



City of Farmers Branch

City Council Minutes

3 p.m. Study Session

Tuesday, January 16, 2018

Farmers Branch City Hall
13000 William Dodson Pkwy
Farmers Branch, TX 75234

Council Chambers

- Presiding:** 1 - Mayor Robert C. Dye
- Present:** 5 - Mayor Pro Tem John Norwood, Council Member Ana Reyes, Council Member Bronson Blackson, Council Member Terry Lynne; Deputy Mayor Pro Tem Mike Bomgardner
- Staff:** - Charles Cox, City Manager; John Land, Deputy City Manager; Amy Piukana, City Secretary; Pete Smith, City Attorney; Andreea Udrea, Planning Manager; Benjamin Williamson, Assistant to City Manager

A. **CALL TO ORDER**

Mayor Dye called the Special meeting to order 3:03 p.m.

B.1 **18-09** **Discuss and consider proposed amendments to the Home Rule Charter; and take appropriate action.**

Council Member Reyes thanked the Charter Review Committee for their recommendations. She stated as previously discussed, she agrees with holding off on consideration of an additional Council seat, until the census is completed.

Council Member Lynne asked for clarification regarding Charter Section 2.05, in regards to an Elected Official being able to submit a bid or provide a proposal from our city to another city. He stated this needs to be clearly noted if someone is proposing to do business with another government entity, and must be disclosed in advance.

Mayor Dye asked for clarification, noting he currently works in real estate, and if he purchases land from another city, if he would be required to disclose this information.

Council Member Blackson stated his company provides brick materials and products to other cities, asking if this would apply to the disclosure requirement.

Council Member Lynne replied explaining this only applies to proposals with another city.

The Charter Review Committee Vice Chairman David Koch stated this would only apply to any activity that is considered to be in competition with the City of Farmers Branch.

City Manager Charles Cox stated if it does not meet the loyalty test, it would be a violation of the Code of Ethics.

Council Member Reyes discussed the option to add language.

City Attorney Pete Smith stated Subsection 8 of the Code of Ethics, already has language regarding Elected Officials engaging in any outside activities that conflicts with their City Office.

Mr. Koch stated if a bid for a project is submitted it would be considered an activity.

City Attorney Pete Smith stated he feels this would qualify as an activity.

Council Member Reyes asked for clarification, on something not in competition, if the service could still be provided, and should we ask for Council Members to disclose information for transparency.

City Attorney Pete Smith stated it would depend on the facts, and could not be in competition with other cities.

City Manager Charles Cox explained Council Members certify annually that they are in compliance with the Code of Ethics. This holds everyone accountable.

Council Member Lynne had questions regarding Charter Subsection 2.16,(D). He asked how this would affect Certificates of Obligations.

City Attorney Pete Smith stated this is clean up language that allows Council to authorize the indebtedness by Ordinance.

Council Member Lynne asked for clarification regarding a recall.

City Attorney Pete Smith explained this allows the City Council to appoint a member and not be subject to a recall during the appointed time

Deputy Mayor Pro Tem Bomgardner suggested appointing a member from within the specific Council District when filling a vacancy.

Council Member Lynne asked for clarification on Charter Subsection 2.02(a), in regards to a crime of moral turpitude. He asked if this language should be removed.

Mr. Cox stated the language "moral turpitude" is considered vague and may require Legal interpretation.

Council Member Lynne asked if an elected official was arrested for possession of drugs, if this would fall under moral turpitude.

City Attorney Pete Smith replied stating they would be removed if it they were convicted of a felony, and clarified that the definition of moral turpitude is considered as inappropriate sexual behavior.

Council Member Lynne asked what procedure is used with a Code of Ethics violation.

Mr. Cox explained we are amending our current policy. He stated any that feels harassed, would go online and obtain a complaint form from City Secretary. Within this form you would explain who and what section of the Ordinance has been violated. The document

would be then notarized. The City Secretary immediately provides a copy to the violator and the City Attorney for review. The City Attorney has 15 days to review and if necessary interview everyone involved. Afterwards, the Attorney provides a written report to the entire Council. The Council has 15 days, to hold a meeting, and can have executive session to review the report. Council selects one out of seven options. If there is no merit, it can be thrown out. He stated if they are found guilty, then they can receive a reprimand, public recall, or removal from office. He further stated the City Attorney may have outside legal review the case.

Council Member Lynne asked why outside legal is necessary. Mr. Cox replied stating this provides a neutral review.

Council Member Reyes asked if the online form has been updated, and recommended not accepting anonymous complaints. Mr. Cox stated a form is not necessary, as long as the criteria information is listed and notarized.

Council Member Blackson asked for clarification on Charter Subsection 2(g), stating in his opinion, it is tough and costly to hold an election every year.

Mr. Smith stated we have reviewed terms, and could consider increasing Council District terms to four years which would increase term limits. He explained if we keep the three year terms, we could setup a process, that allows every third year off.

Deputy Mayor Pro Tem Bomgardner stated if you change 1/3 of the Council every year, staff would need to re-evaluate and adjust. He stated to keep three years and allow phasing of three years, one year mayor and one council member could work.

Mr. Smith stated City of Richardson has this setup. He further stated residents are still learning the Single Member Districts. He cautioned, if you change the system, it could cause voter confusion.

Charter Committee Vice Chair David Koch explained the upcoming census will dictate what the Council makeup should be in the future. He further stated any changes now could cause a Court issue.

Deputy Mayor Pro Tem Bomgardner asked the City Manager what he recommends.

City Manager Charles Cox stated he would be concerned with a majority of the Council turnover in one election year, however; City Administration will adjust to whatever Council decides.

Council Member Lynne asked how the new Council Districts would be drawn.

Mr. Smith stated the Districts are drawn by an outside professional who reviews demographics. The new boundaries are drawn based on the data.

Council Member Blackson asked for clarification on Charter Subsection 2.12, (page 5) of the handout, regarding appointment of the Municipal Court Judge. He stated he does not see where the City Council appoints the City Attorney.

Charter Review Vice Chairman David Koch replied stating this action can be done by separate Ordinance instead of in the Charter.

Deputy Mayor Pro Tem Bomgardner stated he feels comfortable with the current process.

Mr. Smith stated no matter who appoints, the City Attorney works for the City and must meet a professional Code of Responsibility. He further stated the Charter Review was not tasked with reviewing this item.

Council Member Lynne stated he does not wish to amend this in the City Charter.

Mr. Cox stated currently the Council has access to the City Attorney and currently the City has a contract with the Attorney for legal services.

Council Member Blackson asked why is the Judge appointed by the Council.

Mr. Cox replied stating the Judge is required to be appointed by the Council because we are a Court of Record.

Mayor Pro Tem Norwood asked if we move forward with the Charter Review recommendations, what are the next steps in preparing the ballot.

Mr. Smith stated his firm will prepare an Ordinance, calling the election and listing the propositions. This gets published in the newspaper. He stated currently we would have 12 propositions.

Mayor Pro Tem Norwood suggested having the amendments posted on the City's website and to ensure the public has access to the proposed changes. He recommended having a Town Hall to help educate citizens on the proposed amendments.

Mayor Dye made a motion to approve the Charter Review recommended amendments (see attached) and to call a May 5, 2018, Special Election for Charter amendments. Motion seconded by Deputy Mayor Pro Tem Bomgardner. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Reyes, Council Member Blackson, Council Member Lynne

Council Member Blackson made a motion to adjourn the meeting at 4:51 p.m. Motion seconded by Mayor Pro Tem Norwood. Motion prevailed by the following vote:

Aye: 5 - Mayor Pro Tem Norwood, Deputy Mayor Pro Tem Bomgardner, Council Member Reyes, Council Member Blackson, Council Member Lynne

The meeting adjourned at 4:51 p.m.

SIGNED: _____
Mayor

ATTEST: _____
City Secretary