

CITY OF DENTON CITY COUNCIL MINUTES

April 18, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 18, 2017 at 2:00 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 spoke about removing Consent Agenda Item A for separate consideration; Item C questioned if minority businesses were considered; Item D suggested discussing again; Item G questioned if minority hiring was considered; and Item L stated that he did not like alcohol sales and suggested discussing separately.

2. Requests for clarification of agenda items listed on the agenda for April 18, 2017.

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

Council Member Hawkins - Consent Agenda H

Council Member Gregory - Consent Agenda F

Council Member Wazny - Consent Agenda A-provide an explanation due to a request from a citizen

Mayor Pro Tem Roden - Consent Agenda U - remove for individual consideration

Mayor Watts - Consent Agenda Item S – there would be a Council recusal so the item would be pulled for individual consideration

Mayor Watts - Consent Agenda C - pull for individual consideration

3. Work Session Reports

A. ID 17-500 Receive a report, hold a discussion, and give staff direction regarding Downtown Reinvestment Grants for 112 W. Oak and 421 E. Oak.

Julie Glover, Economic Development Program Administrator, presented information and requested direction on two pending Reinvestment Grant applications. She provided fiscal information on the current status of the grant funds with \$30,000 currently in the fund. The two proposed requests totaled \$50,000. The request from 112 W. Oak for reinvestment funds was presented along with the amount requested.

Council discussed the time line for the projects already scheduled for the receipt of funds; actual balance in the Reinvestment Fund; and that the prior discussion also considered whether to use the funds just in the Downtown area or consider other parts of the City.

Glover continued with the request for 421 E. Oak which was a request for an event center. The scoring for the projects and the recommendations from the EDP Board were reviewed. The staff

request was for a budget amendment for an additional \$20,000 to cover the total for both projects. The options for funding were reviewed.

Council discussed the possibility of using TIF funds for one of the renovations; parking requirements for the Monroe building; and how funding would be allocated if Council had not put a cap on the funding for the current fiscal year.

Mayor Pro Tem Roden stated that he was in favor of funding both requests due to the historic nature of the renovations.

Council Member Hawkins stated that he was a member of the EDP Board and the hope was that due to two projects already started in the prior year and the taking of funds from this current fiscal year that the Council would agree to fund both projects at the full amount.

Council Member Gregory was in favor of following the EDP Board recommendation and fund the full \$50,000. He suggested scheduling a Work Session to discuss other districts that might be targeted for grant money for renovations similar to what was done Downtown.

Mayor Watts stated that he could support the full funding due to the timing element of the two projects from the prior budget cycle.

Consensus of the Council was to move forward preparing the grants for the full funding for both projects. Staff was also to provide additional information on parking for 421 Hickory and investigate if any of the projects qualified for any other type of grant incentives.

- B. ID 17-503 Receive a report hold a discussion and give staff direction regarding fire sprinkler tap fees.

Ken Banks, Director of Utilities, reviewed the definition of a fire sprinkler tap, the fees involved, and fees based on average installation costs. The history of the charging for the fees was presented along with results of a current survey regarding fire tap fees and staff recommendations.

Council discussed the amount of fees collected in terms of average costs; if waivers had been received for the payment of the fees; that this was a housekeeping issue as Denton was in line with other cities in terms of the charges; whether there was a written policy regarding access costs for water line taps; and consider a policy to differentiate fire tap fees from water line fees.

Consensus of the Council was to clear up the current language and work on memorizing policy objectives for different types of fees.

- C. ID 17-514 Receive a report and hold a discussion regarding an update from the Capital Projects department on the status of key projects and overall program update.

Galen Gillum, Interim Director of Capital Projects, presented information on selected specific projects, the status of projects, changes to Capital Projects methodology and next steps. Specific projects reviewed included Bell Ave. north through the TWU Campus; Bell Ave. sidewalk; the

Hickory Street project; Bonne Brae Road widening; Mayhill Road widening; and McKinney Street project. A list recent completions of projects were reviewed along with in progress projects.

Council discussed updating the information on the city's website in terms of project completion and public communication opportunities.

Gillum continued with a review of capital project methodology that included process review, process improvement, improve communications and project management minimum standards.

John Cabrales, Director of Community Affairs, provided an update on communications regarding capital projects.

Council discussed adding the DISD to the entities that were notified about projects and consider changing the notice wording from Public Works to streets and sidewalks projects.

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

1. Closed Meeting:

- A. ID 17-457 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 real estate matters related to DME Hickory substation, and the potential acquisition of certain real property located at the intersection of W. Hickory St. and S. Bonnie Brae St.; where 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 City in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the potential condemnation or acquisition of the real property interests where a public discussion of these legal matters 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. [Hickory Substation]

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**

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

2. **PROCLAMATIONS/PRESENTATIONS**

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.
- C. Additional Citizen Reports
 - 1. Willie Hudspeth commented on the good job the new City Manager, Interim City Attorney and City Auditor were doing. He was still concerned about the Closed Session meetings and the number of people attending those meetings.
 - 2. Ginger Cain thanked the City for the protected crosswalk at North Lake Park and questioned when the walk would be extended near the model airplane field.

4. CONSENT AGENDA

Mayor Watts noted that Consent Agenda Items C, S and U would be pulled for separate consideration.

Council Member Hawkins motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items C, S and U which would be pulled for separate consideration. 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. 2017-115

- A. ID 17-359 Consider adoption of an ordinance authorizing the City Manager to execute an agreement by and between the City of Denton, Texas and the Texas Municipal Power Agency (TMPA), that provides for terms and conditions under which The City of Denton and TMPA are electrically interconnected between each of their respective transmission assets located within Denton County, Texas, in substantial conformity with the attached exhibits; authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (6-0).

Ordinance NO. 2017-116

- B. ID 17-407 Consider adoption of an ordinance abandoning and vacating 0.025 acre of Hickory Street, as dedicated by The Original Town of Denton Texas plat as recorded in Cabinet A Page 200, Plat Records, Denton County, Texas and as conveyed to the City of Denton as recorded in Volume 341, Page 527 of the Real Property Records of Denton County, Texas, and located in the H. Cisco survey, Abstract No. 1184, to resolve the building encroachment within Hickory Street; and declaring an effective date. [Partial abandonment of Hickory Street - adjacent to and the front of the Denton Record Chronicle Building located along Hickory Street]

Ordinance No. 2017-118

- D. ID 17-417 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the east side of Denton Street from Oak Street to Hickory Street; providing a repealer clause, providing a savings clause; providing for a penalty not to exceed

\$500 for violations of this ordinance, providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton, and providing for an effective date. The Traffic Safety Commission recommends Option 1 (6-0).

Ordinance No. 2017-119

- E. ID 17-465 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$11,000 of in-kind services and resources for the Denton Juneteenth Celebration to be held in Fred Moore Park from June 16 through 17, 2017; and providing an effective date.

Ordinance No. 2017-120

- F. ID 17-473 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Police Motorcycles; providing for the expenditure of funds therefor; and providing an effective date (RFP 6364-awarded to American Eagle Harley-Davidson in the three (3) year not-to-exceed amount of \$222,690).

Ordinance No. 2017-121

- G. ID 17-477 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the Pecan Creek Interceptor IV Project for the City of Denton which consists of the installation of a new 30" PVC sanitary sewer line from Fulton Street to Newton Rayzor Elementary; providing for the expenditure of funds therefor; and providing an effective date (IFB 6375-awarded to the lowest responsible bidder meeting specification, Dickerson Construction Company, Inc. in the amount of \$1,038,187). The Public Utilities Board recommends approval (7-0).

Approved the exception listed below

- H. ID 17-481 Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of the Fry Street Freedom Festival held on the corner of Mulberry and Avenue A on Sunday, May 21, 2017. The exception is specifically requested to increase sound levels from 70 to 75 decibels and to have amplified sound on Sunday, from noon to 9 p.m. Staff recommends approval from noon to 6 p.m.

Approved the exception listed below.

- I. ID 17-482 Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of the Cinco de Mayo Festival held in Quakertown Park located at 321 E McKinney St. on Saturday, May 6, 2017, from 10 a.m. till 10 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

Approved the exception listed below.

- J. ID 17-483 Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Code Of Ordinances the City of Denton, Texas, for the purpose of hosting the Denton Arts and Jazz Festival, located at Quakertown Park,

from April 28 through April 30, 2017. The exception is specifically requested to increase hours of operation from 10 a.m. to midnight on Friday, April 28, and Saturday, April 29; and from 11 a.m. until 10 p.m. on Sunday, April 30, 2017.

Approved the exception listed below.

- K. ID 17-484 Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of The Village Church service held in North Lakes Park located at 2001. N. Windsor Dr., on Sunday, April 23, 2017. The exception is specifically requested to have amplified sound on a Sunday from 10 a.m. to 4 p.m.

Resolution No. R2017-012

- L. ID 17-485 Consider approval of a resolution allowing Pro-Fest, Inc., to sell alcoholic beverages for the Denton Arts and Jazz Festival from April 28 - 30, 2017, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Ordinance No. 2017-122

- M. ID 17-486 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$18,000 of in-kind services and resources for the Denton Cinco de Mayo Festival to be held in Quakertown Park on Saturday May 6, 2017; and providing an effective date.

Resolution No. R2017-013

- N. ID 17-487 Consider approval of a resolution allowing Mi Casita's Mexican Food to sell alcoholic beverages for the Cinco de Mayo Festival to be held in Quakertown Park beginning Saturday, May 6, 2017, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Approved the exception listed below.

- O. ID 17-490 Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of hosting the Denton Juneteenth Celebration in Fred Moore Park, located at 629 Lakey St., on Friday, June 16 and Saturday, June 17, 2017. The exception is specifically requested to increase sound levels from 70 to 75 decibels, and to extend the hours from 10 p.m. to 11:30 p.m. on Friday, and until midnight on Saturday.

Ordinance No. 2017-123

- P. ID 17-492 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce for the purpose of Denton Black Chamber Entrepreneurs Weekend; providing for the expenditure of funds therefor; and providing for an effective date. (\$100)

Ordinance No. 2017-124

- Q. ID 17-493 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Calhoun Middle School for the purpose of the Calhoun Color Run; providing for the expenditure of funds therefor; and providing for an effective date. (\$300)

Ordinance No. 2017-125

- R. ID 17-494 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Parks Foundation for the purpose of Cyclodia 2017; providing for the expenditure of funds therefor; and providing for an effective date. (\$350)

Approved the minutes listed below.

- T. ID 17-519 Consider approval of the minutes of April 4 and April 11, 2017.

The items pulled for individual considered were considered.

Ordinance No. 2017-117

- C. ID 17-416 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on south side of Texas Street from one hundred and fifty (150) feet east of Vine Street to one hundred fifty (150) feet west of Frame Street; providing a repealer clause, providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance, providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton, and providing for an effective date. The Traffic Safety Commission recommends Option 1 (6-0).

Pritam Deshmukh, Program Engineer, reviewed the background of the proposed no parking on Texas Street between Vine and Frame. This item had been discussed at the last Work Session and as a result of that discussion, a compromise was worked out to not restrict parking on the total street. Parking would be restricted 150 feet from Frame and 150 feet from Vine.

Mayor Watts questioned if there was an alternate plan if this one did not pass.

Laura Behrens, Fire Marshal, stated that the Fire Department would always respond and that they would make whatever accommodations were necessary in case of a fire.

Willie Hudspeth questioned why it was necessary to inconvenience parking for one structure which could be protected with the existing situation.

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 Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-126

- S. ID 17-511 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 for architectural design services in support of the design of the new City of Denton Fire Station 3 to be located at 1210 IH35E; providing for the expenditure of funds therefor; and providing an effective date (File 6318 awarded to Kirkpatrick Architecture Studio in the not-to-exceed amount of \$652,200).

Council Member Briggs recused herself from deliberation/vote on this item.

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", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Council Member Briggs returned to the meeting.

Resolution No. R2017-014

- U. ID 17-533 Consider approval of a resolution of the City of Denton, Texas, amending Resolution No. 2017-007 by expanding the scope of review of the ad hoc City Council Committee to include all employee benefits and to advise the City Council with regard to these matters; and providing an effective date.

Willie Hudspeth stated that employee benefits would be reviewed in general and not specifics during the budget process. A closer look was needed from the Ad Hoc Committee.

Council Member Wazny motioned, Council Member Briggs seconded to approve the resolution. 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". Mayor Pro Tem Roden "nay". Motion carried with a 6-1 vote.

5. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2017-127

- A. ID 16-1591 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, a home-rule municipal corporation, providing for, authorizing, and approving the execution by the City Manager, or his designee, of an interconnect agreement between the City of Denton and Enterprise Pipeline Texas, LLC, a Texas limited liability company, in the amount of \$1,386,000.00 for the construction of gas supply and metering infrastructure in conjunction with the Denton Energy Center project; approving the execution of such other and further related documents deemed necessary to effectuate this agreement by the City Manager or his designee, which are incident or related thereto; authorizing the expenditure of funds therefore; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Phil Williams, General Manager-DME, presented topics for discussion that included the recommended fuel supplier, information on Enterprise safety record, budgeted items and cost, major fuel supply components; PUB and staff recommendation for approval.

Council discussed the safety record of the company and the availability of the gas transmission line already in the area.

Comment cards were submitted by:

Carol Soph in opposition

Michael Hennen in opposition

Speaker cards were submitted by:

Ed Soph spoke in opposition

Willie Hudspeth spoke in opposition

Council discussed the procurement process for the choice of the gas pipe line provider.

Council Member Hawkins motioned, Mayor Pro Tem Roden 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 Mayor Watts "aye". Council Member Briggs "nay", and Council Member Bagheri "nay". Motion carried with a 5-2 vote.

Ordinance No. 2017-128

- B. ID 17-371 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$102,000,000 in principal amount of "City of Denton Certificates of Obligation, Series 2017" (including up to \$18,940,000 for General Government activities, up to \$17,600,000 for Solid Waste Fund activities, and up to \$65,460,000 for Electric Fund activities); authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; enacting other provisions relating to the subject; and providing an effective date.

Chuck Springer, Director of Finance, summarized the item which was a proposal for the issuance of Certificates of Obligation for three city functions for General Government, Solid Waste, and Electric Utility. He presented the major projects that would be associated with the issuance.

Council asked about the substation included in the bond sale, the ARCO substation update and the refunding of debt dealing with solid waste.

Willie Hudspeth spoke in opposition.

Council Member Wazny 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", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

Ordinance No. 2017-129

- C. ID 17-372 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$30,700,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2017"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; and enacting other provisions relating to the subject; and providing an effective date.

Chuck Springer, Director of Finance, presented an update on the refunding ordinance which also included GOs for various city projects. He detailed the procedures that would be used for the sale of the bonds.

Council Member Briggs 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", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

- D. A17-0002a Conduct the first of two readings of an ordinance to annex approximately 16 acres generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 Southbound Service Road (A17-0002).

Mayor Watts read the following into the record: "An ordinance of the City of Denton annexing approximately 16 acres generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 southbound Service Road, more specifically described in Exhibit "A" and illustrated in Exhibit "B", which area abuts and is adjacent to the city limits so as to include the property within the city limits; granting to all the inhabitants of the property all the rights and privileges of other citizens, and binding the inhabitants to all of the ordinances, resolutions, acts, and regulations of the city; providing for a correction to the city map to include the annexed lands; providing for a severability clause; and providing an effective date (A17-0002)".

No action was required on this item at this time.

7. PUBLIC HEARINGS

Ordinance No. 2017-130

- A. ID 17-435 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, adopting Standards of Care for Youth/Teen Programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041 (b) (14); and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

D'Lee Williams, Assistant Director of Parks and Recreation, presented the information regarding the standards of care for the Parks and Recreation programs. A public hearing was required by the State each year to approve the Standards. She reviewed the two changes since last year.

The Mayor opened the public hearing.

Willie Hudspeth spoke off topic regarding the 16-20 year old Black males whose needs were not being addressed.

The Mayor 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", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

8. 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 suggested a discussion on developing an overlay in the Downtown area.

Council Member Briggs requested a discussion on recording Closed Meeting sessions.

Council Member Bagheri restated a prior request for a report on a wage study follow up and what changes were done.

- 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 7:37 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON TEXAS