

CITY OF DENTON CITY COUNCIL MINUTES

October 17, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, October 17, 2017 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, Mayor Pro Tem Bagheri, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

Willie Hudspeth spoke on Consent Agenda Item Y and the sale of alcohol.

2. Requests for clarification of agenda items listed on the agenda for October 17, 2017.

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

Council Member Briggs – Consent Agenda Item J; Consent Agenda Item L - pull for separate consideration; Consent Agenda Item Q and W; pull Consent Agenda Item Q for separate consideration; Consent Agenda Item X

Council Member Hudspeth – Consent Agenda Items Y and AA

3. Work Session Reports

A. ID 17-1197 Receive a report, hold a discussion, and give staff direction regarding the Department of Economic Development's FY 2017-18 Strategic Plan.

Caroline Booth, Director of Economic Development, presented the objectives of her department's strategic plan. She reviewed the background of the development of the plan which focused on transparency, accountability and responsiveness. Items considered included core values, goals, objectives/action steps, and performance measures. She highlighted Goal 1 - Business Development, Goal 2 - Entrepreneurship, Goal 3 - Workforce Development, and Goal 4 - Community Relations. She ended with key points.

Council discussed whether the economic development incentive policy would be changed.

B. ID 17-1392 Receive a report, hold a discussion, and give staff direction regarding the Credit and Collection Policy of the City Utility System.

Tiffany Thomson, Customer Service Manager, presented background information concerning the Utility System Credit and Collection Policy. She reviewed the credit and collection timeline for customer accounts.

Council discussed the difference in timelines before and after the consultant's review; differences with electronic meters; and the process for managing disconnects.

Thomson continued with credit screening procedures and deposit assessments and refunds.

Council discussed the process for deposit on accounts for new and existing customers.

Thomson provided information on customer's payment behavior on late payments. Discontinuance of service provisions were reviewed along with payment arrangement opportunities and uncollectible debt.

Council discussed various scenarios regarding discontinuance/late payments and assistance from outside agencies.

Thomson presented information on the P.L.U.S. One Program and additional assistance from Help Agencies. Solutions to help customers were also noted such as prepaid billing. She concluded with takeaways and recommendations

Council Member Briggs stated that she was not in favor of keeping the ordinance as presented. She was in favor of eliminating or reducing the deposit and not charging interest on an account.

Council Member Gregory asked about comparisons with other cities on fees, etc.

Mayor Pro Tem Bagheri questioned staff time on delinquent accounts as opposed to non-delinquent accounts, consider changes regarding deposit requirements, and consider equalizing the residential/multifamily with commercial rates.

Council Member Hudspeth asked about tracking of the notices sent to customers; the weight of credit scores with the determination of deposits; if there were faster disconnects for smart meters; and DME debt options.

Council Member Gregory questioned commercial rates versus residential rates and the impact of uncollectable debt on ratepayers. He was in favor of the modifications to the ordinance due to the impact on ratepayers for uncollectable debt.

Mayor Watts suggested exploring how original deposits interacted with delinquent amounts and explore payments going directly to the additional deposit rather than delinquent amount.

Consensus of the Council was to schedule another work session for further discussion.

- C. ID 17-1405 Receive a report and hold a discussion regarding the Discover Denton Welcome Center.

Kim Phillips, Vice President-Denton Convention & Visitors Bureau, spoke to Council regarding the Discover Denton Welcome Center. She reviewed the background information on the project, the hours of operation and revenue/expenditure summary projects for 2015-2018. Successes and challenges were identified.

Council discussed the differences between people coming in for a visitor center usage or a facility usage; when the Bureau would be able to reduce the use of HOT funds and be self-sufficient;

whether the location of the Center was appropriate for the usage; and the consideration of a nursing station/restroom facility in addition to the Center.

- D. ID 17-1434 Receive a report, hold a discussion, and give staff direction regarding a request to release Extra-territorial Jurisdiction (ETJ) to the City of Corinth.

Ron Menguita, Long Range Planning Administrator, presented the ETJ release request from the city of Corinth. The area was located southeast of the city of Denton. He presented the details of the request which included 13 lots.

Council discussed whether there was any proposed annexation in that area, resident reaction to the proposal, and any concern regarding giving up the protection of the watershed in the area. Council also discussed that even though it appeared that the City would not extend out to that area, would Corinth be willing to trade for the property or agree to an agreement to monitor the watershed.

Consensus of the Council was to ask Corinth for options and return with an ordinance for council consideration.

- E. ID 17-1440 Receive a report, hold a discussion, and give staff direction regarding the City's position: (1) as it applies to compliance with Texas Senate Bill 4; (2) as to the language and enforceability of the bill that is being reviewed by the U.S. Court of Appeals for the 5th Circuit and other Texas courts; and (3) as to what position the City should take in the SB4 litigation currently pending in U.S. Court of Appeals for the 5th Circuit.

Victor Flores, Deputy City Attorney, reviewed the provisions of Texas Senate Bill 4. He presented information on compliance with SB4 in terms of the general rule and violations.

Council discussed the ramifications if Council "endorsed" not enforcing the provisions.

Deputy Chief Fletcher reviewed the police department's current policies and procedures as opposed to prior policies and procedures. He noted that there was very little difference in prior and current procedures. Issues would be involved when a person was arrested and taken to jail and in the establishment identity. However, the city jail was not designed to hold individuals for the long term and they would be transferred to the County jail. There were very few times Denton PD reached out to ICE unless there was a significant threat to the city of Denton.

Council discussed the process of detention, whether this was adding an extra layer to the policing duties, and that the language stated that a city was not prohibited in asking immigration status but did not require it. The city of Denton did not have a policy related to SB 4 so there was no essential effect in Denton.

Flores continued with the litigation timeline. He noted the 5th Circuit Court of Appeals ruling and reviewed the five major points of the ruling. The staff analysis was reviewed in terms of the intervention period, the briefing schedule and anticipated resolutions of support. Options for consideration were presented.

Council discussed the draft resolution being considered, that Denton was not a sanctuary city, and support of the lawsuit did not mean support of a sanctuary city.

Council discussed some proposed wording changes and expressed support for the resolution which would be considered at the evening meeting.

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 17-1437 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding compliance with Texas Senate Bill 4, considering recent legal concerns surrounding the lawsuit filed by Texas Attorney General Ken Paxton against Travis County, et. al. (Texas v. Travis County, et.al.) and the lawsuit filed by other Texas municipalities against the State of Texas (City of El Cenizo, et. al. v. State of Texas), including what legal options the City may exercise in these legal proceedings, 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 litigation.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

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

- A. ID 17-1313 Honor Ted Howard with S. Tracy Howard Project, in partnership with Denton Parks and Recreation for serving over 29,400 free meals and snacks.

Kathy Schaeffer, Parks Program Area Manager, commented on Mr. Howard's service with the Parks Department.

- B. ID 17-1371 Break the Silence Sunday

Mayor Watts presented the proclamation for Break the Silence Sunday proclamation.

- C. ID 17-1396 Presentation from staff regarding the Hurricane relief efforts made by the Wastewater, Streets, Drainage, Fleet Services, Parks, Electric, Police and Fire Departments in wake of Hurricane Irma and Hurricane Harvey.

Mario Canizares, Assistant City Manager, made a presentation regarding the city employees who participated in the Hurricane Relief efforts in southeast Texas.

D. ID 17-1408 Domestic Violence Awareness Month

Mayor Watts presented the proclamation for Domestic Violence Awareness Month.

E. ID 17-1452 Peterbilt Pride & Class Day

Mayor Watts presented the proclamation for Peterbilt Pride & Class Day.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

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

1. ID 17-1341 Robert Donnelly regarding the culture of Denton city government.

Mr. Donnelly spoke regarding the Specific Use Permit for the city landfill relative to the landscaping of the property. He noted inconsistencies in the settlement agreement regarding the landfill. The provisions of the agreement were not met.

2. ID 17-1365 Ben Krieger regarding Stoke.

Mr. Krieger presented his thoughts regarding Stoke and the operation of the facility in terms of membership and best practices.

3. ID 17-1415 David Zoltner regarding local Rule of Procedure 2-29(f)4 (Presentations by Members of the Public) and the Texas Open Meetings Act.

Dr. Zoltner stated that his intent was to bring awareness to the provisions of the Open Meetings Act. He felt the City procedures were not in keeping with those provisions. He suggested removing the preschedule reports.

4. ID 17-1416 Chris Ice regarding Senate Bill 4.

Mr. Ice presented his thoughts on Senate Bill 4. He noted the contributions of his organization, GOAL.

C. Additional Citizen Reports – Open Mic

1. Willie Hudspeth spoke regarding the lack of African American firefighters and the Confederate statute on the Square.

2. Bryce Goodman spoke on SB 4, road safety around Ryan High School, and adding another dog park in the City.

4. CONSENT AGENDA

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Items L and Q to be considered individually. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-294

- A. ID 17-1212 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric transmission line compression fittings for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6413-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$35,000 and Anixter, Inc. in the three (3) year not-to-exceed amount of \$240,000 for a total three (3) year award not-to-exceed \$275,000).

Ordinance No. 2017-295

- B. ID 17-1262 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$3,000 of in-kind services and resources for the 3rd Annual Denton County Veterans Resource Fair and Homeless Veterans Stand Down event, to be held in the Civic Center and Quakertown Park located at 321 E. McKinney St., on Thursday, October 26, 2017; and providing an effective date.

Ordinance No. 2017-296

- C. ID 17-1265 Consider adoption of an ordinance of the City of Denton, Texas, granting the Singing Oaks Church of Christ, pursuant to Section 17-20 of the Code of Ordinances of the City of Denton, Texas, an exception on Sunday, October 29, 2017, granting amplified sound not to exceed 65 dba from noon until 5 p.m. and setting an effective date.

Ordinance No. 2017-297

- D. ID 17-1316 Consider adoption of an Ordinance of the City of Denton, Texas revising the City Council Travel Policy; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2017-298

- E. ID 17-1328 Consider adoption of an Ordinance of the City Council of Denton, Texas authorizing the City Manager to execute and deliver an Agreement for Furnishing and Installing of Traffic Signal Equipment by a Municipality regarding the City's request for reimbursement of the cost of installing traffic signals from Texas Department of Transportation and other items directly related to the operation of three intersections on U.S. Highway 377 within the City that are specified in said agreement; providing the City Manager with authority to carry out the rights and duties of the City regarding said agreement; providing the City Manager with authority to expend funds therefor; providing an effective date.

Ordinance No. 2017-299

- F. ID 17-1329 Consider adoption of an ordinance amending Chapter 18 of the Code of Ordinances to implement a school safety speed zone for Pecan Creek Elementary School along Lakeview Boulevard between Black Walnut and Burr Oak Lane; providing a penalty of a fine not to exceed two hundred dollars (\$200.00); providing a severability clause, providing for publication; and declaring an effective date. The Traffic Safety Commission recommends approval (6-0).

Ordinance No. 2017-300

- G. ID 17-1330 Consider adoption of an ordinance amending Chapter 18 of the Code of Ordinances to revise section 18-3 regarding the authority of the traffic engineer to allow the traffic engineer to designate parking zones at or near bus stops within the city; providing a penalty of a fine not to exceed two hundred dollars (\$200.00); providing a severability clause; providing for publication; and declaring an effective date. The Traffic Safety Commission recommends approval (5-0).

Ordinance No. 2017-301

- H. ID 17-1331 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the south side of Congress Street from Bolivar Street to Carroll Boulevard; 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 approval (7-0).

Ordinance No. 2017-302

- I. ID 17-1333 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or Designee, to execute certain amendments to tower leases with Dallas MTA, LP, D/B/A Verizon Wireless and New Cingular Wireless PCS, LLC, or their respective successors, as needed and within the limitations set out herein; providing for a repealer; providing for a severability clause; and providing for an effective date.

Resolution No. R2017-038

- J. ID 17-1335 Consider approval of a resolution approving and accepting a grant from the State of Texas, in an amount not to exceed \$4,100,000, for design and construction of primary runway and taxiway improvements at Denton Enterprise Airport and Authorizing the City Manager or his designee, to execute on behalf of the City of Denton all contracts, agreements and documents associates with the implementation of the said grant; and providing for an effective date. Airport Advisory Board recommends approval (5-0)

Ordinance No. 2017-303

- K. ID 17-1339 Consider adoption of an Ordinance accepting competitive proposal and awarding a five (5) year Third-Party Administrator (TPA) contract for Administrative Services Only (ASO) for Medical and Pharmacy for the City of Denton's self-funded

health plan; providing for the expenditure of funds therefor; and providing an effective date (RFP 6414-Administrative Services Only (ASO) for Medical and Pharmacy Benefits awarded to United Healthcare Services, Inc. in the annual estimated amount of \$667,000 and for a total estimated contract not-to-exceed expenditure of \$3,400,000).

Ordinance No. 2017-305

- M. ID 17-1347 Consider adoption of an ordinance of the City of Denton, Texas, providing for, authorizing, and approving the purchase of Property and Boiler & Machinery 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 6603 awarded to Affiliated FM Insurance Company with a rate of \$0.0646 per \$100 of insurable value, with a one (1) year not-to-exceed amount of \$340,000 and a three (3) year not-to-exceed amount of \$1,020,000).

Ordinance No. 2017-306

- N. ID 17-1357 Consider adoption of an ordinance approving a First Amendment to a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and James and Nancy Huff for assignment to US Trinity Holdings, LLC; and providing an effective date. Council Airport Committee recommends approval (3 - 0)

Ordinance No. 2017-307

- O. ID 17-1356 Consider adoption of an ordinance approving a Second Amendment to a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and HTA Aviation for assignment to US Trinity Holdings, LLC; and providing an effective date. Council Airport Committee recommends approval (3 - 0)

Approved the minutes listed below

- P. ID 17-1366 Consider approval of the minutes of August 26, September 12, September 19, September 26, and October 2, 2017.

Ordinance No. 2017-309

- R. ID 17-1375 Consider adoption of an ordinance awarding a contract to purchase VNX Data Storage to increase the Storage Area Network (SAN) for Denton Municipal Electric's server infrastructure, as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIReCT Program, Contract Number DIR-TSO-2634; providing for the expenditure of funds therefor and providing an effective date. (File 6598 awarded to Presidio Networked Solutions Group, LLC in the not-to-exceed amount of \$128,669.89). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2017-310

- S. ID 17-1377 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Laboratory Services for City of Denton Water and

Wastewater Laboratories; providing for the expenditure of funds therefore; and providing an effective date (RFP 6383-awarded to Pace Analytical Services, LLC, in the five (5) year not-to-exceed amount of \$250,000). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2017-311

- T. ID 17-1378 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for printing and mailing services for the City of Denton Citizen Newsletter; providing for the expenditure of funds therefor; and providing an effective date (RFP 6535-awarded to Lessek Enterprises LLC dba IMPress Graphics in the three (3) year not-to-exceed amount of \$411,840).

Ordinance No. 2017-312

- U. ID 17-1383 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving three (3) year metering software and handheld hardware maintenance for continued vendor support and upgrades for the Meter Data Management System (MDMS) for Denton Municipal Electric Department, which is essential to ensure availability of upgrades, software fixes, and access to knowledge and support resources. Itron, Inc. is the sole-source vendor for continued upgrade, support and maintenance for Itron software and hardware. Therefore this system is available from only one source and in accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 2770 awarded to Itron, Inc. in the three (3) year not-to-exceed amount of \$147,755.97). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2017-313

- V. ID 17-1384 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving three (3) year software maintenance for continued vendor support, upgrades, and sustainment services for Automated Metering Infrastructure (AMI) for the Denton Municipal Electric Metering Department, which is essential to ensure availability of upgrades, software fixes, and access to knowledge and support resources. Trilliant Networks, Inc. is the sole-source vendor for continued upgrade, support and maintenance for Trilliant software and infrastructure. Therefore this system is available from only one source and in accordance with Texas Local Government Code 252.022, procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 4485 awarded to Trilliant Networks, Inc. in the three (3) year not-to-exceed amount of \$236,938.13). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2017-314

- W. ID 17-1386 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance and server patch management services for continued vendor support for Denton Municipal Electric Supervisory Control and Data Acquisition (SCADA) software modules. It is

essential for the City of Denton to keep current subscription and maintenance with the software vendor in order to ensure availability of upgrades, software fixes, and access to knowledge and support resources. Open Systems International, Inc. is the sole-source vendor for continued upgrade, support and maintenance for the SCADA software suite. Therefore this system is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 4074 awarded to Open Systems International, Inc. in the three (3) year not-to-exceed amount of \$416,392.22). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2017-315

- X. ID 17-1387 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of ERL Tesla 4000 Digital Fault Recorders (DFR) to be installed on specified Texas Municipal Power Agency (TMPA) substations and Denton Municipal Electric substations as mandated by The Electric Reliability Council of Texas (ERCOT). ERLPhase Power Technologies, Ltd. is the sole-source manufacturer and direct seller of the ERL Tesla 4000 Digital Fault Recorder. Therefore this system is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 6587 awarded to ERLPhase Power Technologies, Ltd. in the three (3) year not-to-exceed amount of \$293,216). The Public Utilities Board recommends approval (4-0).

Resolution No. R2017-039

- Y. ID 17-1388 Consider approval of a resolution allowing the Campus Theatre Concessions LLC, to sell alcoholic beverages for the Denton Day of the Dead Festival, on Saturday, October 28, 2017, held at the corners of Mulberry and Industrial Street 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. 2017-316

- Z. ID 17-1389 Consider adoption of an ordinance of the City of Denton, Texas, granting the Denton Day of the Dead Festival, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Saturday, October 28, 2017, granting amplified sound levels for an outdoor music festival from 70 to 75 dba from 11 a.m. until 9 p.m.; and setting an effective date.

Ordinance No. 2017-317

- AA. ID 17-1394 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Axon body-worn camera systems and associated modules which include Evidence Transfer Manager (ETM), digital evidence management software, data storage, Taser X2 Conductive Electric Weapons

(CEWs), holsters, Taser X2 cartridges and batteries, which will be incorporated into use with the Police Department's existing Taser body-worn camera systems. Axon Enterprise, Inc. (formerly Taser International, Inc.) is the sole-source manufacturer of the Taser X2 weapon system. Therefore this system is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; (File 5696- awarded to Axon Enterprise, Inc. in the five (5) year not-to-exceed amount of \$1,176,243.66).

Ordinance No. 2017-318

BB. ID 17-1404 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an acceptance of an offer from the Texas Department of Transportation relating to a grant for Routine Airport Maintenance Program and declaring an effective date. Airport Advisory Board recommended approval (4-0).

The items pulled for separate consideration were considered.

Ordinance No. 2017-304

L. ID 17-1346 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving guidelines for operation of the City of Denton Home Improvement Program and eligibility criteria; authorizing expenditures up to and in excess of \$100,000 for projects meeting program guidelines and criteria; and providing for an effective date.

Alma Espino, Housing Program Manager, made a presentation on the home improvement program in terms of provisions, eligibility of participants and results of the program.

Council Member Briggs motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-308

Q. ID 17-1374 Consider adoption of an ordinance awarding a contract to upgrade the Supervisory Control and Data Acquisition (SCADA) network equipment utilized by Denton Municipal Electric to monitor and control substations, as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIRect Program, Contract Number DIR-TSO-2542; providing for the expenditure of funds therefor and providing an effective date. (File 6593 awarded to Presidio Networked Solutions Group, LLC in the not-to-exceed amount of \$292,835.00). The Public Utilities Board recommends approval (4-0).

Melissa Kraft, Chief Technology Officer, presented the components of the proposal.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "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

Ordinance No. 2017-319

- A. ID 17-1403 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of (I) a Sanitary Sewer Easement encumbering 0.128 acres of real property, (II) a Temporary Construction Easement encumbering 0.191 acres of real property, (III) fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of an approximate 1.694 acre tract of real property, and (IV) an Access and Utility Easement encumbering 0.186 acres of real property; for the public use of sanitary sewer system improvements and for the public use of expanding, improving and maintaining street and drainage in the Hickory Creek watershed related to Bonnie Brae Street, a public street and roadway located in the County of Denton, Texas, generally located in the 3400 block of S. Bonnie Brae Street, and situated in the S. Pritchett Survey, Abstract No. 1004 and the J. Edmonson Survey, Abstract No. 400, Denton County, Texas, all as more particularly described on "Attachment "1", attached to the ordinance and made a part thereof, (collectively the "Property Interests"); authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if agreement cannot be reached; authorizing the City Attorney, or his designee, to file and prosecute eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Bonnie Brae Widening and Improvements project - Parcel 42 - Holamon & Hickory Creek Sanitary Sewer Interceptor project - Phase II - Holamon)

Paul Williamson, Real Estate Manager, presented the details of the eminent domain proposal for the Hickory Creek Sanitary Sewer Interceptor Project and Bonnie Brae Widening and Improvements project.

Council Member Gregory motioned, "I move that the City of Denton, after having made the offers required by State Law, use the power of eminent domain, if needed, to acquire (i) a sanitary sewer easement on a 0.128 acre tract of land, (ii) a temporary construction easement on a 0.191 acre tract of land, (iii) fee simple title to a 1.694 acre tract of land, and (iv) an access and utility easement on a 0.186 acre tract of land, all as situated in the S. Pritchett Survey, Abstract No. 1004 and the J. Edmonson Survey, Abstract No. 400, Denton County, Texas, and now being displayed on the overhead screen and being described in Attachment "1" to the ordinance under consideration, all of which are for a valid public use, necessary to provide the for street, drainage, and sanitary sewer system improvements relating to the Bonnie Brae Widening and Improvements project and the Hickory Creek Sanitary Sewer Interceptor – Phase II project, both projects to serve the

public and citizens of the City of Denton.”. Council Member Ryan seconded the motion. As the motion was read, Williamson displayed the legal description of the property.

Willie Hudspeth submitted a Speaker Card and questioned the order of proceedings. He requested clarification on when public comments were to be taken and when the motion should be done. He did not want to sell his property for less than the appraised value in the future.

On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Item 6E was considered next.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Item E was considered.

Resolution No. R2017-041

- E. ID 17-1451 Consider approval of a resolution of the City of Denton, Texas, in support of the lawsuit filed by the City of El Cenizo, Texas, against the State of Texas, in City of El Cenizo, et. al., v. State of Texas, et. al., filed and pending in the District Court of the Western District of Texas, and currently on appeal with the United States 5th Circuit Court of Appeals; and providing an effective date

Victor Flores, Deputy City Attorney, presented a report on Texas Senate Bill 4. He noted that the general rule was that a local entity could not adopt, enforce or endorse a policy that prohibits or discourages the enforcement of immigration law.

Deputy Chief Scott Fletcher stated that SB 4 would not have any effect on how the PD conducted their operations. Immigration status did not have an effect on the service they provided nor on the interactions the PD had with citizens. There was no need to request immigration status when investigating a crime. The primary time immigration status was a factor was when an individual was arrested on a charge. Then there was a need to identify the individual in custody. If there was a request to detain an individual, that person was transferred to Denton County for holding as that was not done in the City jail.

Flores reviewed the staff's research in terms of trial docket and briefing meetings with LULAC and MALDEF representatives and a survey participation by other Texas cities. He presented the analysis from staff on the issue.

The following individuals submitted Speaker Cards:

Miguel Tellez – support
Lilyan Prado Camilo – support
Willie Hudspeth – support
Ann Jordan – support
Jordan Villarreal – support

Joseph Sweeney – support
Mateo Prvneda – support
Jennifer Lane – support
Shane Warren – support
Catherine Lustgarten – support
Paxton Swisher – support
Samantha Hobson – support
Deb Armintor – support
Sandy Swan – support
Mariela Nunez-Jones – support
Steven Leach – support
Andrea Silva – support
Genoveda Castellanos – support
Charles Hermey – support
Oscar Carreon – support

Comment Cards were submitted by:

Daniel Hernandez – opposed
Wendy Maldonado – support
Amy Morgan – support
Tamsyn Price – support
Mallory Skinner – support
Maria Melchor – support
Victor Trevino – support
Andres Pacheco – support
Jadzya Terrazas – support
Lauren Wedgeworth – support
Lilia Garay – support
Debra Mendoza - support

Council discussed issues in SB4 regarding constitutionality of the provisions, the lawsuit and that the lawsuit was not about sanctuary cities.

Council Member Duff stated that not all parts of the bill were contested, some parts were not challenged. He would not be voting in favor of the resolution because there was no problem in Denton if an individual was not a criminal. He agreed with parts of the resolution but was not in favor of challenging all of it as a whole.

Mayor Pro Tem Bagheri stated that the underlying law of SB4 was a constitutional matter.

Council Member Ryan felt that it was too broad and open ended as written.

Mayor Watts felt this was an issue of law and not a sanctuary city issue. It was an issue of constitutionality.

Council Member Briggs motioned, Council Member Gregory seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council

Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Duff "nay". Motion carried with a 6-1 vote.

The Council returned to the regular agenda order.

Ordinance No. 2017-320

- A. ID 17-1379 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for engineering and design services relating to the McKinney Street Widening project to be located along the section of McKinney Street from 1.4 miles west of Loop 288 to 1.1 miles east of Loop 288; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6401-awarded to Huitt-Zollars, Inc. in the not-to-exceed amount of \$1,358,300).

Chad Allen, Deputy City Engineer, spoke regarding the agreement for the McKinney Street widening project. He presented the location of the project, project major goals, background of the transfer of the project, duties of the engineering representative, the selection process for the Engineering representative and the basic services to be provided. The estimated project schedule was presented. Staff was recommending approval of the agreement.

Willie Hudspeth submitted a Speaker Card and felt the time frame for the project was not acceptable. He suggested installing a temporary sidewalk until the project was completed along with crossing guards at the intersection.

Mayor Pro Tem Bagheri motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-321

- B. ID 17-1381 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for concrete repair and installation services including the construction of concrete pavement, curb, gutter, sidewalk, ADA ramps, and valley gutters for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 6547-awarded to the lowest responsible bidder meeting specification, Floyd Smith Concrete, Inc., in the four (4) year not-to-exceed amount of \$21,976,261.84).

Galen Gillum, Capital Projects Director, presented information on the contract with Floyd Smith including background information on the bid, services to be included, examples of future street spending, and staff recommendation.

Willie Hudspeth submitted a Speaker Card, speaking in favor.

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council

Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-322

- C. ID 17-1382 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for construction of Phase 2 Water and Sanitary Sewer Improvements for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6503-awarded to the lowest responsible bidder meeting specification, Quality Excavation, Ltd., in the not-to-exceed amount of \$1,925,345.90).

Chris Lutrick, Engineer, presented information on the needed public improvement requirements for the DEC. The Phase 1 waterline summary was noted along with the summary of bids and the details of the alternate bid.

Council Member Ryan motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Briggs "nay", and Mayor Pro Tem Bagheri "nay". Motion carried with a 5-2 vote.

Resolution No. R2017-040

- D. ID 17-1399 Consider approval of a resolution creating a Steering Committee to consider and advise the City Council on renovation and operation options for City Hall West.

Mark Nelson, Director of Transportation, stated that the resolution would establish the steering committee that would provide information to the Council on the future use of City Hall West. The committee would consist of three council members and 21 citizens.

Mayor Pro Tem Bagheri motioned, Council Member Ryan seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

7. PUBLIC HEARINGS

- A. A17-0005a Hold the first of two public hearings for a voluntary annexation of approximately 73.47 acres of land generally located north of Long Road and west of FM 428 by the City of Denton, Texas.

Cindy Jackson, Senior Planner, stated that this was a request for voluntary annexation. She presented information on location of the property, background of the proposal, annexation schedule, and noted that it complied with all minimum requirements.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

No action was required on this item at this meeting.

Ordinance No. 2017-323

- B. Z17-0013b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from an Neighborhood Residential 6 (NR-6) District and use classification to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District and use classification with Mixed Use Residential Protection Overlay restrictions on approximately 3.2 acres of land generally located on the east side of Jannie Street, approximately 420 feet north of East McKinney Street in the City of Denton, Denton county, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request with Mixed Use Residential Protection Overlay restrictions (4-3). (Z17-0013, Justice Plaza).

Richard Cannone, Interim Planning Director, presented the details on the location of the property, site data, analysis of compatibility, and Denton Plan 2030 requirements. Staff was recommending denial while the Planning and Zoning Commission recommended approval with conditions.

The Mayor opened the public hearing.

Lee Allison applicant, spoke in favor.

Council discussed that restrictions for an overlay did not guarantee that the offices would be garden-style; renderings of the buildings were noted, the screening wall around the property; and uses of the property in terms of townhomes, garden homes or garden offices.

Victor Rivera, applicant, spoke in favor.

Council discussed the proposed uses of the property, compatibility with the neighborhood, height restrictions, and reasoning for platting entire property.

Greg Price spoke in favor.

Greg Johnson spoke in favor.

The Mayor closed the public hearing.

Council discussion included uses allowed for the property, definition of limited hours for the offices, and buffer classes.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance with the restrictions as noted by the Planning and Zoning Commission plus limiting the development to six units per acre. On roll call vote, Council Member Hudspeth "aye", Council Member Duff

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

Ordinance No. 2017-324

- C. Z17-0015b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from an Employment Center Industrial (EC-I) District and use classification to a Commercial Mixed Use (CM-G) District and use classification on approximately 73 acres of land generally located on the northeast corner of North Loop 288 and East McKinney Street in the City of Denton, Denton county, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). (Z17-0015, McKinney Mayhill).

Richard Cannone, Interim Planning Director, presented information on location of property, site data, compatibility analysis, land use designation with the Denton plan 2030, public notification and recommendation.

The Mayor opened public hearing.

JV Strange, applicant, spoke in favor.

Pat Smith spoke in favor.

Greg Johnson spoke in favor.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-325

- D. Z17-0017a Hold a public hearing and consider adoption of an ordinance to rezone approximately 0.54 acres from a Neighborhood Residential Mixed-Use (NRMU) District to a Community Mixed-Use general (CM-G) District. The property is generally located at the southeast corner of the Teasley Lane and Old Alton Road intersection. The Planning and Zoning Commission voted 4-0 to approve the request. (Z17-0017, Pioneer Automotive Denton)

Richard Cannone, Interim Planning Director, presented information on the request for rezoning, site data of the property in addition to the compatibility analysis, public notification and recommendation.

The Mayor opened the public hearing.

Tim Beaty, representative for the applicant, spoke in favor.

The Mayor closed public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-326

- E. Z17-0020a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning classification of an Industrial Center General (IC-G) District and use classification on approximately 14 acres of land generally located at the southeast corner of Shelby Lane and Dakota Lane in the City of Denton, Denton county, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). (Z17-0020, Lineman College).

Richard Cannone, Interim Planning Director, reviewed the request for initial zoning in order to expand the use, compatibility, notices and recommendation.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-327

- F. Z17-0021a Hold a public hearing and consider adoption of an ordinance for the proposed revisions requested by RED Development; specifically, to amend Exhibits B-1, B-4, and E-1 of the Rayzor Ranch Overlay District in Subchapter 35.7.15 of the Denton Development Code to change approximately 12.17 acres from the South Mixed Use District to the South RR-2 District and to incorporate approximate 22.17 acres into Sign Area 2. The Rayzor Ranch Overlay District consists of approximately 410 acres generally located on both side of West University Drive (US 380) between North Bonnie Brae Street and IH-35. The Planning and Zoning Commission voted 6-0 to approve the request. (Z17-0021, Rayzor Ranch)

Richard Cannone, Interim Planning Director, stated that there were three requests associated with this item. They included amending the concept plan, amending a subdistrict zone and amending

signage. He reviewed the considerations in the requested changes, public notification and recommendations

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem 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 requested a Work Session on Fire Department recruitment and possible scholarships.

Council Member Briggs asked for information concerning Frontier and Charter complaints and what the City could do for more options for citizens.

Council Member Briggs requested a Work Session on recycling programs to include businesses and multifamily.

Council Member Briggs requested a Work Session on backyard cottages and accessory dwelling units.

Council Member Ryan requested information about adding audio visual equipment at Denia and other recreation centers.

Council Member Hudspeth requested information on restrooms or a first aid station in the Downtown area.

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 11:30 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS