

## CITY OF DENTON CITY COUNCIL MINUTES

September 15, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 15, 2015 at 2:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

### 1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

### 2. Requests for clarification of agenda items listed on the agenda for September 15, 2015.

City Manager Campbell stated that Consent Agenda Item W and Individual Item for Eminent Domain 6A were being pulled and would be put on a future agenda.

Mayor Watts stated that he would like to pull Consent Agenda Item A for individual consideration. He questioned if Consent Agenda Item X was a three year agreement. He would like to also pull that item for individual consideration to discuss if there might be a cost savings if the physical assessment were done in-house.

Council Member Hawkins questioned Consent Agenda Item V as to whether there was a difference to authorize the City Manager to purchase the equipment when going through a budget supplemental package for an additional piece of equipment. He questioned if the City Manager could back later in the year to purchase the equipment.

Chuck Springer, Director of Finance, stated that much of the equipment was replacement equipment. Utilities put funds away for replacement vehicles. Item V was a replacement of equipment for drainage for street sweeping

Council Member Hawkins asked if Item V was already in budget from last year.

Springer replied correct.

Council Member Briggs asked if the urban forester was going to use a revised tree canopy estimate for Consent Agenda Item S.

Melissa Kraft, Chief Technology Officer, stated that was not included in the scope but could be included if requested. A determination for the cost would have to be made

Mayor Pro Tem Gregory stated that in terms of Consent Agenda Items R and S, there already were contracts for UNT for GIS work. He questioned if this was in addition or to replace those contracts.

Kraft stated that it was part of paying for a regional effort.

Emerson Vorel, Director of Parks and Recreation, presented information on Consent Agenda Item A. He stated that this was a difficult piece of property to maintain. The structures were 100% concrete structures and came in sections to put together. He presented information on the structures and the amenities that would be included in the restrooms. He also presented the reasons for purchasing a prefabricated restroom.

Council Member Johnson asked if any local contractors bid the project.

Vorel stated that one bid had been received from a local contractor for a masonry structure.

Mayor Watts stated that he had asked for this item to be discussed as he felt the cost was very expensive. His point was that he was not sure a local bid was the same comparison. He would like more information on alternative construction that Parks would be in favor of.

Council Member Wazny suggested pulling the item from consideration and getting more information on alternative bids or designs. The positives were the durability and longevity of the proposed structure plus she liked the modular style.

Council discussed the design of the structure, the durability, whether to spend the funds now and not have to worry about it for many years, and whether to obtain local bids on alternative construction recommendations.

Council Member Roden suggested pulling the item for Individual Consideration and see how the vote would go.

Council Member Johnson suggested delaying consideration for 60 days to meet with local contractors and get preliminary bids.

After discussion, the consensus of the Council was to pull the item from consideration on this agenda.

Mayor Watts question if there would be additional costs to get same quality of service through the health clinic for Consent Agenda Item X.

Robin Paulsgrove, Fire Chief, stated a misunderstanding was with the lay language for a medical physical. These physicals included the hazardous materials team and exposure based on federal law and meet and confer. They included a medical physical plus a comprehensive physical such as cardio stress testing, eyes, blood, etc. The contracted company came on site which reduced the out of service time for the employees. The department had just piloted a blood draw with Risk Management. The clinic was staffed for regular processing scheduling time as opposed to rapid turnaround of personnel at one time. The company brought all the equipment on site.

Mayor Pro Tem Gregory asked why only the Fire Department was included in this type of examination and did not include the Police Department.

Jon Fortune, Assistant City Manager, stated that there were different requirements targeted for the Fire Department. The Police Department had a fit for duty component. The City Health Clinic was used for blood draws but there were different goals for different departments.

Council Member Roden asked about Consent Agenda Item JJ which was the Chamber of Commerce contract. There was a reference in the contract that the Chamber solicited an amount of money but the ordinance was unclear whether that amount was required or a matching contribution agreement.

Aimee Bissett, Director of Development Services, stated that when the original agreement was set up there was a partnership intended to be match with private/public dollars. When the contract was approved, a check was cut to the Chamber and they provided quarterly reports on how they were spending the money.

### 3. Work Session Reports

Item C was considered.

- C. SI15-0020 Receive a report, hold a discussion, and give staff direction regarding the implementation of a Wayfinding Signage Project.

Ron Menguita, Long Range Planning Administrator, presented information on the project history, scope of work noting the Downtown TIP recommendations, draft themes that included the Denton County Courthouse, transit station and city flag. A modified theme was put forward after discussion with various boards and commission plus citizen input. The scope of work included design development which included all sign types, engineering evaluation, technical documents design, and construction oversight.

Glen Swantak, Derje Design, presented information on signage, home technology, place technology, and environment/spacing. He reviewed project goals for wayfinding as well as project principals for wayfinding.

Project Recommendations were reviewed. Primary arrival routes, pedestrian walkways, materials and colors, gateway locations, and examples of different types of recommended signs were reviewed.

Council Member Roden felt that Denton might need to go through a new branding and perhaps a new logo. If Denton was ready for a new logo/branding, he felt that should be done first before doing the signs.

Council Member Johnson felt that would be a huge undertaking, not just for signage but for everything. His scope of work would be to look at what the logo/identity was but he did not want to put it on every sign as they might change over the years.

Mayor Watts agreed with the exploration of the rebranding; either a total rebranding or a refreshing of the City logo.

Menguita stated they could find something neutral that would not change with new branding.

Council Member Hawkins suggested doing the public parking first and then the rest of the downtown area.

Council Member Johnson asked about the timeline for manufacturing the signs.

Swantak stated that the process would go through design development, programming, developing the bid documents, going out to bid and then fabrication. That would take approximately 4-6 months. It could be spring before getting them up.

Council Member Johnson stated that he was ok with refreshing of the brand but did not want to hold up the project.

Council discussed the type of sign fonts, logo designs, placement of logos on signs, and the back-in parking on Hickory Street signs to coordinate with all the other signs.

Menguita stated that the recommendation from Council was to proceed with the project as presented, prepare and coordinate final message schedule and sign location plans. Also prepare final bid documents.

Mayor Pro Tem Gregory felt that downtown signs showed where the downtown was and that there should be different signs in different areas of the city.

- A. ID 15-650 Receive a report, hold a discussion, and give staff direction regarding the 2015-16 Proposed Budget, Capital Improvement Program and Five-Year Financial Forecast.

Chuck Springer, Director of Finance, presented information on the monthly rate impact on the average residential customer. The change amounted to a \$5.17 increase over last year.

Council Member Johnson asked about commercial customer changes.

Phil Williams, General Manager-DME, stated that for all commercial customers, they did a cost of service study. For electric the increase would be 2-5% depending on the class of customer service.

Howard Martin, Assistant City Manager, stated that the commercial water rate went down and there was a slight increase for wastewater.

Mayor Watts indicated that Consent Agenda Items EE, FF, and GG would be pulled for individual consideration.

Springer reviewed the four items listed on the agenda for the budget. Specific language was required by State law for the motion to approve the tax rate.

- B. ID 15-821 Receive a report, hold a discussion, and give staff direction regarding the Denton County Veterans Coalition's request to cosponsor the Stand Down event to be held in the Civic Center and Quakertown Park located at 321 E. McKinney Street October 22, 2015; and providing an effective date.

Emerson Vorel, Director of Parks and Recreation, stated that the Denton County Veterans Coalition was going to hold an event at the Civic Center and was asking for relief of fees for using Quakertown Park and Civic Center. This was an outreach event to homeless and low income vets for services they normally did not receive.

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

1. Closed Meeting:

- A. ID 15-831 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the Daniel Lambert Survey, Abstract Number 784, located generally at the northeast corner of Mayhill Road and Colorado Boulevard, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above 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. (Mayhill Road Widening and Improvements project - Parcel M231 -Ray Hallford, Trustee) [ID 15-833]

This item was not considered.

- B. ID 15-834 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests generally located at the Southeast corner of E. McKinney Street and S. Mayhill Road, the affected tract located in the Morreau Forrest Survey, Abstract No. 417, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above 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. (Mayhill Road Widening and Improvements project - Parcel M088 -BCI Real Estate Ventures, LP) [ID 15-835]

- C. ID 15-865 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the S. McCracken Survey, Abstract Number 817, located generally in the 2200 block of East Sherman Street, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above 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. (Williams Rentals LLC - Denton Fire Station No. 4 Rebuild) [ID 15-866]

- D. ID 15-878 Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087; and Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to legal and economic development issues related to Rail Yard Partners, LTD. and economic development incentives and the acquisition of real property interests in the H. Sisco Survey, Abstract No. 1184, Denton, Denton County, Texas, generally located in the 600 block of E. Hickory. This discussion shall include commercial and financial information the City Council has received from Rail Yard Partners, LTD. which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-879]

- E. ID 15-654 Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code, Section 551.086.

Receive competitive public power competitive information and financial information from staff regarding the proposed FY 2015-2016 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2015-2016, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

- F. ID 15-857 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction.

- G. ID 15-858 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive a briefing and presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding the proposed Professional Services Agreement (the "Agreement") by and between the City of Denton, Texas and Burns & McDonnell Engineering Company, Inc., Kansas City, Missouri, regarding contractual matters that deal with plans, studies, proposals and analyses for system improvements to the Denton Municipal Electric system, said Agreement in the amount of \$395,652, is in addition to the original contract in the amount of \$264,648, not to exceed an aggregated contract total of \$660,300. Consultation with the City's attorneys regarding legal issues associated with the Agreement 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. Discuss, deliberate, provide staff with direction, consider approval and take final action on said Agreement.

Gregory motioned, Roden seconded to adopt Ordinance 2015-264. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye", and Mayor Watts "aye". Council Member Briggs abstained from voting due to a lack of information. Motion carried with a 6-0-1 vote.

- H. ID 15-859 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive a briefing and presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding the proposed three-year Professional Services Agreement (the "Agreement") by and between the City of Denton, Texas and Teague Nall & Perkins, Inc. regarding contractual matters that deal with plans, studies, proposals and analyses for system improvements to the Denton Municipal Electric system, said Agreement in the amount of \$470,000, is in addition to the original contract in the amount of \$450,000, not to exceed an aggregated contract total of \$920,000. Consultation with the City's attorneys regarding legal issues associated with the Agreement 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. Discuss, deliberate, provide staff with direction, consider approval and take final action on said Agreement.

Gregory motioned, Roden seconded to adopt Ordinance 2015-264. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye", and Mayor Watts "aye". Council Member Briggs abstained from voting due to a lack of information. Motion carried with a 6-0-1 vote.

- I. ID 15-862 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with and provide direction to City's attorney's regarding legal issues and legal strategies associated with the City's pole attachments, pole attachment fees and outstanding pole attachment fees owed; a public discussion of these legal issues and legal strategies would conflict with the duty of the City's attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

This item was not considered.

- J. ID 15-863 Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Consult with and provide direction to City's attorneys regarding legal issues and legal strategies associated with access, occupation and/or use of the City's right of way for fiber, fiber conduit, and/or pole attachments by Zayo Group, LLC; a public discussion of these legal issues and legal strategies would conflict with the duty of the City's attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

This item was not considered.

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**

- A. ID 15-576 Denton Hispanic Heritage Month



Mayor Watts presented the proclamation for Denton Hispanic Heritage Month. The Proyecto Diez organization presented a gift to the City of Denton as a measure of appreciation for the City's hospitality and friendship.

B. ID 15-771 Constitution Week

Mayor Watts presented the proclamation for Constitution Week.

C. ID 15-855 DFW Solar Tour Day

Mayor Watts presented the proclamation for DFW Solar Tour Day.

**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 15-791 Monica Jones regarding an issue with Animal Services and an issue with Community Improvement Services.

Ms. Jones was not present at the meeting.

2. ID 15-816 Bob Clifton regarding public servants.

Mr. Clifton was not present at the meeting.

3. ID 15-898 Don Merki regarding Uber, electric vehicle charging stations, and electric vehicles for the City.

Mr. Merki stated that the electric vehicle charging stations were a Level 2 charger which was not very effective for someone on the go but would work for charging a vehicle overnight. Level 3 was the most effective charger for electric vehicles. There was not a Level 3 located in the city of Denton and he suggested there be at least one be located in Denton. He suggested that the City look into obtaining more electric vehicles as they were very efficient. In regards to Uber, they were not following the regulations by the city of Denton. He did not feel it was a good service for Denton and if the rules were not applied to them, then the rules should not be applied to anyone.

C. Additional Citizen Reports

1. Brad Isaacs spoke in support of a new skate park in Denton.
2. Jim Duncan noted that this week was Drive Electric Week with sponsored events throughout the area.

Mayor Watts stated that speakers scheduled at the end of the meeting would be moved so they could speak at this time.

2. ID 15-906 Patrick Kelley regarding a new skate park.

Patrick Kelly presented the benefits of public skate parks and encouraged the Council to consider a new skate park in Denton.

#### **4. BUDGET ITEMS FOR INDIVIDUAL CONSIDERATION**

##### Ordinance No. 2015-266

- A. ID 15-727 Consider adoption of an ordinance of the City of Denton, Texas, levying the ad valorem property tax of the City of Denton, Texas, for the year 2015, on all taxable property within the corporate limits of the city on January 1, 2015, and adopting a tax rate of \$0.689750 per \$100 of valuation for 2015; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Denton debt; providing for limited exemptions of certain homesteads; providing for enforcement of collections; providing for a severability clause; and providing an effective date.

Chuck Springer, Director of Finance, stated that this was one of four items to adopt the city budget for the next fiscal year. He presented the tax rate for passage and noted that specific language had to be used for the motion for the tax rate.

Council Member Roden motioned, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.68975, which is effectively a 5.10 percent increase in the tax rate". Council Member Briggs seconded the motion. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye" and Mayor Watts "aye". Motion carried unanimously.

##### Ordinance No. 2015-267

- B. ID 15-728 Consider adoption of an ordinance of the City of Denton, Texas, approving the 2015 tax rolls; and providing an effective date.

Chuck Springer, Director of Finance, stated that this ordinance was a formality required for the City to levy taxes for the next fiscal year.

Mayor Pro Tem Gregory motioned, Council Member Roden seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye" and Mayor Watts "aye". Motion carried unanimously.

##### Ordinance No. 2015-268

- C. ID 15-729 Consider adoption of an ordinance of the City of Denton, Texas, adopting the Fiscal Year 2015-2016 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2015, and ending on September 30, 2016; and declaring an effective date.

Chuck Springer, Director of Finance, stated that this item was the adoption of the city budget and all associated operating budgets.

David Zoltner, 2501 Timber Trail, Denton, thanked council members for their support on several items. He asked Council to reconsider the 3% increase proposed in the budget for staff members. He suggested that next year staff salaries be tied to the rate of inflation.

Council Member Wazny commented on employee salary increases.

Council Member Briggs commented on the positives of the budget but noted that there were also negatives. She felt she did not have enough time to review the budget.

Mayor Watts noted that there had been several comprehensive discussions on the budget in the past weeks.

Council Member Johnson commented on merit performance standards and benefits to employees.

Mayor Watts questioned if the meet and confer had a different salary structure in terms of limiting the amount as the same as other city employees or was that a discretionary amount.

Jon Fortune, Assistant City Manager, stated that the meet and confer standards compared 12 comparable cities with an average structure 5% above that average. There was also a provision for the City Manager to recommend a different increase as long as it was comparative to non-civil service. That information was presented to Council in August.

Council Member Johnson motioned, Council Member Roden seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Mayor Pro Tem Gregory "aye", Council Member Briggs "nay", and Council Member Wazny "nay". Motion carried with a 5-2 vote.

Ordinance No. 2015-269

- D. ID 15-730 Consider adoption of an ordinance of the City of Denton, Texas, ratifying the adoption of the Fiscal Year 2015-16 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning October 1, 2015, and ending on September 30, 2016 when the Budget will raise more revenue from property taxes than last year's budget; and providing an effective date.

Chuck Springer, Director of Finance, stated that this was another item required by the State to meet a formal ratification requirement of the budget.

Council Member Hawkins motioned, Council Member Roden seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye", and Council Member Briggs "nay". Motion carried with a 6-1 vote.

## 5. CONSENT AGENDA

Mayor Watts stated that Council Member Briggs had asked for a discussion on Consent Agenda Items DD, EE and FF prior to the adoption of the Consent Agenda.

Chuck Springer, Director of Finance, presented the monthly rate impact for the average residential customer for water, electric, wastewater and solid waste. The total proposed increase was \$5.17. He also reviewed the rates for commercial users.

Mayor Watts noted that Item A and W had been pulled from consideration.

Council Member Hawkins motioned, Mayor Pro Tem Gregory seconded to adopt the Consent Agenda with the exception of Items A and W. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

### This item was not considered.

- A. ID 15-598 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a purchase order through National Joint Powers Alliance (NJPA) Contract# 022113-CXT for the purchase of prefabricated concrete restroom buildings to be located at City of Denton North Lakes Park Fields 5 and 6, Mack Park Roberts Field, and the restroom concession at Mack Park; and providing an effective date. (File 5880-awarded to CXT, Inc. in the not-to-exceed amount of \$757,073).

### Ordinance No. 2015-270

- B. ID 15-705 Consider adoption of an ordinance approving the expenditure of funds for the purchase of a Verderflex Peristaltic Hose Pump System to be used for the application of ferric chloride for the Pecan Creek Water Reclamation Plant Phosphorous Removal Project which is 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 5908-awarded to Verder, Inc. in the not-to-exceed amount of \$196,207). The Public Utilities Board recommends approval (4-0).

### Ordinance No. 2015-271

- C. ID 15-731 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, amending the City's Fund Balance Policy; and providing an effective date. The Public Utilities Board recommends approval (4-0).

### Ordinance No. 2015-272

- D. ID 15-732 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2014-2015 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the General Fund of seven hundred sixty-five thousand five hundred sixteen dollars (\$765,516) for the purpose of purchasing an ambulance for Fire Station 7 and other equipment for various City departments;

declaring a municipal purpose; providing a severability clause; an open meetings clause; and an effective date.

Ordinance No. 2015-273

E. ID 15-769 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the implementation of a Mobile Workforce Management Software Solution for Denton Municipal Electric (RFP 5821-awarded to Clevest Solutions, Inc. in the not-to-exceed amount of \$366,000). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-274

F. ID 15-786 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a funding agreement between the City and Fred Moore Day Nursery School to provide Community Development Block Grant funds for improvements to the facility at 821 Cross Timber Street, Denton, Texas; authorizing the expenditure of funds therefore, not to exceed \$108,927; and providing for an effective date.

Ordinance No. 2015-275

G. ID 15-788 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 in excess of \$50,000 for projects meeting program guidelines and criteria; and providing for an effective date.

Resolution No. R2015-026

H. ID 15-794 Consider approval of a resolution of the City of Denton, Texas approving a revised City employee benefits and services policy regarding Tuition Reimbursement; and declaring an effective date.

Ordinance No. 2015-276

I. ID 15-822 Consider adoption of an ordinance approving a city sponsorship in an amount not to exceed \$3,500.00 of in-kind services and resources for the Denton County Veterans Coalition's Stand Down event to be held in the Civic Center located at 321 E. McKinney Street October 22, 2015; and providing an effective date.

Resolution No. R2015-027

J. ID 15-828 Consider approval of a resolution of the City of Denton, Texas approving a revised City standards of conducts policy for employees regarding Use of Tobacco Products and Electronic Cigarettes; and declaring an effective date.

Ordinance No. 2015-277

K. ID 15-829 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Voluntary Dental and Vision Benefits for the City of Denton (RFP 5853-Dental Benefits awarded to Aetna Life Insurance Company in the three (3) year estimated amount of \$3,182,450 with a 9% rate cap for

Year 3 and Vision Benefits awarded to Davis Vision, Inc. in the three (3) year estimated amount of \$334,100). The actual cost will be determined by the number of employees and retirees electing coverage and the level of coverage selected. This is a pass through cost that is paid by the employee.

Ordinance No. 2015-278

- L. ID 15-830 Consider adoption of an ordinance approving a sixth amended agreement - Greater Denton Arts Council, to the agreement originally entered into by and between the City of Denton, Texas and the Greater Denton Arts Council, dated October 15, 1990; authorizing the City Manager to execute the sixth amended agreement - Greater Denton Arts Council; approving the expenditure of funds therefor; and providing for an effective date.

Ordinance No.2015-279

- M. ID 15-832 Consider adoption of an ordinance approving an agreement - Denton Community Theatre by and between the City of Denton, Texas and the Denton Community Theatre, a Texas non-profit corporation; authorizing the City Manager to execute the agreement - Denton Community Theatre; approving the expenditure of funds therefor; and providing for an effective date.

Ordinance No. 2015-280

- N. ID 15-837 Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager to execute a sewer main cost participation agreement between the City of Denton, Texas and the Carnegie Holding Company, LLC., D/B/A CHC Development, LLC. for the City's participation in the oversizing of sewer mains; and in accordance with the terms and conditions of this ordinance; authorizing the expenditure of funds therefor; and providing an effective date (not to exceed \$33,304)

Ordinance No. 2015-281

- O. ID 15-838 Consider adoption of an ordinance regarding the Denton Public Library amending section 2-158 of the City of Denton, Texas, Code of Ordinances; to remove outdated formats and provide uniform check out length of time to all circulating materials; repealing all ordinances in conflict therewith; providing a severability clause; providing for a penalty clause; and providing for an effective date.

Ordinance No. 2015-282

- P. ID 15-839 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Basic and Supplemental Life Insurance/Accidental Death and Dismemberment, Voluntary Short Term Disability, and Group Long Term Disability Insurance for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5852-Basic Life Insurance/Accidental Death and Dismemberment awarded to Dearborn National Life Insurance Company in the three (3) year estimated amount of \$1,036,000 (\$136,000 City cost and \$900,000 employee optional insurance cost) and Long Term Disability awarded to Dearborn National Life Insurance Company in the three (3) year estimated

amount of \$856,555 (\$306,555 City cost and \$550,000 employee optional disability insurance cost). The actual cost will be determined by the number of employees electing coverage as well as the employee's age and salary. The coverage for Supplemental Life Insurance and Short Term Disability Insurance is voluntary and is determined by the actual voluntary employee participation. This is a pass through cost that is paid by the employee.

Resolution No. R2015-028

- Q. ID 15-842 Consider approval of a resolution approving the City of Denton's Strategic Plan, Key Performance Indicators, and Key Action Steps for FY 2015-16; and providing for an effective date.

Ordinance No. 2015-283

- R. ID 15-843 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to participate in the NCTCOG Geographic Information Systems Planimetric Mapping Update and Contour Data; authorizing the expenditure of funds therefor; and providing an effective date (File 5590-Interlocal Agreement with the North Central Texas Council of Governments in the not-to-exceed amount of \$86,091.50).

Ordinance No. 2015-284

- S. ID 15-844 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) under Section 791.001 of the Texas Government Code, to authorize the City of Denton to obtain Digital Orthophotography data and LiDAR and contour data from the NCTCOG Geographic Information System; authorizing the expenditure of funds therefor; and providing an effective date (File 5930-Interlocal Agreement with the North Central Texas Council of Governments in the not-to-exceed amount of \$57,856.50).

Ordinance No. 2015-285

- T. ID 15-845 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing and approving a thirty-six month lease agreement with Ricoh-USA, Inc. for production printing equipment for the City of Denton Reprographics division as approved by the State of Texas Department of Information Resources (DIR) Contract Number DIR-TSO-3041); providing for the expenditure of funds therefor; and providing an effective date (File 5926-Lease of Production Printing Equipment awarded to Ricoh USA, Inc. in the annual lease amount of \$85,758.36 for a thirty-six month total of \$257,275.08).

Ordinance No. 2015-286

- U. ID 15-846 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of one (1) Tymco Model 600

Street Sweeper for the City of Denton Drainage Department; and providing an effective date (File 5929-awarded to Tymco, Inc. in the amount of \$201,523.50).

Ordinance No. 2015-287

V. ID 15-847 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of one (1) Sewer Camera Trailer for the City of Denton Wastewater Collections Department; and providing an effective date (File 5935-awarded to R.S. Technical Services, Inc. in the amount of \$133,400).

This item was not considered.

W. ID 15-848 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a purchase order through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program Contract#02042315 for the partial replacement of the roof at the City of Denton Civic Center by way of an Interlocal Agreement with the City of Denton; and providing an effective date (File 5923-awarded to CBS Mechanical, Inc. in the amount of \$153,308).

Ordinance No. 2015-288

X. ID 15-849 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 physical assessment services for the City of Denton Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 5292-awarded to Huguley Assessment Center in the three (3) year not-to-exceed amount of \$347,040).

Ordinance No.2015-289

Y. ID 15-851 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving three (3) year service subscription for the CodeRED Emergency Notification System and CodeRED Weather Warning Service, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 3964-awarded to Emergency Communications Network, Inc. for a three (3) year not-to-exceed amount of \$134,000).

Ordinance No. 2015-290

Z. ID 15-854 Consider adoption of an ordinance of the City of Denton, Texas, granting Oaktopia, pursuant to Section 17-20 of the Code of Ordinances of the City of Denton, Texas, an exception to the limitations imposed by that section with respect to hours of operation of an amplified loudspeaker system; and setting an effective date.

Resolution No. R2015-029

AA. ID 15-856 Consider approval of a resolution allowing DI2-denton1, LLC, DBA Lone Star Attitude Burgers and Oak Street Draft House LLC, to be allowed to sell alcoholic



beverages at Oaktopia, September 25 - 27, 2015, 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. 2015-291

BB. ID 15-866 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas, ("City"), as buyer and WILLIAMS RENTALS, LLC, (the "Owner"), as seller, to acquire fee simple to (1.) a 0.529 acre tract and (2.) a 0.480 acre tract, both tracts located in the S. McCracken Survey, Abstract Number 817, in the City of Denton, Denton County, Texas; (the "Property Interests") for the purchase price of Two Hundred Ninety Nine Thousand Five Hundred Dollars and No Cents (\$299,500.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A", (I) authorizing the expenditure of funds therefor; (ii) providing a savings clause; and (III) providing an effective date. (Fire Station No. 4 Rebuild Project)

Resolution No. R2015-030

CC. ID 15-867 Consider approval of a resolution by the City Council of the City of Denton, Texas consenting to the withdrawal of the North Texas Higher Education Authority (NTHEA) from acting for and on its behalf and rescinding its request that the authority act for and on its behalf; and providing an effective date.

Ordinance No. 2015-292

DD. ID 15-871 Consider adoption of an ordinance amending the schedule of electric rates contained in Ordinance No. 2014-285 for electric service; amending the provisions of the Residential Service Rate Schedule (Schedule RES); amending the provisions of the Residential Renewable Energy Service Rider (Schedule RG); amending the provisions of the Residential Prepaid Service Schedule (Schedule RPP); adding the provisions of the Residential Time Of Use Schedule (Schedule RTOU); amending the provisions of the General Service Small Schedule (Schedule GSS); amending the provisions of the General Service Medium Schedule (Schedule GSM); amending the provisions of the General Service Large Schedule (Schedule GSL); amending the provisions of the General Time of Use Schedule (Schedule TGS); amending the provisions of the Local Government Small Schedule (Schedule G2); amending the provisions of the Local Government Schedule (Schedule G1); amending the provisions of the Weekend Service Schedule (Schedule WK); amending the provisions of the Athletic Field Schedule (Schedule AF); amending the provisions of the Street Lighting Schedule (Schedule LS); amending the provisions of the Traffic Lighting Schedule (Schedule LT); amending the provisions of the Unmetered School Zone/Crossing Flashers Schedule (Schedule UFL); amending the provisions of the Unmetered Traffic Lights Schedule (Schedule ULT); amending the provisions of the Unmetered Security Camera Schedule (Schedule USC); adding the provisions of the Unmetered Wi-Fi Devices Schedule (Schedule UWF); amending the provisions of the Other Lighting Schedule (Schedule LO); amending the provisions of the Security Lighting Schedule (Schedule DD); amending the provisions of the Decorative Downtown Lighting Schedule (Schedule DDL); amending the provisions of the Non

Standard Street Lighting Schedule (Schedule DSL); amending the provisions of the Temporary Service Schedule (Schedule T1); amending the provisions of the GreenSense Energy Efficiency Rebate Program and renaming it the "GreenSense Incentive Program" (Schedule GRP); amending the provisions of the Energy Cost Adjustment Schedule (Schedule ECA); amending the provisions of the Renewable Cost Adjustment (Schedule RCA); amending the provisions of the Transmission Cost Recovery Factor Schedule (Schedule TCRF); amending the provisions of the Dark Fiber Schedule (Schedule DFR); providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-293

EE. ID 15-872 Consider adoption of an ordinance amending the schedule of water rates contained in Ordinance No. 2014-287 for water service rates and water rates; amending the residential water service rate (Schedule WR); amending the commercial/industrial water service rate (Schedule WC); amending the metered water from fire hydrant rate (Schedule WFH); amending the wholesale treated water service rate to the Upper Trinity Regional Water District (Schedule WW); amending the wholesale raw water service rate to Upper Trinity Regional Water District (Schedule WRW); providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-294

FF. ID 15-873 Consider adoption of an ordinance amending the schedule of wastewater rates contained in Ordinance No. 2014-288; providing for an amendment in the rates for residential wastewater service (Schedule SR); amending the mobile home park wastewater service (Schedule SMH); amending the commercial and industrial wastewater service (Schedule SC); amending the commercial/industrial wastewater service which measures with dedicated water meters (sub- meters) (Schedule SCD); amending the commercial/industrial wastewater service which measures with dedicated water meters (sub-meters) (Schedule SCS); amending the equipment services facilities and restaurant & food service establishments wastewater service (Schedule SEE); amending the metered wastewater inside and outside corporate limits (Schedule SM); amending the sale of treated wastewater effluent (Schedule SGE); amending the treated effluent wastewater tap fees (Schedule STE); providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-295

GG. ID 15-875 Consider adoption of an ordinance of the City of Denton, Texas providing for the schedule of miscellaneous fees, deposits, billings and procedures for administrative services to city utilities customers contained in Ordinance No. 2014-286; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-296

HH. ID 15-877 Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of rates for solid waste service contained in ordinance no. 2014-289. as authorized by Chapter 24 of the Code of Ordinances of the City of Denton, Texas; providing that the provisions of sections 26-3, 26-4, 26-5, 26-7, 26-8(a), and 26-9 of the Code of Ordinances of the City of Denton, Texas shall expressly apply to City of Denton solid waste and recycling services; providing for amendments to the residential refuse & recycling collection services rates; providing for amendments to the commercial refuse and recycling collection services rates; providing for an amendment to the processing and disposal services rates; providing for an amendment to the definition of "container weight limits" in the solid waste & recycling services definitions; providing for a repealer; providing for a severability clause; providing an effective date. The Public Utilities Board recommends approval (4-0).

Approved the minutes listed below.

II. ID 15-890 Consider approval of the minutes of July 28, August 4, August 6, August 11, August 18 and August 25, 2015.

Ordinance No. 2015-297

JJ. ID 15-891 Consider adoption of an ordinance approving an agreement between the City of Denton, Texas, and the Denton Chamber of Commerce regarding an Economic Development Partnership; and providing an effective date.

Ordinance No. 2015-298

KK. ID 15-904 Consider adoption of an ordinance approving the expenditure of funds for the purchase of three (3) self-check machines, three (3) disc media unlockers, and associated maintenance and license costs for three (3) years for the City of Denton Public Library System 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 5916-awarded to 3M Library Systems for self-check machines and disc media unlockers in the amount of \$48,399.54 and three (3) year maintenance and license costs in the estimated amount of \$92,325.10 for a total award in the not-to-exceed amount of \$140,724.64).

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

This item was not considered.

A. ID 15-833 Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple title to two 0.092 acre tracts, for the public use of expanding and improving Mayhill Road, a municipal street and roadway generally located in the Daniel Lambert Survey, Abstract No. 784, City of Denton, Denton County, Texas, at the Northeast corner of Mayhill Road and Colorado Boulevard, as more particularly described on the attached "Exhibit "A" (the "Property Interests"); authorizing the filing and prosecution of 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. (Mayhill Road Widening and Improvements project: Parcel M231 -Ray Hallford, Trustee)

Ordinance No. 2015-299

- B. ID 15-835 Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple title to a 1.509 acre tract generally located in the Morreau Forrest Survey, Abstract No. 417, City of Denton, Denton County, Texas, at the Southeast corner of E. McKinney St. and S. Mayhill Road, and more particularly described on the attached "Exhibit "A" (the "Property Interests"), for the public use of expanding and improving Mayhill Road, a municipal street and roadway; authorizing the filing and prosecution of 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. (Mayhill Road Widening and Improvements project: Parcel M088 -BCI Real Estate Ventures, LP)

LuAnne Oldham, Real Estate Specialist, presented the details of the property to be considered for eminent domain proceedings. She noted the general location of the property. She displayed the legal description of the property and the drawing of the tract as the motion was read.

Council Member Hawkins motioned "I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire (i) fee simple to a 1.509 acre tract, for the public use of expanding and improving Mayhill Road, a municipal street and roadway; generally located at the southwest corner of E. McKinney Street and S. Mayhill Road, affected tract located in the Morreau Forrest Survey, Abstract No. 417, City of Denton, Denton County, Texas, as more particularly described on "Exhibit "A", to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the public use of expanding and improving Mayhill Road, a municipal street and roadway in the City of Denton, Texas". Council Member Roden seconded the motion. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

**7. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 15-738 Consider nominations/appointments to the Economic Development Partnership Board.

Caroline Booth, Assistant Director for Economic Development, presented information on the Economic Development Partnership Board and the makeup of the Board. The Nominating Committee recommended the appointment of Council Member Johnson, Larry Parker, Jim Fykes, Cleve Breedlove and John Baines. She noted that the Hispanic Chamber of Commerce did not have a nomination.

Council Member Roden stated that it was the clear intent of the ordinance to fill that seat even in the absence of a Hispanic Chamber of Commerce nomination. He nominated Dianna Costa.

Council Member Briggs motioned, Council Member Hawkins seconded to approve the nominations by the Nominating Committee plus the additional nomination of Dianna Costa. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

- B. ID 15-880 Consider nominations/appointments to the City's Boards and Commissions: Parks, Recreation and Beautification Board.

There were no nominations at this meeting.

Resolution No. R2015-031

- C. ID 15-793 Consider approval of a resolution by the City of Denton, Texas, authorizing the City Manager to submit an application and all other necessary documents to obtain a grant under the Texas Department of Housing and Community Affairs' Amy Young Barrier Removal Program, and take all other actions necessary to implement the program; and providing for an effective date.

Barbara Ross, Community Development Division Manager, stated this resolution would allow the City to set up an account with the Texas Department of Housing for assistance for accessibility features in homes. \$20,000 would be the maximum funds available. While this had been a successful program, it might be the last year for the City to participate due to federal funding.

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

Ordinance No. 2015-300

- D. ID 15-879 Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Agreement for an incentive grant between the City of Denton and Rail Yard Partners, LTD; and a Commercial Lease Agreement between the City of Denton and Rail Yard Partners, LTD. involving development at the property located at 608 East Hickory Street, Denton, Texas, 76201; providing authority for the City Manager to execute the agreements subject to final language approval by the City Attorney; and providing an effective date.

Aimee Bissett, Director of Development Services, stated that the program would allow for development in an area that was a lower income area and also start redevelopment around it. The City would lease space in the development to begin a new economic development program to recruit technology based companies to Denton. A local developer would partner with the project. The ordinance also included a commercial lease agreement and an incentive agreement.

Council Member Roden motioned, Council Member Johnson seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

## 8. **PUBLIC HEARINGS**

### Ordinance No. 2015-301

- A. Z15-0008 & S15-0006 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a change in zoning classification from Neighborhood Residential 4 (NR-4) to Neighborhood Residential 2 (NR-2) and approving a Specific Use Permit (SUP) for an Equestrian Facility on approximately 1.003 acres of property, generally located on the east side of Fort Worth Drive and approximately 700 feet south of Johnson Lane; adopting an amendment to the City's official Zoning Map and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z15-0008 and S15-0006). The Planning and Zoning Commission recommends approval of this request (7-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, presented the details of the proposal which included a rezoning and specific use permit. She reviewed the location map for the proposal, zoning map with existing zoning and proposed zoning, proposed site plan, and considerations of staff to support the zoning change.

The Specific Use Permit would expire five years from the approval date of proposal. With this condition, the applicant must apply for a new Specific Use Permit prior to the expiration. This condition was added so that if the surrounding area changed, the use might no longer be compatible. Staff also recommended only a monument sign be allowed. The Planning and Zoning Commission recommended approval with no conditions. Both options were available for Council consideration.

Bob Williams, applicant, spoke in favor and requested approval without the conditions recommended by staff.

Bissett stated that the restrictions by staff were that the Specific Use Permit would expire after five years with the applicant having to reapply to make sure the surrounding area was still compatible with the use. The other condition was to limit the size and materials for a sign. The Planning and Zoning Commission recommendation was for approval of the rezoning and the Specific Use Permit with no conditions.

Mayor Pro Tem Gregory asked if the applicant was opposed to the conditions of the sign.

Williams stated that they did not need a large sign which was a cost issue. He was more in favor of a sign that was not brick and mortar as he could not afford to spend that much money for a sign.

The Mayor closed public hearing.

Council Member Wazny motioned, Council Member Hawkins seconded to adopt the ordinance with no conditions. On roll call vote, Council Member Roden "aye", Council Member Johnson

"aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2015-302

- B. ID 15-823 Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of North Lakes Park for the purpose of installing and maintaining a sanitary sewer line for the Vista Del Arroyo Offsite Utilities Project; providing for a notice by the City of Denton, Texas, of non-park use for installation and maintenance of sanitary sewer line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

Jim Mays, Superintendent of Parks and Construction, presented the details of the proposal. He stated that State law required a public hearing to take parkland out of service or use for non-park property. Council had provided an easement at a prior meeting. During the engineering phase a problem was encountered with the size of the easement for the culvert and there was a need to grant an extra 8 foot easement to bypass the culvert.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Gregory motioned, Council Member Johnson seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2015-303

- C. PDA15-0003 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding amendments to a Concept Plan and Detail Plan of Planned Development 176 (PD-176) to depict a Child Day Care facility on approximately 1.38 acres. The subject property is generally located on the south side of Robinson Road, approximately 220 feet east of Teasley Lane within a Planned Development 176 (PD-176) zoning district; adopting an amendment to the City's official Zoning Map and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (PDA15-0003). The Planning & Zoning Commission recommends approval of this request (7-0), subject to the conditions.

Council Member Johnson left meeting with conflict of interest.

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that this request was an amendment to the current Planned Development to allow for a day care use. She reviewed the zoning map, the background information of the site, site data, future land use map, and the detailed plan. The Planning and Zoning Commission recommended approval with several conditions as noted in her presentation. Staff recommended approval with the same conditions minus the conditions of the barrier.

The Mayor closed the public hearing.

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to adopt the ordinance with all conditions as presented. On roll call vote, Council Member Roden "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Council Member Johnson returned to the meeting.

## **9. 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 15-900 Willie Hudspeth regarding City Hall.

Mr. Hudspeth expressed concern that he had to stay to the end of the meeting in order to address the Council. He did not want to address the Council at the beginning of the meeting until everyone had the opportunity to do so. He appreciated the efforts of Council Member Johnson and City Manager Campbell regarding the procedures for his business and encouraged other members of the Council to do the same. He made changes to his business practices as suggested as compromise.

## **10. 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 Johnson stated that he would like a future work session on the bond election prioritization for street projects and include drainage projects.

Council Member Briggs stated that she would like to explore a fast track expansion of McKinney and a renewed partnership with TxDOT to get it done.

Council Member Wazny requested a Closed Meeting and Work Session discussion on the letter from the Freedom of Information Foundation.

Council Member Wazny requested a Work Session discussion on the legality of Closed Sessions and whether they complied with State law specific to the policy on the books.

Mayor Watts requested a Work Session regarding valet parking and trading off public spaces for valet parking.

Mayor Watts requested an Informal Staff Report regarding a survey of utility rates from surrounding cities.

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 9:00 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS