

## CITY OF DENTON CITY COUNCIL MINUTES

December 7, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Monday, December 7, 2015 at 11:30 a.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Roden, Council Member Johnson, Mayor Watts, Council Member Hawkins, Council Member Briggs, Mayor Pro Tem Gregory, and Council Member Wazny.

ABSENT: None.

### 1. Work Session Reports

- A. ID 15-1239 Receive a report, hold a discussion, and give staff direction regarding issues with homeless individuals, panhandling, graffiti, and litter in the greater downtown area.

Lee Howell, Chief of Police, stated that he would provide Council with information on the present state of nuisance issues, such as graffiti, litter, homelessness and panhandling in the greater downtown area and to seek direction on approaches to address these issues.

Howell stated that the presence of graffiti on both public and private property had been an issue in the community for a number of years. He briefed the Council on the impact of graffiti and abatement efforts. He stated that with the continued growth of the downtown area, and the related increase of pedestrian traffic, there had been an increase in the number of complaints about the amount of trash and litter in the downtown area and reviewed efforts for trash collection and litter control.

Council discussed different aspects of the litter and trash in the downtown area.

Howell briefed the Council on the current trends in homelessness. He stated they were categorized as sheltered or unsheltered. A sheltered homeless person lived in some form of emergency shelter or transitional housing. An unsheltered homeless person lived in a place not meant for human habitation such as cars, parks, sidewalks, abandoned buildings, or on the street. Another categorization of homelessness was whether the status as homeless was temporary or chronic. Approximately 12 percent of the United States homeless population was considered unsheltered and chronically homeless.

Howell stated that there was a strong relationship between the homeless and criminality involving minor crimes, such as public intoxication, minor thefts, trespassing, panhandling, and the like. As a community, Denton had a strong sense of civic duty in providing resources for the homeless. From soup kitchens to food banks, homeless shelters to housing vouchers, Denton had a host of community groups and organizations that provided some form of assistance to the homeless. Those that were temporarily homeless had ample resources available to help them on a parth to get back into long-term housing, including food, jobs, and other basic necessities.

The primary community concerns with homeless people center on the chronically homeless. Many of the chronically homeless individuals had issues with substance abuse, mental illness, criminal records, or other conditions that prevented them from being able to use shelters, much less transition into more permanent housing. There was also a portion of people in this category that simply chose to be homeless. While the chronically homeless will take advantage of some

community resources, they generally were not going to make changes to their living condition. According to the latest survey, Denton had a total homeless population of 313 individuals. Among those, 26% report having a substance abuse disorder, 17% report having a chronic physical illness, and 20% report having a serious mental illness.

Howell stated that a primary issue in the downtown area was the number of individuals panhandling, but it was an issue throughout Denton. Panhandling could be categorized into two areas: passive and aggressive. The majority of community members were more tolerant of passive panhandling in that they recognized the need and willingly offered to provide change or some other donation. Aggressive panhandling, on the other hand, often invoked fear among the community members and was far more likely to generate a call to local elected officials and/or the police department.

Howell stated that downtown Denton was a prime location to draw in panhandlers and the homeless population due to the close proximity of social service providers.

Howell stated that in looking for solutions to address both the homeless issue and the presence of panhandling was the need to balance the community's interest in providing help to those in need and the community's desire to feel safe. He stated that a strong police presence in areas more likely to attract homeless and panhandlers helped to deter criminal activity and to increase the public perception of a safe environment. He stated there was a concentrated effort to develop a strong working relationship between residents, merchants, and police officers to help foster a unified response to the issues of panhandling and the negative behaviors associated with the homeless population. The use of enforcement action had less long-term impact on these issues. Enforcement of laws and local rules provided an immediate answer, but also placed a burden on the community in terms of cost. There was a need to strengthen community collaboration around common community outcomes to reduce homelessness, better data collection and sharing; involvement of a wider audience of stakeholders, and more intentional effort to help educate and inform the community about solutions and community impact efforts.

Council discussed other aspects of police presence, enforcement action, community relationships, social services, crime prevention, and possible solutions as it related to the homeless and panhandling.

- B. ID 15-1298 Receive a report, hold a discussion, and provide staff direction concerning City of Denton Ethics provisions, and state and federal law, regulations, and policy related to ethics issues and regulation of the conduct of public officials.

Anita Burgess, City Attorney, reviewed provisions in Resolution R2006-003 which laid out the policies which would control ethics issues. She reviewed the provisions of Section 14.04 Personal Interest and Section 14.05 Nepotism of the City Charter. She reviewed the provisions of Section 2-30 Improper Disclosure of Confidential Information in the Code of Ordinances. The Ethics Committee had recommended a revision that would be brought forward on the December 15 agenda.

Burgess reviewed state law – Open Meetings Act: Class B Misdemeanor; Public Information Act: Class B Misdemeanor; Conflicts of Interest: Class A Misdemeanor; and Competitive Bidding and Procurement: Class C or B Misdemeanor; forfeiture and bar.

Watts asked if the City had the authority to impose a penalty that was more than a Class C Misdemeanor.

Burgess stated that a municipality had only the authority to enact an ordinance that carried a Class C Misdemeanor so under some circumstances the fine could be up to \$2,000 but it had to be a public health or safety type of violation.

Burgess continued to review state law – Nepotism: Class C Misdemeanor, Quo Warranto; Dual Office Holding and Incompatible Offices; Tampering with a Witness: 3rd Degree Felony; Retaliation or Obstruction: 3rd/2nd Degree Felony; Disclosure of Certain Relationships: Class C/B/A Misdemeanor depending on dollar amount; Personal Financial Statement: Class B Misdemeanor; Gifts to Public Officials: Class A Misdemeanor; Bribery: 2nd Degree Felony; Improper Influence: Class A Misdemeanor; Abuse of Official Capacity: Class C Misdemeanor – 1st Degree Felony depending on dollar amount; Official Oppression: Class A Misdemeanor; Misuse of Official Information: 3rd Degree Felony.

Mayor Pro Tem Gregory asked what the weaknesses were in the current ordinance.

Wazny stated that the Legal Department had started a worksheet for the Ethics Committee with four different categories including state and federal law, what Denton had on the books, and what the San Antonio law had. At the last Ethics Committee meeting it was left with staff to continue to compare laws from other cities. She stated that she would like staff to continue to compile the information and give it to the rest of the Council with at least 30 days to study it before it comes back to the Council.

Gregory asked Wazny if she had identified some specific areas where there were gaps or where harm had come to our citizens or to the city government as an organization or where there might be a potential for harm.

Wazny stated that one concern she was aware of was that a person could serve on City Council and step down off Council and have confidential information. The San Antonio ordinance kept confidential information confidential for two years after leaving office. The San Antonio ordinance also covered employees.

Watts asked the City Attorney if the state law had a time limitation on confidential information.

Burgess stated that the state law did not tie itself to the holding of the office. It does speak to when the information becomes public.

Some of the Council agreed that areas with problems needed to be identified before asking staff to spend any more time on it. Council also discussed using the San Antonio ordinance as a model, modifying Denton's resolution into an ordinance, looking to other cities similar to Denton in size for an ordinance model.

Council Member Briggs asked if the City currently had an ethics ordinance.

Watts stated the City had a resolution, not an ordinance.

Briggs stated that they should look at conflict of interest and persons doing business with the City.

Roden stated that he was hesitant tasking staff to find the issues. If there was a problem, Council could advocate for why specific issues needed to be addressed.

Wazny stated that staff worked for council and council worked for the citizens. It was Legal's responsibility to study this.

Gregory stated that it was Council's responsibility to be fiscally responsible and unless problems were identified, we couldn't give staff direction.

Briggs asked that the rest of Council get the matrix that the Ethics Committee had received.

Consensus of Council was that all of Council receive the matrix that the Ethics Committee had received and bring specific questions to the work session in January and direction would be provided at that time.

## 2. Concluding Items

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Johnson requested that based on the very informative Informal Staff Report on athletic tournaments held in a three-month period and the type of revenue those were generating, staff look at the potential for events to be held in indoor athletic facilities. He stated there was a potential economic development opportunity maybe for a public – private partnership.

Mayor Watts suggest maybe partnering with the universities on a multi-purpose facility like this.

Council Member Roden thanked everyone involved with the Holiday Lighting Festival.

With no further business, the meeting was adjourned at 2:35 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS