

CITY OF DENTON CITY COUNCIL MINUTES
December 13, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 13, 2016 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

Willie Hudspeth, 623 Newton, stated that there was not enough time to address each item on the consent agenda and not enough room for anyone to sit through these meetings.

Greg Paulus, 503 Fulton, spoke regarding the rental inspection program.

2. Requests for clarification of agenda items listed on the agenda for December 13, 2016.

Staff responded to Council requests for clarification of the following items:

Council Member Hawkins – Consent Agenda Item U.

Robin Paulsgrove, Fire Chief, provided a spreadsheet and clarification on the fire station projects, including financing.

Council discussed looking at lower costs than \$400 a square foot; that the proposals could be rejected; requested staff to draft a white paper report that showed some kind of history on how the process got to this point; and what kind of delay would occur if the proposals were rejected.

Council also noted that these facilities had not been updated in a while; what could be removed from the project to lower the cost; consider removing the LEED certification; and whether there was a cost to re-design the plans.

Staff noted that there would be a cost to re-design the plans and that money for LEED certification had already been spent in the design of the project. This type of policy discussion might be better served on the Station 3 design.

Consensus of the Council was to move forward with the project.

3. Work Session Reports

A. ID 16-1272 Receive a report, hold a discussion, and give staff direction on a rental inspection program.

Lancine Bentley, Community Improvement Services Manager, provided information on rental programs in other Metroplex cities and Texas college towns and also information on residential

programs. Residential Program Best Practices were reviewed along with Denton's Rental Inspection Program information. Denton's Rental Inspection Program results were presented.

Council discussed exploring an education component of the program; having something in place for single family home rentals; providing rental information on the City's website; whether another set of regulations was really needed; and the differences between rental of residential and commercial property.

B. ID 16-1461 Receive a report, hold a discussion, and give staff direction regarding valet parking in the Downtown area.

Caroline Booth, Director of Economic Development, reviewed the terms of the temporary arrangement for valet service for Queenie's Steakhouse. Current considerations included a desire to enable businesses to provide valet services to their patrons; inquiries from another entity regarding a "shared valet" concept downtown; legal risks to continuing without an ordinance; and effects of a valet ordinance on overall downtown mobility and parking. She noted that Development Services would be conducting a comprehensive downtown parking study with an interdepartmental downtown parking working group convened to support the study. She noted the options to consider with the valet parking issue.

Council Member Wazny stated that she would like to wait for the comprehensive parking study and until the study was completed would like to see a prohibition effective January 1, 2017 which would remain in place until a valet parking ordinance was in place.

City Attorney Burgess stated that there was an ordinance on the agenda effective January 2, 2017.

Council Member Gregory asked if the ordinance applied to just the downtown area.

City Attorney Burgess replied correct with an exemption for the universities which would still allow for valet parking on private property.

C. ID 16-1538 Receive a report, hold a discussion, and give direction to staff and Waters & Company on the City Auditor interview process.

Carla Romine, Director of Human Resources, stated that Waters and Company needed direction on how Council wanted to proceed with the City Auditor interview process.

Council Member Wazny felt that the City Manager should not be involved in this process based on the City Charter.

Miguel Ozuna with Waters & Company presented information on a possible procedure for the interview process.

Council discussed whether to have feedback from the new City Manager. Consensus was that feedback from the new City Manager would be acceptable. Council also agreed not to have a

survey with this process and discussed a proposed timeline. It was noted that a reception with department heads and the City Council was included.

Romine indicated that the interview process could be scheduled for either the week of January 10th or January 24th.

Consensus was that the week of January 10th would be best with a reception to be held on January 9th and interviews on January 10th.

D. ID 16-1603 Receive a report, hold a discussion, and give staff direction regarding the City of Denton's 2017 State Legislative Program for the 85th Texas Legislature.

Lindsey Baker, Intergovernmental Relations/Public Information Officer, stated that the purpose of the legislative program was that it served as a policy document of the City Council; provided a clear and pre-vetted position statement on a wide range of potential legislative initiatives; and allowed staff to move quickly on proposed legislation. She reviewed the development of the legislative program.

She stated that the top legislative priorities were protection of revenue sources and budget setting authority, protection of land use regulations and authority, and preservation of DME as community owned and operated.

Council Member Bagheri asked when the legislative program was created in the current format.

John Cabrales, Assistant City Manager, stated it was probably around 2007.

Baker reviewed the proposed policy statements.

