

## CITY OF DENTON CITY COUNCIL MINUTES

January 24, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, January 24, 2017 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Briggs, Council Member Hawkins, Council Member Gregory, Council Member Bagheri, and Mayor Watts.

ABSENT: Mayor Pro Tem Roden and Council Member Wazny.

### 1. Work Session Reports

- A. ID 16-1566 Receive a report, hold a discussion, and give staff direction regarding a proposed State of the City event and Denton Citizen Academy.

Alison Ream, Administrative Services Manager, presented information on current citizen engagement efforts. One proposed event was a State of the City event to share information about growth and development, capital improvements, budget information and city-wide accomplishments. March 2017 was targeted for that event. The second proposed event was a Denton Citizen Academy which would give citizens an interactive experience in the City's operations and services. Targeted outcomes were reviewed for these two programs.

Council discussed tracking individuals going through the programs with possible city involvement such as members of a board/commission; age for members of the Denton Citizen Academy; what other cities were doing in these areas; include classes regarding city finances; move date until after the election for the State of the City to provide access to the new council members; and consider holding the open houses more than once a year.

- B. ID 17-079 Receive a report, hold a discussion, and give staff direction regarding the Cole Ranch development.

OC Vest, Strafford Land, presented an update on the proposed Cole Ranch. He indicated that he had met with Council on several sessions and talked about a PID and TIF to help with infrastructure costs. In September 2015 he thought the Council consensus was to move forward with the PID documents as presented that day. He submitted the documents to staff in May 2016 and was working with staff to review the proposal and documents and get feedback. Recently he had received feedback about the project regarding concerns about aspects of the project. He presented information on why Cole Ranch needed a PID. Cole Ranch was a master planned community and required a significant amount of infrastructure and amenities. The benefits of a Cole Ranch PID for those living there and for the City of Denton were reviewed. He also presented information on economic benefits to the City at build-out of Cole Ranch and compatibility of the City's gas well ordinance.

Council discussed the differences between Cole Ranch and Robson Ranch.

Council Member Wazny arrived at the meeting.

Vest stated that in 2004 he talked to Council regarding the PID and that the direction was no PID on residential development of this size. A question was asked if Council did not agree with a PID on residential what would be Plan B.

Vest stated that he would have to wait and see if there were other options. It was not possible to do the project without some form of public financing.

Council Member Bagheri questioned what terms of a PID would be needed.

Vest stated one PID over the entire property with an overall term of about 30 years. The PID could be broken into 3 subareas to match the 3 residential areas.

Council Member Hawkins stated that Council had previously agreed to no PID on the residential property.

Vest stated that the project could not happen without a residential PID.

Assistant City Manager Langley stated that direction was needed from Council on whether to continue to bring the project forward in the current direction with no PID on residential of this size.

Council Member Gregory was not interested in a PID on the residential property.

Mayor Pro Tem Roden stated that he was not completely against the PID on residential property.

Mayor Watts stated that the consensus was that the Council was uncomfortable with a PID on this size of residential property. Other options could be considered if possible to do the development.

- C. ID 17-138 Receive a report and hold a discussion regarding the debt issuance associated with the Denton Energy Center.

Chuck Springer, Director of Finance, presented information on the Utility System Revenue Bonds, Series 2017, including the use category; estimated proceeds and actual proceeds. The sale occurred on January 19, 2017 with closing scheduled for January 27, 2017. The bonds met all of the requirements of the parameters of Ordinance 2016-187.

Council discussed the repayment of the bonds and to consider annual cap on rates in the future.

Council went into Closed Meeting at 3:22 p.m. to discuss the following:

- A. ID 17-081 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation, discussion, and deliberation about the appointment, employment, and duties of the City Attorney including, but not limited to, the retirement of the current City Attorney, the appointment of an interim City Attorney, and the process by which a new City Attorney will be selected; consultation with the City's attorneys regarding associated legal issues where 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.

Council returned to the Open Meeting at 4:48 p.m. and continued discussion of Work Session Item D.

Mayor Pro Tem Roden left the meeting.

- D. ID 17-108 Hold a discussion and give staff direction on the recruitment process for a new City Attorney.

Carla Romine, Director of Human Resources, stated staff was seeking direction from Council regarding a search for a City Attorney, timing for a search and quote from Water and Company to perform the additional search.

Mayor Watts announced that Council had offered Aaron Leal the Interim City Attorney position. The search for a City Attorney would be on hold at this point in time.

Following completion of the Closed Meeting, the City Council convened in a Special Called Meeting.

## **1. ITEMS FOR INDIVIDUAL CONSIDERATION**

### **Ordinance No. 2017-025**

- A. ID 17-134 Consider adoption of an ordinance approving an employment agreement for the City Auditor and authorizing the Mayor to execute said Agreement setting the compensation and terms of that employment; authorizing expenditures and actions; and providing an effective date.

Paul Meltzer submitted a Speaker Card but did not speak on the auditor position but rather the bond sale for the Denton Energy Center.

Council Member Wazny motioned, Council Member Bagheri seconded to accept the contract for City Auditor with the changes presented. On roll call vote, 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.

**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 Hawkins requested a Work Session regarding 5G wireless.

Council Member Gregory requested an informal staff report on what type of information was required for volunteers.

Council Member Gregory requested an informal staff report on the status of the southern portion of the Greenbelt at the Elm Fork and Trinity.

Council Member Bagheri requested a Work Session on open meetings training.

Council Member Bagheri requested a Work Session on adding a CIP Committee as a subcommittee of Council.

Council Member Bagheri requested a Work Session on an update of the compensation structure including costs and the number of employees affected.

Council Member Bagheri requested an informal staff report on transmission substation spacing.

Council Member Briggs requested a report on an annual cap on rates for water and wastewater.

Council Member Briggs requested a report on the new City website.

Council Member Wazny requested a Work Session on open and closed meetings which could be tied with Council Member Bagheri's request for council training.

Mayor Watts requested that the discussion on the compensation study including a summary or survey of other cities for benefit comparison for benefit packages.

Following the completion of the Special Called Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 17-081 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation, discussion, and deliberation about the appointment, employment, and duties of the City Attorney including, but not limited to, the retirement of the current City Attorney, the appointment of an interim City Attorney, and the process by which a new City Attorney will be selected; consultation with the City's attorneys regarding associated legal issues where 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.

This item was considered earlier.

- B. ID 17-077 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 generally located northwest of N. Loop 288 and west of N. Locust St. in the City of Denton, Denton County, Texas; discussions 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. [Long Road Substation]

- C. ID 17-099 Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations Regarding Real Property - Under Texas Government Code Section 551.072.

Consultation with the City's attorneys regarding legal issues associated with the potential relocation of a Texas Municipal Power Agency transmission line ("Brinker TMPA transmission line") currently located on the east of E. Loop 288 and south of Brinker Road in the City of Denton, Denton County, Texas and the abandonment of certain transmission line easements related to the same and owned by the City; 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. Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential relocation of the Brinker TMPA transmission line and the abandonment of certain City-owned transmission line easements related to the same; 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. [Relocation of TMPA Transmission Line - Brinker Road and E. Loop 288]

This item was not considered.

- D. ID 17-133 Deliberations regarding Personnel Matters - Under Texas 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 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 the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

With no further business, the Council returned to the Open Session and the meeting was adjourned.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS