

CITY OF DENTON CITY COUNCIL MINUTES

March 21, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 21, 2017 at 5:00 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, and Council Member Bagheri.

ABSENT: Mayor Watts.

1. Citizen Comments on Consent Agenda Items

Willie Hudspeth spoke on Consent Agenda items that dealt with bids and whether minority contractors were considered with those bids. He also spoke regarding the lack of African American firefighters on staff.

2. Requests for clarification of agenda items listed on the agenda for March 21, 2017.

Staff responded to Council's requests for clarification on the following items:

Council Member Briggs - Consent Agenda Item L

Council Member Gregory - Consent Agenda Item G

Council Member Bagheri – requested that Consent Agenda Items B, C and D be pulled for separate consideration

Mayor Pro Tem Roden announced that Consent Agenda Item O would not be considered.

3. Work Session Reports

- A. ID 17-365 Receive a report, hold a discussion, and give staff direction regarding amendments to the Management Agreement between the City of Denton and the Dallas Entrepreneur Center.

Council Member Gregory left with conflict of interest.

Caroline Booth, Director of Economic Development, presented an update on Stoke Denton. Objectives included six month action plan and proposed amendments to the management agreement with the Dallas Entrepreneur Center. She reviewed the background of previous meeting discussions on the Center and provided information on the six month Action Plan from Stoke Denton. Booth concluded with staff recommendations and additional evaluations of the value of Stoke Denton to be performed by City staff.

Council discussed the metrics being used for evaluation; in terms of the agreement, what the City was providing for resources and provide a better definition of resources in the agreement; and whether performance standards were in place for a baseline on costs, etc.

Consensus of the Council was to move forward with the proposed amendments.

Council Member Gregory returned to the meeting.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

Council and members of the audience recited the Pledge of Allegiance to the U.S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

There were no proclamation/presentations for this meeting.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council. B. Receive Scheduled Citizen Reports from Members of the Public.

1. ID 17-389 Jennifer Lane regarding the proposed tax freeze.

Dr. Lane spoke against the proposed Homeowners' tax freeze scheduled for a vote in the May election. She presented facts and figures regarding the pros and cons of the freeze.

C. Additional Citizen Reports

1. Janice Heidlberger presented a number of issues that she would like to see in the city such as better public transportation, issues that she was thankful for such as the City parks and issues she was against in the City such as gas wells.
2. Deb Armintor spoke in opposition to gas fracking in the City of Denton, presented information on Protect our Children Act which regulated oil and gas near schools; and urged Council to not go ahead with the gas plant.
3. Dr .Catherine Lustgarten spoke regarding a recent methane gas leak which was near Denton High School. She expressed concern about ongoing risks for students, staff and area residents and requested help with safety for the high school. Specific actions to consider included installing methane gas monitors in all of the schools that would operate 24/7; informing the public and businesses about the risk of these types of leaks; updating existing evacuation plans; and requiring gas companies to notify city officials of a hazard at one of their well sites. These needed to be done as soon as possible for safety reasons.

4. CONSENT AGENDA

Mayor Pro Tem Roden noted that Consent Agenda Items B, C and D would be pulled for separate consideration. Consent Agenda Item O would not be considered.

Council Member Hawkins motioned, Council Member Bagheri seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items B, C and D which would be considered separately and Item O which would not be considered. 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", and Council Member Bagheri "aye". Motion carried unanimously.

Ordinance No. 2017-090

- A. ID 17-198 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of high density polyethylene pipe for the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 6236-awarded to Scheele Engineering Corporation in the three (3) year not-to-exceed amount of \$780,000). The Public Utilities Board recommends approval (5-0).

Approved the minutes listed below.

- E. ID 17-343 Consider approval of the minutes of February 6, February 7, February 14, and February 21, 2017.

Ordinance No. 2017-092

- F. ID 17-349 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a contract between the City of Denton and LabWare, Inc. for Laboratory Information Management System software consulting, training, technical support, and maintenance for an additional three (3) year period, extending the contract approved by City Council on February 4, 2014, in the amount of \$72,840 for software for the City of Denton Municipal Laboratory; providing for the expenditure of funds therefor; and providing an effective date (File 5441-providing for an additional expenditure amount not-to-exceed \$109,960, with the total contract amount not-to-exceed \$182,800). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2017-093

- G. ID 17-350 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a contract between the City of Denton and Mission Critical Partners for a Public Safety Dispatch Study, amending the contract approved by the City Manager on June 29, 2015, in the amount of \$99,996, to provide additional consulting services related to the solicitation and implementation of a new Public Safety Dispatch System; providing for the expenditure of funds therefor; and providing an effective date (File 5860-providing for an additional expenditure amount not-to-exceed \$122,161, with the total contract amount not-to-exceed \$222,157).

Ordinance No. 2017-094

- H. ID 17-351 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a fifth amendment to a contract between the City of Denton and ABB, Inc. for Electric Utility 69kV and 138kV Instrument Transformers which was originally approved by Council on December 4, 2012 in the amount of

\$2,290,000 with a first through fourth amendment providing for line item changes but no change to the contract award amount, and approved by Purchasing staff; providing for the expenditure of funds therefor; and providing an effective date (File 5064-providing for an additional expenditure amount not-to-exceed \$572,500 with the total contract amount not-to-exceed \$2,862,500).

Ordinance No. 2017-095

- I. ID 17-352 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition of one 170 cubic foot hopper tracked Trommel for use in the City of Denton Solid Waste Department's Building Materials Recovery (BMR) operation; and providing an effective date (RFP 6212-awarded to McCourt and Sons Equipment, Inc. in the not-to-exceed amount of \$363,264). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2017-096

- J. ID 17-353 Consider adoption of an ordinance authorizing the City Manager to execute Change Order# 2 to the contract between the City of Denton and Jagoe-Public Company for the Eagle Drive Reconstruction project which was originally approved by Council on April 26, 2016, in the amount of \$2,089,550.42 with Change Order# 1 in the negative amount of \$94,886.25 approved by Council on July 19, 2016; providing for the expenditure of funds therefor; and providing an effective date (Bid 6057-Change Order# 2 in the negative amount of \$143,020.58 for a total contract award aggregating to \$1,851,223.59).

Ordinance No. 2017-097

- K. ID 17-354 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a Professional Services Agreement with DEH Consulting, LTD for Engineering Services related to the Downtown Storm Sewer Improvements Trunk Line, South Bell, and Oak Street Systems project; and establishing an effective date (File 6399 in the not-to-exceed amount of \$113,280).

Ordinance No. 2017-098

- L. ID 17-355 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc. for Engineering Services related to the Magnolia Drainage Phase II project; and establishing an effective date (File 6405 in the not-to-exceed amount of \$118,000).

Ordinance No. 2017-099

- M. ID 17-362 Consider adoption of an ordinance authorizing the City Manager to execute an amendment to a Development Agreement between the City of Denton and Carmen Investments, Inc., for the provision of water and sanitary sewer service for Phase II A of the Country Club Village Addition. The Public Utilities Board recommends approval (4-0).

Ordinance No. 2017-100

- N. ID 17-366 Consider adoption of an ordinance of the City of Denton, Texas approving an interlocal cooperation agreement between the City of Denton and Denton County, Texas, regarding the construction of a traffic signal at the intersection of Cindy Lane and US 380 (University Drive); and providing an effective date.

This item was not considered.

- O. ID 17-370 Consider adoption of an ordinance approving the expenditure of funds for the purchase of one (1) ambulance chassis and the refurbishment of the ambulance body for Medic 6, which are available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 6407-awarded to Knapp Chevrolet in the not-to-exceed amount of \$169,300).

Ordinance No. 2017-101

- P. ID 17-378 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and The University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds therefor; and providing for an effective date. (\$550)

Resolution No. R2017-009

- Q. ID 17-397 Consider approval of a resolution of the City of Denton evidencing support for the Denton Community Market and its grant application for funding from FY 2017 farmers market promotion program of the agricultural marketing service, United States Department of Agriculture; and providing for an effective date.

Items pulled for separate consideration were considered.

Ordinance No. 2017-091

- B. ID 17-254 Consider adoption of an ordinance approving a grant application from Seth Morgan, representing Denton County Brewing Company, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (8-0).

Willie Hudspeth spoke regarding Consent Agenda Items and the appearance that minorities were not considered regarding the bid process. He spoke off topic about the lack of African American firefighters.

Council Member Hawkins motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Briggs "aye", Council Member Hawkins "aye", and Council Member Gregory "aye". Council Member Wazny "nay", and Council Member Bagheri "nay". Motion carried 5-1.

Resolution No. R2017-008

- C. ID 17-292 Consider approval of a resolution authorizing the City Manager, or his designee, as Denton's authorized representative, to commit to fund, if selected, the applications for Active Transportation and Safe Routes to School projects through the North Central Texas Council of Governments; confirming intent to pay twenty percent of the total project cost (estimated at \$500,000 for all three projects); and providing an effective date.

Julie Anderson, Bike and Pedestrian Coordinator, presented the details of the set aside money available through NCTCOG. The proposed projects in the areas of active transportation and Safe Routes to Schools were reviewed. An overview of the funding costs was provided.

Willie Hudspeth questioned why Ryan and Guyer High Schools were not included in the proposal.

Council Member Wazny motioned, Council Member Briggs seconded to adopt the ordinance. 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", and Council Member Bagheri "aye". Motion carried unanimously.

The request for the noise exception listed below was approved.

- D. ID 17-311 Consider a request for an exception to the Noise Ordinance for the purpose of the Thin Line X Film Festival, to be held on the Historic Denton County Courthouse-on-the-Square lawn and at Travelstead on April 19 - 23, 2017, from noon to 11:00 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

Council Member Bagheri stated that she had learned that the Thin Line venues would be indoors and as such, she did not have an objection with the proposal.

The following individuals submitted Speaker Cards:

Janice Heidlberger - spoke in opposition as the requested nights were school nights
Jennifer Lane - spoke in opposition as the requested nights were school nights

Council Member Hawkins motioned, Council Member Bagheri seconded to adopt the ordinance. 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", and Council Member Bagheri "aye". Motion carried unanimously.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2017-102

- A. ID 16-1612 Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager to execute a professional services agreement with Black and Veatch Corporation for professional testing and verification services relating to the construction of the Denton Energy Center; authorizing the expenditure of funds therefor; in the amount of not-to-exceed

\$963,930 and providing an effective date. The Public Utilities Board recommended approval (5-0).

Phil Williams, General Manager-DME, presented information on the purpose of an Owner's Engineer, the Evaluation Team for the RFQ, criteria for the RFQ, evaluation summary, scope of work, and recommendation from PUB and staff.

Council discussion included the term of the contract; the reason for the need for an outside firm to oversee the development; how frequent the air emission testing would be done and whether results of the testing would be available to the public.

The following individuals submitted Speaker Cards:

Janice Heidlberger questioned what air emissions would be tested.

Willie Hudspeth expressed concern about minority representation in the awarding of city contracts.

Council Member Briggs stated that she was opposed to the gas plant in general so she would be voting no on the item.

Council Member Gregory motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", and Council Member Gregory "aye". Council Member Briggs "nay", and Council Member Bagheri "nay". Motion carried with a 4-2 vote.

6. PUBLIC HEARINGS

- A. A16-0004b Hold the second of two public hearings for annexation of an approximately 4.7 acre of land, generally located north of Ryan Road, west of FM 2181 (Teasley Lane) and Lake Forest Good Samaritan Village, and east of Country Club Road by the City of Denton, Texas.

Ron Menguita, Long Range Planning Administrator, stated this was the second of two public hearings and presented the annexation schedule.

The Mayor Pro Tem opened the public hearing.

No one spoke during the public hearing.

The Mayor Pro Tem closed the public hearing.

No action was needed on this item at this time.

Ordinance No. 2017-103

- B. Z16-0029a Hold a public hearing and consider adoption of an ordinance to rezone approximately 0.734 acres from a Neighborhood Residential 6 (NR-6) District to a Community Mixed Use General (CM-G) District and to rezone approximately 3.645

acres from a Neighborhood Residential Mixed Use (NRMU) District to a CM-G District. The subject property is generally located at the northeast corner of the intersection of Country Club Road and W. Hobson Lane, in the City of Denton, Denton County, Texas. (Z16-0029, CST Corner Store).

Munal Mualadad, Director of Development Services, reviewed the request for the change of zoning. She presented the location of the property; zoning surrounding the property; right-of-way configuration; compatibility with the Denton Plan; consideration for approval; and public notification. The Planning and Zoning Commission and staff recommended approval.

Council discussion included traffic considerations in terms of roadway configuration and plans for ingress/egress in terms of Hobson and Country Club Road.

The Mayor Pro Tem opened the public hearing.

The following individuals spoke during the public hearing:

Brandon Hancock, applicant, spoke regarding the traffic patterns at the intersection.

Jennifer Lane read statement from a neighbor in opposition.

Willie Hudspeth questioned where the ingress/egress would be located.

Greg Johnson spoke in support and detailed the traffic improvement plan from TxDOT.

The Mayor Pro Tem closed the public hearing.

Council Member Hawkins motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Council Member Bagheri "aye". Council Member Briggs "nay". Motion carried with a 5-1 vote.

Ordinance No. 2017-104

- C. Z16-0027b Hold a public hearing and consider adoption of an ordinance to rezone approximately 20.49 acres from a Regional Center Commercial Downtown (RCC-D) District to a Regional Center Residential 2 (RCR-2) District. The property is generally located at 2100 South Mayhill Road and at the end of Hudsonwood Drive in the City of Denton, Denton County, Texas. (Z16-0027, The Standard/The Hudson at Medpark).

The Mayor Pro Tem opened the public hearing.

Munal Mauladad, Director of Development Services, reviewed the details of the multi-family proposal, location of the property, current and proposed zoning, compatibility with the Denton Plan, consideration for approval, public notification, and recommendations from the Planning and Zoning Commission and staff.

The following individuals spoke during the public hearing:

Brandon Hancock, representing the applicant, presented an Executive Summary of the Development Overview, area zoning, and conceptual site plan.

Jennifer Lane did not speak on the issue but rather on the proposed tax freeze.

Janice Heidlberger spoke in opposition due to proximity to landfill.

Willie Hudspeth spoke in favor of the proposal.

The Mayor Pro Tem closed the public hearing.

Council Member Hawkins motioned, Council Member Gregory seconded to adopt the ordinance. 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", and Council Member Bagheri "aye". Motion carried unanimously.

Ordinance No. 2017-105

- D. S16-0008b Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow multifamily development on approximately 20.49 acres. The property is generally located at 2100 South Mayhill and at the end of Hudsonwood Drive in the City of Denton, Denton County, Texas. (S16-0008, The Standard/The Hudson at Medpark).

The Mayor Pro Tem opened the public hearing.

Munal Mauladad, Director of Development Services, presented details on the proposal which was a request for a specific use permit to allow for multifamily development. She reviewed the location of the property, zoning of the property and land use plus the details of the multifamily development in terms of total units, parking spaces, and landscaping. Public notifications were reviewed. The Planning and Zoning Commission as well as staff recommended approval.

The following individuals spoke during the public hearing:

Brandon Hancock, representing the applicant, responded to questions regarding the age restricted portion of the development and the retention pond.

Janice Heidlberger spoke in opposition due to the proximity to the city landfill.

The Mayor Pro Tem closed the public hearing.

Council Member Gregory motioned, Council Member Wazny seconded to adopt the ordinance. 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", and Council Member Bagheri "aye". Motion carried unanimously.

7. 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 Work Session on possible uses for old substation sites.

Council Member Briggs requested a Work Session on gas well issues, leaks and third party inspections.

Council Member Brigg requested a staff report on an initiative for forming a tech Denton.

Council Member Briggs requested a resolution on a 100% renewable goal and an associated date.

Council Member Wazny requested an update on City Hall West.

Mayor Pro Tem Roden requested staff look into the 2181 project and the delay in the project due to the Upper Trinity Utility.

Mayor Pro Tem Roden requested an update on the status of the Vela Soccer complex.

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 8:37 p.m.

KEVIN RODEN
MAYOR PRO TEM
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS