

CITY OF DENTON CITY COUNCIL MINUTES

April 1, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Monday, April 1, 2013 at 11:30 a.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Engelbrecht, Council Member Watts, Council Member Gregory, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden

ABSENT: Council Member King

1. Receive a report, hold a discussion, and give staff direction concerning the City of Denton Mosquito Surveillance and Response Plan.

Ken Banks, Director of Environmental Services and Sustainability, stated that the purpose and background of his presentation would be to incorporate new information and lessons learned from the 2012 season into the Mosquito Surveillance and Response Plan (MSRP). Staff had held several meetings with the Committee on the Environment to discuss trigger levels for spraying and proposed changes/modifications to the MSRP. The MSRP was divided into two sections. One section dealt with mosquito surveillance and general information and the other dealt with mosquito response. The Plan had five risk levels which were based on specific trigger conditions. Once enacted, the risk level outlined a series of responses. The Plan had flexibility to address the complexities of the mosquito-bird-human weather complex.

Mosquito Response Section – The recommended changes to this section were reviewed.

Mayor Burroughs stated that in the past, there was reluctance to having a broader distribution of BTI. He noted that the product was available commercially and asked if that issue have been overcome.

Banks indicated that he did not recall a concern with the City's partners. The product was distributed to anyone who wanted it long as the individual was a Denton resident. The concern might have been in providing large quantities to a single individual or having the product go out into the County as the County had its own program. The issue of providing a large quantity to one person was that person might turn around and sell the product.

Mayor Burroughs asked harmonizing the evaluation of the edges of the city limits so that County areas that were close to the city limits were not missed.

Banks stated that there were potential concerns of getting BTI from the County in those areas. There was an extra step to approach the County for the BTI.

Mayor Burroughs suggested if traps were set in the areas around the edge of the city limits, that an inventory be done to determine if they were migrating from the County part near a dense population. The City could then warn the County and request assistance in those types of areas.

Council Member Gregory asked if the Spinosad was more potent and not targeted just to mosquitoes.

Banks stated if the normal formulation was used, it was similar to BTI. Ultra-low Volume (ULV) spraying application trigger evaluation involved evaluating the current "Risk Level 5"

trigger of multiple human cases of West Nile Virus (WNV) and associated response of ground based ULV spraying. Setting spray triggers was challenging and decisions involved complex biological, ecological and public health factors. The decision would always be made with incomplete information and there would be strong feelings from the public in response to the decision. Trigger conditions should always attempt to balance public health protection, non-target impacts, efficient resource use and realistic response level expectations.

Information on what other cities did in terms of spraying was presented. Denton's spraying in 2012 was the first spraying in more than a decade. Under the current trigger, spraying started on June 30, 2012 and continued until the middle of September for a total of 30 spray events. It was possible to reconstruct how the spraying would have looked under various trigger scenarios. However, the scenarios were based on data collected using the monitoring network under the spraying application strategy currently used and were theoretical. Pros and cons were presented for scenarios involving (1) spraying for every WNV positive trap, (2) spraying for two or more positive traps, non consecutive, (3) spraying for three or more positive traps, non-consecutive, (4) spraying for three or more positive traps, consecutive, and (5) and spraying for 2 or more positive human cases which was the current trigger. A table on spraying scenarios was reviewed which was based on conditions from last year.

Options presented to Committee on the Environment involved (1) no further action, (2) direct staff to adopt the changes recommended for the MSRP, as finalized via discussion with the Committee on the Environment, or (3) table the discussion for future consideration. Staff recommended Option 2 and the Committee on the Environment supported this recommendation.

Council Member Roden stated that there appeared to be ebb and flow of the season and suggested a hybrid system using one circumstance as a trigger and then as season goes on, using another.

Banks felt that could be a good idea to have an aggressive treatment in the beginning and then change throughout the season.

Council Member Gregory asked if other cities got together to discuss the processes done in their cities.

Banks stated that staff had informal contacts for years but the County had an active role in pulling areas cities together for discussions.

Council Member Engelbrecht asked what method the County used.

Banks stated that the County's plan was very similar to Denton's with larvicides aggressively used and had a spraying trigger in their draft. Their spraying would be ground based - not aerial.

Mayor Burroughs asked about public notices and possible modifications to those notices.

Banks stated that the plan only outlined in a basic sense the notification process. The Public Communication Office had a free standing plan to enact at the beginning of the mosquito season.

Mayor Burroughs suggested establishing contact with homeowner associations and having that individual pass information on to the members of the association. He asked if there was a way to identify the areas of the City that had the most hits in the traps so if the infestation was high the City would be able to go out early and have a higher level of aggression this season to undercut that number.

Banks stated that staff looked at the trap data and areas that showed a significant amount of WNV had adjustments made to the traps to account for that. There was a need to be cautious as there was such a dependency on the weather. A hard rain event might kill the larva and set back the mosquito population for three weeks. Areas last year with WNV did not mean they were going to have the same amount in those areas this year.

Surveillance and General Information Section – the recommended changes and rationale for the changes to this section were reviewed.

Council Member Engelbrecht asked if recovery from WNV for someone over 50 was harder than on a younger person.

Banks stated that there might be some people younger than 50 who may have lifelong side effects from the disease. There was no way of predicting how an individual would respond to the disease

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Mayor Pro Tem Kamp expressed a concern that the Committee along with Council had a concern regarding unfunded mandates and whether there was a need to place an item in the upcoming budget for expenses associated with the program.

Banks stated that it might be possible that a supplemental package would be brought forward but there was always the issue that it may or may not be needed. It was important to set up funding so that it could be in place across seasons and if not used one year, would be available for the next year.

Mayor Pro Tem Kamp asked Banks for his opinion for this season.

Banks stated that it was difficult to predict but professionals felt that because the mosquitoes went into the dormant season with a higher amount of WNV in the population, there might be an earlier emergence this season but there were also many variables to deal with. Weather events could change the situation one way or another.

Mayor Burroughs asked for a suggestion on what do with a homeowners association in terms of distributing BTI. He questioned if the homeowners association could be used as a sub-distributor to keep list of who received the product.

Banks stated that might be a possibility. There was also the need to educate people on how to apply the material. Some people were unfamiliar with the application of BTI and staff provided a safety data sheet with the application.

Mayor Burroughs stated that some subdivisions were more formed with a homeowners association than others. For those willing to set up a program to hand out the materials and to education members, it would be a ready resource that engaged citizens and could energize the education process.

Kiersten Dieterle, Public Communication, stated that her staff was already working with the Planning Department for homeowner association information and preparing brochures, door hangers and postcards telling people how to host meetings and how to distribute the materials.

Council Member Roden asked when it would be necessary to start being concerned about standing water, etc.

Banks stated that May 1 was date the State considered the start of the season and was when they started testing mosquitoes. He felt it was weather dependent so picking a specific date was hard.

Dieterle stated that Public Communication was working on campaign pieces now for the beginning of May.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the following:

A. Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Consult with the City's attorneys regarding legal issues associated with the creation of municipal utility districts within the City's corporate limits and extraterritorial jurisdiction under existing and proposed State legislation, and administrative regulations. The duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code in this matter.

Following the completion of the Closed Meeting, the Council convened in Open Session at 1:50 p.m. and with no further business, the meeting was adjourned.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS