added before the words "press releases" since the Council does not typically issue press releases as a body and individual members of the Council do not have the authority to issue press releases on behalf of the City.

Considerable discussion occurred as it relates to a proposed update to Section 4.05(c). The Committee proposed to prohibit a council member, arriving late to a meeting, from joining the discussion or voting on a matter before the body that they weren't present for the entire discussion of the item. The City Attorney informed the Council that this prohibition may interfere with a council member's charter issued rights. The consensus was not to include the recommendation change in the proposed rules.

Mayor Miner inquired with the City Attorney as to the procedure once a late member arrives. He specifically asked if the Council was required to wait for the late arriving member to get logged into the system before voting. Mr. Hyde stated that the vote could be taken by a show of hands at that point. Mr. Hyde stated that if a person is late an unreasonable number of times, it could be considered a censorable offense and could censor that member.

Mr. Hyde recommended the rules include a standard to be set regarding arrival at meeting a specified period of time prior to the start of the meeting.

Section 5.05 was requested by Mayor Miner. The Mayor proposed that if a member of council signs up to attend an event but does not show up, the member must reimburse the City or find a substitute to attend. Council Member Taylor recommended that the language be added to require a council member to attend events for which the member requested to attend but then does not attend the event, the Mayor shall determine if the member is required to pay the City back or find a substitute, to include another member of the council, the city manager or city manager's designee. Mr. Hyde stated that it should not be left up to the Mayor, as it could cause further issues. The language proposed and agreed to by the Council was that the member attends as requested or pays the City for the event fee, if a substitute is not found. The substitute must be another member of council, the City Manager or City Manager's designee.

The next change was proposed by Council Member Taylor regarding public hearings. Council Member Taylor referenced some handouts that were provided prior to the meeting. He also mentioned public testimony and its purpose. He stated it was an opportunity for the members of the public to inform the council members of their view on the matter before the body. Citizens do not have a right to participate in the discussion of the item. He doesn't feel as though citizens have the right to engage in a question and answer session during a meeting. Citizens should contact the Mayor, members of the Council or the City Manager prior to the meeting.

Mr. Hyde stated previously the City had a public comment section then had the council meeting, of which the public didn't participate in. We now have the Statute that requires the council to allow the public to provide comment on every agenda item before council takes action on the item. He discussed the public testimony rule and its difference to that of a public hearing. Public comment is for addressing the Council about an item that is not on the agenda. Council response can only be a statement of fact and no discussion of the item. Public testimony for an item on the agenda permits dialogue about the item with the council and the members of the public because the item is posted on the agenda. Mr. Hyde pointed out that Council has the legally ability to discuss items on the agenda, including public hearing items, with members of the public and Council also has the legal ability to place in its rules a requirement to restrict discussion between the public and council.

Council Member Taylor provided clarification to the council and City Attorney and the City Attorney confirmed Council Member Taylor's proposal was to allow members of the public to express points of view on a particular topic through public testimony or a public hearing, but shall not be an opportunity to interrogate members of the Council on a particular matter.

Ms. Gardner recommended changing the agenda format to include public comment as the section on the agenda for matters not on the agenda and public testimony is reserved for public input on items included on the agenda.

Mayor Miner recessed the meeting at 4:33 p.m., and reconvened the meeting at 4:40 p.m.

8. Discuss and provide direction to the City Manager and City Attorney to draft an ordinance creating selection criteria for City of Watauga Boards, Committees and Commissions

Ms. Gardner provided an overview of the item. The Council discussed various requirements for serving on Boards, Committees and Commissions. She has discussed with Council Member Downey and Council Member Neal since they both took an interest in the topic.

Mayor Pro Tem Snyder stated it would be great to create criteria if we had enough people volunteering to serve on the boards, committees and commissions.

Council Member Downey stated she reviewed other cities qualifications to serve on City boards, committees and commissions. Specifically, that volunteers desiring to serve on boards, committees and commissions must be a citizen.

Mayor Pro Tem Snyder stated to have an internal selection criterion that is used to rank applicants is great but feels to place requirements to serve would be limiting.

Council Member Neal stated the City could give preference to citizens that desire to serve but not make it a requirement.

Council Member Taylor stated that although the Charter states to be a member of the Planning and Zoning Commission, a member must own property in Watauga, and that is not allowed under the law.

Council Member Taylor states the Board of Appeals is a quasi-jurisdictional board that has final authority on matters before them. He is concerned about appointing an individual without specific knowledge or qualifications to make decisions that have an impact on the City. He feels perhaps to serve on certain boards, a specific skill set should be set.

Mayor Pro Tem Snyder suggested utilizing selection criterion.

Council Member Taylor suggested bringing back the interview committee and to possibly include the Council Liaison to participate in the interview process.

Council Member Downey stated that she has encountered that very matter and isn't opposed to that. She asked if the Council could perceive doing this and bring back the interview committee.

Mayor Pro Tem Snyder and Council Member Taylor stated agreement with both – utilizing selection criterion and bringing back the interview committee, which also includes the Council Liaison for that board.

Mayor will recommend members to serve on the interview committee. Mayor Miner suggested he would like to serve on said committee.

Mr. Hyde stated that if the Council has a certain set of skills desired for board members that the Council should be certain to state that. He also suggested a training program for board and committee members as part of the onboarding process for board members.

Ms. Gardner asked if the Council would like for applicants to receive preference if participation was completed in Watauga 101.

Council Member Neal asked Ms. Gardner how other cities recruited members to serve on boards. Ms. Gardner explained a process utilized previously in other communities.

Ms. Gardner notified the Mayor of the need to return to Item 7 as one item needed to be addressed as directed by the Council.

Discussion added to Item 7 was allowed to comply with the direction from the Council at the last meeting. Council Member Taylor introduced the topic of town hall meetings and mentioned that the Council shut Scott Prescher down when he brought up that topic. He sees it as problematic because presentation of one position is all that is presented. Would another member with an opposite opinion be allowed to conduct his/her own Town Hall?

Council Member Neal asked for confirmation that all of the questions were submitted beforehand and answered by staff.

Council Member Taylor stated that we already have a process for citizens to submit their questions. He stated that when citizens ask questions, we could post those questions and the responses on the City website.

Mayor Pro Tem Snyder asked for confirmation that only the PIO is allowed to respond to media questions. Ms. Gardner stated the PIO and City Manager are authorized per the Council Rules.

Mayor Miner suggested he doesn't consider the Town Hall meetings to be the same as the request Mr. Prescher had, and further stated that he understands it is extra work for Ms. Gardner.

Council Member Taylor commented that is the other issue, the burden it creates for City staff.

Mayor Miner stated that he plans to hold the meetings offsite once COVID is over and that Ms. Gardner reviews and provides comments so he doesn't consider her review as an endorsement of his comments.

Council Member Neal stated that what he has seen of the Mayor's message, which includes no statements of politics, are okay.

Council Member Taylor stated as we get towards election time, someone who wants to oppose Mr. Miner for Mayor, then we are giving him a platform that the other candidate doesn't have.

Mr. Hyde stated that would be a violation because he wouldn't be allowed to utilize City resources for campaign purposes. He stated it would be a felony offense if someone crossed that line and would be taking additional risks if that forum was used for political purposes.

Council Member Downey stated it generates more staff time and that it is always the same people that submit all of the questions and makes threats toward the City Manager. She stated that if the citizens are absolute about their opinions, then the citizens should attend the Council meetings. She also stated she appreciates the Mayor's intent behind it and has no problems with the COVID updates. She stated the request for the Mayor's message translated into needing a transcript of the video.

The tool that citizens use for submitting Town Hall questions is the same platform that a citizen can use to submit a question to Council or to Mayor Miner.

Council Member Downey stated that she watched multiple WEDC meetings and heard the City Manager have threats thrown at her and answer the same questions repeatedly.

Ms. Gardner stated she doesn't see an issue with the video but doesn't see the need for a transcript. She expressed the video should be based on its ultimate purpose. Ms. Gardner stated the information on the website is the same information that is included in the Mayor's video. She further stated that she sends the information to Mr. Brad Fraley daily, including Saturdays and Sundays. The topics included in the video are on the City's website and on the website several days before the Mayor completes his video.

Mr. Mayor stated that 80% of the information that includes in his video can be found in other places. He stated currently when he does the video, he hits on COVID and at the end he hits on City stuff.

Council Member Taylor states it is a nice touch but when you highlight a business, others are left out and noted we have several hundred businesses in Watauga and those businesses might wonder why they are not being recognized.

Mr. Hyde recommended adding a disclaimer at the end of the video that notifies the businesses in Watauga and how their business can be highlighted in a future video.

Ms. Gardner suggested the separation of videos, one for COVID and one for economic development. Mr. Hyde suggested that the video could be presented by the Mayor and the Emergency Management Coordinator.

Council Member Taylor stated that the videos need to be stopped completely. Council consensus was to continue the videos for COVID only.

Mr. Hyde stated that a policy was needed for a spokesperson of the City Council and place in the Council Rules of Procedure.

ADJOURNMENT

The meeting adjourned at 5:42 p.m.

APPROVED: this 14TH day of SEPT, 2020
SIGNED: this 15TH day of SEPT, 2020

APPROVED:

Arthur L. Miner /s/

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner /s/

Andrea Gardner, City Secretary

CITY OF WATAUGA, TEXAS

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