1. Oppose legislation that would erode local control of existing authority and regulations of gas well operations as articulated in HB 40.

Council discussed whether to oppose HB40 directly. General consensus of Council was to remove statement 1 and add the following statement - Support legislation that would enhance local regulations related to oil and gas operations.

2. Oppose legislation that will restrict MOUs from building transmission infrastructure outside their service area.

3. Support legislation that would protect the ability of the City to be adequately compensated for any use of its rights-of-way.

4. Oppose legislation that would erode the City's authority over the management and control of its rights-of-way.

5. Oppose any legislation that would erode the City's authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.

6. Support legislation that would include solid waste collection vehicles, as well as other municipal utility vehicles, into the current Texas Move Over Law.

7. Support legislation that would clarify regulations related to open carry in municipally owned facilities that are contractually operated by non-profit or private entities.

8. Support legislation that would clarify where open carry is prohibited in a municipally owned court office building.
9. Support legislation that would provide a statewide ban on the use of hand-held devices while operating a vehicle, provided more stringent city ordinances are not preempted.
10. Oppose legislation that would prohibit use of Association Business Leave by authorized Public Safety Association members, as provided in existing meet and confer agreements.
11. Oppose legislation that would increase state regulation of local ballot language.

Council Member Gregory stated that he would like an item added - oppose legislation that would restrict a municipal government's ability to regulate short-term lodging rentals in their online listing platforms.

General consensus of Council was that this needed to be included in the legislative program.

Council discussed how to show their support or non-support of items in the legislative program. It was decided to show some statements separately and the Council could vote on them separately.

Council Member Bagheri stated that she would like to include something in the program regarding the City's ability to negotiate contracts for lower prices.

Baker stated that they needed to research this item in more detail before they could add a statement to the program. Baker stated that she could bring more information for Council on the January 10th meeting with a resolution for consideration.

Baker stated that staff had proposed the following – seek introduction and passage of legislation that would amend the Tax Code by adding the City of Denton to the bracketed list of municipalities authorized to utilize Hotel Occupancy Tax (HOT) funds for enhancement and upgrading of city-owned and existing sports facilities or fields, which would provide significant economic benefit to the community.

Council Members Briggs, Gregory, Wazny, Hawkins, Roden, and Bagheri expressed support for this proposal.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 5:17 p.m. to consider specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 16-1535 Deliberations regarding a Personnel Matter - Under Government Code Section 551.074 and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a City Auditor and consultation, deliberation and receipt of information from the City attorneys involving legal matters relating to employment law and

interviewing of candidates, where a public discussion of these legal matters would clearly conflict with the duty of the City's attorneys to the City of Denton under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- B. ID 16-1408 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from staff regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the City's electric system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to enter into an agreement for Owner's Engineer services in order to provide project oversight services for the Denton Energy Center Project. Take final action on an Owner's Engineer services agreement with Leidos Engineering, LLC.

- C. ID 16-1511 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's Attorneys on the status and strategy of litigation styled Aguinada, et al. v. City of Denton, Texas, Cause No. 2012-50944-367, currently pending in the 442nd District Court, Denton County, Texas.

- D. ID 16-1554 Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Receive a report and hold a discussion regarding legal issues and economic development issues regarding economic development incentives and legal land use concerns for a business prospective in the Cole Ranch Development. This discussion shall include commercial and financial information the City Council may receive from the business owners which the City seeks to have locate, stay, or expand in or near the territory of the City, and with which the City Council is conducting economic development negotiations, including the offer of financial or other incentives. Also hold a discussion with the City's attorneys on the referenced topic where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

- E. ID 16-1575 Deliberations Regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located in Lot 1, Block 2 of the Municipal Utility Addition as shown by the plat thereof recorded in Cabinet G Page 346 of the P.R.D.C.T., in the City of Denton, Denton County, Texas; discussion had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third

party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with 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, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. [Brinker Substation]

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting at 7:47 p.m.

1. CONSENT AGENDA

Council Member Hawkins motioned, Mayor Pro Tem Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2016-395

- A. ID 16-1561 Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the General Government (\$5,415,000) with Tax Preferred Obligations (General Obligation Bonds) with an aggregate maximum principal amount equal to \$5,415,000; and providing an effective date.

Ordinance No. 2016-396

- B. ID 16-1273 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale by and between Epic Development, Inc., a Delaware corporation ("Owner") and the City of Denton, Texas ("Buyer"), regarding the sale and purchase of fee simple to an approximately 5.782 acre tract, more or less, situated in the J. White Survey, Abstract No. 1433, Denton County, Texas (the "Property Interest"), for the purchase price of Three Hundred Thirty Nine Thousand Seven Hundred Sixty Eight Dollars and No/100 (\$339,768.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date (Denton Fire Station No. 8 - 3100 Block of Colorado Boulevard)

Ordinance No. 2016-397

- C. ID 16-1517 Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Purchasing Program Agreement with the National Association of State Procurement Officials (NASPO) under Section 791.001 of the State of Texas Government Code, and to authorize the City of Denton to participate in Contract# SW300 for the purchase of Automatic External Defibrillators for the City of Denton Fire department; and providing an effective date (File 6290-awarded to Physio-Control, Inc. in the three (3) year not-to exceed amount of \$576,600).

Ordinance No. 2016-398

- D. ID 16-1525 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of work wear for City of Denton employees to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6142-awarded to multiple vendors in the three (3) year not-to-exceed amount of \$908,063).

Ordinance No. 2016-399

- E. ID 16-1528 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute an Agreement, as attached to the ordinance and made a part thereof as Exhibit "A", by and between the Upper Trinity River Water Management District (the "District") and the City of Denton (the "City"), regarding authorizing the District to acquire certain utility easements through eminent domain for relocation of District and City utilities as required by the Texas Department of Transportation's (TxDOT's) roadway widening improvements to FM 2181 (Teasley Lane), between FM 2499 and Lillian Miller Parkway and within the City of Denton; sharing use of certain City and District utility easements; and authorizing the City Manager, or his designee, to execute and deliver any and all other documents required to implement the Agreement.

Ordinance No. 2016-400

- F. ID 16-1532 Consider adoption of an ordinance of the City of Denton, Texas approving and authorizing the City Manager to execute an Interlocal Cooperation Agreement between the City of Denton and Denton County for Ambulance Services and declaring an effective date.

Ordinance No. 2016-401

- G. ID 16-1533 Consider adoption of an ordinance of the City of Denton, Texas approving and authorizing the City Manager to execute an Interlocal Cooperation Agreement between the City of Denton and Denton County for Fire Protection Services; and declaring an effective date.

Ordinance No. 2016-402

- H. ID 16-1542 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the State of Texas for the purchase of traffic signal radar vehicle/pedestrian detection systems for the City of Denton Traffic Department as awarded by the State of Texas Contract 550-A2; and providing an effective date (File 5265-awarded to Twincrest Technologies in the three (3) year not-to-exceed amount of \$1,200,000).

Ordinance No. 2016-403

- I. ID 16-1543 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 491-15 for the acquisition one (1) Pierce Velocity Pumper Engine and one (1) Pierce Velocity Aerial HA Ladder (Quint) Truck for the City of Denton Fire Department; and providing an effective

date (File 6309-awarded to Siddons-Martin Emergency Group, LLC in the not-to-exceed amount of \$1,985,330.24).

Ordinance No. 2016-404

- J. ID 16-1544 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 424-13 for the acquisition three (3) excavators and one (1) telehandler for the City of Denton Water Distribution and Water Production Departments; and providing an effective date (File 6284-awarded to Kirby Smith Machinery, Inc. in the not-to-exceed amount of \$461,590).

Ordinance No. 2016-405

- K. ID 16-1545 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 430-13 for the acquisition of five (5) dump trucks, one (1) haul truck and eight (8) refuse trucks for various City of Denton Departments; and providing an effective date (File 6310-awarded to Rush Truck Center, Crane in the not-to-exceed amount of \$2,203,790).

Ordinance No. 2016-406

- L. ID 16-1546 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program for the acquisition of one (1) wheel loader for the City of Denton Beneficial Reuse department; and providing an effective date (File 6307-awarded to Romco Equipment Co. in the not-to-exceed amount of \$356,299).

Ordinance No. 2016-407

- M. ID 16-1547 Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for Medical Control Services for the Fire Department, and providing an effective date (File 6253-awarded to Questcare Medical Services, PLLC in the three (3) year not-to-exceed amount of \$218,925).

Ordinance No. 2016-408

- N. ID 16-1548 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a First Amendment to a Professional Services Agreement for the City of Denton Land Development Code Update, by and between Clarion Associates, LLC and the City of Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (File 5053 in the additional amount not-to-exceed \$190,230; aggregating a total not-to-exceed \$290,107.35).

Ordinance No. 2016-409

- O. ID 16-1549 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a three (3) year agreement for digital content provided through hoopla service, for the City of Denton Library System

which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5398 awarded to Midwest Tape in the three (3) year not-to-exceed amount of \$140,000).

Ordinance No. 2016-410

- P. ID 16-1550 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of traffic signal head light-emitting-diode (LED) indications and pedestrian LED indications, for the City of Denton Traffic Department, which are available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 6269 awarded to Dynamic Vision Co. in the annual estimated amount of \$125,000 for a three (3) year not to exceed amount of \$375,000).

Ordinance No. 2016-411

- Q. ID 16-1551 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of one (1) bucket truck for the City of Denton Electric Distribution Department, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 6308 awarded to Altec Industries, Inc. in the amount of \$226,858).

Ordinance No. 2016-412

- R. ID 16-1552 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a Second Amendment to a contract with Clear Risk, Inc. for Claims Management Software and Services which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5452-providing for an additional three (3) year expenditure amount of \$49,500 for a total contract award not-to-exceed \$99,000).

Ordinance No. 2016-413

- S. ID 16-1553 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of communication supplies including cabling sensors, wire, brackets, and accessories, for the City of Denton Electric Communications Department to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6163-awarded to Anixter, Inc. in the three (3) year not-to-exceed amount of \$100,000 and Communications and Electrical Supplies, Inc. (CESI) in the three (3) year not-to-exceed amount of \$400,000 for a total not-to-exceed amount of \$500,000).

Ordinance No. 2016-414

- T. ID 16-1557 Consider adoption of an ordinance accepting competitive bids by way of a Cooperative Purchasing Program Participation Agreement with Collin County under section 271.102 of the local government code, for the purchase of crack sealing services for the City of Denton Street department; providing for the expenditure of funds therefor; and providing an effective date (File 6036-awarded to Curteo, Inc. in the unit price amount of \$1.70 per pound for a not-to-exceed amount of \$250,000).

Ordinance No. 2016-415

- U. ID 16-1560 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Fire Station 4 to be located at the corner of Sherman Drive and Kings Row, Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (RFP 6262-awarded to Ratliff Constructors, LP in the amount of \$4,814,000).

Ordinance No. 2016-416

- V. ID 16-1565 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Excess Workers' Compensation Insurance Coverage for the City of Denton, through the City's sole broker of record, McGriff, Seibels, and Williams of Texas, Inc., and in accordance with Chapter 252.024 of the Texas Local Government Code such coverage is exempt from the requirements of competitive bidding; and providing an effective date (File 6311 awarded to Midwest Employers Casualty Company at a rate of \$0.1599 per \$100 of payroll in the estimated one (1) year amount of \$154,142 and a three (3) year estimated not-to-exceed amount of \$486,000).

Ordinance No. 2016-417

- W. ID 16-1567 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the site demolition of the building located at 301 East McKinney, Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (RFP 6273-awarded to Lloyd D. Neighbors Demolition, LLC in the amount of \$176,500).

Approved the minutes noted below.

- X. ID 16-1582 Consider approval of the minutes of September 20 and September 27, 2016.

Ordinance No. 2016-418

- Y. ID 16-1588 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of two (2) underground cable pullers for the City of Denton Electric Distribution Department, which are available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 6312 awarded to Sherman and Reilly, Inc. in the amount of \$180,196.30).

Ordinance No. 2016-419

- Z. ID 16-1593 Consider adoption of an ordinance of the City of Denton, Texas, correcting a clerical error by repealing Ordinance No. 2016-356, which was executed and sealed in error, and replacing it with ordinance language previously considered and approved by the City Council on November 8, 2016, which: (1) approved an agreement between the City of Denton, Texas and Denton Community Market, Inc.; (2) authorized the expenditure of funds therefor; and (3) provided for an effective date.

Ordinance No. 2016-420

- AA. ID 16-1594 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute an Agreement, as attached to the ordinance and made a part thereof as Exhibit "A", by and between the Texas Department of Transportation ("TxDOT") and the City of Denton (the "City"), regarding the City accepting funding from TxDOT to widen and improve as much of McKinney Street (a former TxDOT roadway which has been transferred to the City), between Woodrow Lane and just east of Ryan High School, as possible with the funding being provided and in accordance with the terms of the Agreement; and authorizing the City Manager, or his designee, to execute and deliver any and all other documents required to implement the Agreement.

Approval of the ratification of a member to the Civil Service Commission

- BB. ID 16-1595 Consider ratification of the re-appointment by the City Manager of Darhyl Ramsey to the Civil Service Commission.

Ordinance No. 2016-421

- CC. ID 16-1597 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2015-306 to prescribe updated titles and number of positions for certain classifications of Fire Department personnel; providing repealer, cumulative and severability clauses; and declaring an effective date.

Ordinance No. 2016-422

- DD. ID 16-1598 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Real Estate Sales Contract, as attached thereto and made a part thereof as Exhibit "A", by and between SLF II Cole Property, L.P., a Texas limited partnership (the "Seller"), and the City of Denton, Texas, (the "Purchaser"), regarding the sale and purchase of fee simple to a 29.444 acre tract, more or less, situated in the J. McDonald Survey, Abstract 873, Denton County, Texas, as more particularly described in the Real Estate Sales Contract, generally located and adjacent to the southwest boundaries of the City of Denton Enterprise Airport property (the "Property Interests"), for the purchase price of Three Hundred Fifty Thousand Dollars and No Cents (\$350,000.00), and other consideration, as prescribed in the Real Estate Sales Contract; authorizing the expenditure of funds therefor; and providing an effective date. (Denton Enterprise Airport - West Parallel Runway project - South End Runway Protection Zone (SLF II Cole Properties, L.P.))

Ordinance No. 2016-423

EE. ID 16-1601 Consider the adoption of an ordinance amending the Code of Ordinances of the City of Denton by adding a new Division 4 "Valet Parking" to Article IV "Stopping, Standing, and Parking" of Chapter 18 "Motor Vehicles and Traffic" in order to prohibit valet parking in the City of Denton Downtown Implementation Area (DTIP); providing exceptions; providing for conflicts, severability, and penalty clauses; and providing for an effective date.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. R2016-043

A. ID 16-1602 Consider approval of a resolution of the City of Denton, Texas, adopting the City of Denton's 2017 State Legislative Program for the 85th Texas Legislature; and providing an effective date.

Lindsey Baker, Intergovernmental Relations/Public Information Officer, provided the Council an updated Legislative Program. She stated that this statement had been added on page 12 - Support legislation that would enhance local regulations related to oil and gas operations. She stated that she had also handed out a sheet with the three additional position statements they had asked for.

Willie Hudspeth did not speak.

Paul Metzler, 1914 W. Oak Street, spoke regarding HB40.

Council Member Gregory motioned, Council Member Wazny seconded to approve the resolution and the revised legislative program. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

The Council considered the following position statement – Oppose legislation that would increase state regulation of local ballot language.

Mayor Pro Tem Roden motioned, Council Member Gregory seconded to approve the statement. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "nay", and Mayor Watts "aye". Motion carried 6-1.

The Council considered the following position statement – Support legislation that would provide a statewide ban on the use of hand-held devices while operating a vehicle, provided more stringent city ordinances are not preempted.

Council Member Wazny motioned, Council Member Hawkins seconded to approve the statement. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "nay", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "nay", and Mayor Watts "aye". Motion carried 5-2.

The Council considered the following position statement – Oppose legislation that would restrict a municipal government's ability to regulate short-term lodging rentals from online listing platforms.

Council Member Hawkins motioned, Council Member Gregory seconded to approve the statement. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "nay", and Mayor Watts "aye". Motion carried 6-1.

Council Member Briggs motioned to add the following statement to the program – Oppose legislation that would erode local control of existing authority and regulations of gas well operations as articulated in HB 40, Mayor Pro Tem Roden seconded. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

3. 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 Briggs requested a staff report on making City Hall a historic landmark.

Mayor Pro Tem Roden requested a report from Denton County regarding the irregularities during the November election.

Council Member Wazny requested that staff look into adding an additional voting location in each district for Election Day for the May election.

Council Member Gregory asked if the County could provide a cost for paper ballots that could be scanned as a backup.

Council Member Hawkins stated that he had received complaints from citizens regarding Charter and Frontier and asked staff to help organize a meeting with them.

Mayor Watts asked if staff could find out why there were no street lights on Hwy 380 between I-35 and Bonnie Brae.

Mayor Watts requested a discussion on short term lodging.

Mayor Watts requested a work session on the policy on fire water lines.

B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 8:23 p.m.

MAYOR WATTS

MAYOR

CITY OF DENTON, TEXAS

JANE RICHARDSON

ASSISTANT CITY SECRETARY

CITY OF DENTON, TEXAS