

# CITY OF DENTON CITY COUNCIL MINUTES

March 6, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 6, 2018 at 1:00 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, and Mayor Pro Tem Bagheri

ABSENT: Mayor Watts.

## 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 March 6, 2018.

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

Council Member Hudspeth requested a future discussion on Consent Agenda Item E in terms of applications for funding

## 3. Citizen Comments on Ethics Related Work Session Report Items

Ken Gold spoke regarding more emphasis on full and complete disclosure of elected official's direct or indirect financial interest before the Council no matter how minimal.

## 4. Work Session Reports

### A. ID 18-333 Receive a report, hold a discussion, and give staff direction regarding a draft ethics ordinance from attorney Alan Bojorquez.

Alan Bojorquez presented information on module #5 which dealt with crafting the ethics ordinance. This would be the first look at the first draft ordinance.

Mayor Watts arrived at the meeting.

Bojorquez reviewed the Purpose section which included wording to ensure that those who make decisions were responsible stewards of resources and assets.

The Applicability section dealt with whether employees/staff were included and how would that be incorporated into the ethics ordinance.

Council discussion included:

- Clarification of this provision was needed in terms of whether the provision applied to former city officials
- Whether two years for the provision of former city officials was too long
- Whether former council members would be prohibited from advocating for their own project as opposed to representing someone for pay

- The two year window related to someone coming back to make a complaint about the council member while still on Council
- Clarification that a look back for a potential violation/ the violation would have to be while on Council or the two years for paid representation

The Definitions section included "accused" and at what point was a complaint "charged" against an official.

Council discussion included:

- Making a clearer definition of "charged" such as once a complaint passed a certain point
- There was concern that it included Planning and Zoning Commission members and Board of Adjustment members and a suggestion to adjust the time frame for those members
- Whether the provision included consultation with staff

Rules of Conduct dealt with city officials conducting themselves in a manner that fostered public trust and were charged with performing their public duties in a way that projected their own personal integrity and upheld the integrity of the organization.

Council discussed that constitutional rights needed to be considered and it should be noted that Council would not be relinquishing their constitutional rights.

Mandates included a duty to report and providing required financial reports. Council discussed that a report to the Fraud and Abuse Hotline would satisfy a duty to report, even if anonymous. Complete and full disclosures would follow State law and Conflict of Interest affidavit would be filed with the City Secretary.

The Prohibitions section included conflict of interest, definition of a business entity, deliberations, and gifts.

Council discussed:

- It would be impossible to cover all situations dealing with conflicts of interest
- Perception did not mean it fit a conflict situation
- Consider specifying a time period; currently the time frame was at the time the complaint was pending before the city
- The definition of a business entity needed more clarification
- Procedures for unbundling certain items from a Consent Agenda or a budget vote - hold this discussion for a future procedural discussion
- Add staff to the definition of deliberations
- Gifts in terms of meals --invitation to an event as a dignitary - able to be reimbursed as State law allowed it if the person who invited the official was in attendance
- Consider amending wording to allow for banquets or meetings with other officials in a networking mode.
- There was a need for a definition of "recklessly" and "interference"
- Determine how fair market value would be determined
- The time period of two years for representation of others was acceptable
- Amend the wording for abuse of resources in terms of who was using the city resource

Implementation noted that the City Auditor's Office would be responsible to provide staff support to the Board of Ethics to assist in implementation and enforcement. The degree of support required would be at the discretion of the City Auditor.

Council suggested that the City Auditor maintain spreadsheet of disclosures, complaints, etc.

The provision for the makeup of the Boards of Ethics was reviewed in terms of appointment, number of members, length of terms, eligibility and ineligibility.

Council discussion included:

- Even though there already was a general rule regarding eligibility include the specifics in the ethics ordinance
- The inclusion of master craftsmen in building trades in the list of eligible individuals and why what was included
- Whether to specify particular minimums from certain categories such as three members to be attorneys, licensed mediators or retired jurists, licensed professional counselors
- Change to the third degree of affinity or consanguinity for those ineligible

Preliminary assessment included assignment of a panel, panel determination and appeals.

Council discussed:

- Consider the serving of probation for a felony to prohibit service
- Maintain wording as presented
- Determine membership on the panel by the type of need for the panel
- Consider whether one member should be a mediator, retired jurist, or attorney
- An advisory opinion should come from just the panel
- Determine whether the panel was subject to Open Meetings Act
- Consider outsourcing the preliminary assessment to an outside attorney instead of having a panel
- The panel should have at least one attorney, retired jurist, or mediator
- There would be no appeal process for the advisory opinion

Basic consensus of the Council on items was:

- No anonymous submissions
- For advisory board opinions have members be attorneys or retired jurists
- One member on the subpanel need to be one of those two types of members
- The Open Meetings Act would apply in terms of posting an agenda and maintaining minutes, allowing the public to attend
- Handling of complaints would include wording regarding mailing of notices and timely delivery, stamping the complaints confidential, considering time of receipt in terms of holidays and time of day received
- Appeals should be made to the entire Board and not just the panel
- If the complainant did not attend the hearing, the complaint would be dropped unless asking for continuance – the burden of proof was on the complainant
- The ineligibility of vendors would be for a period of one year

- Make specific reference to the sanction types and add language regarding immunity for complainant if the complainant was involved in the improper procedure
- The Board of Ethics was the final authority and reconsideration would only be if new facts not previously considered were found

Bojorquez noted that he would take all of the suggestions/consensus of Council and rework the draft ordinance. A public hearing on the draft ordinance would be scheduled for an upcoming meeting.

- B. ID 18-344 Receive a report, hold a discussion, and give staff direction regarding the FY 2016-17 Comprehensive Annual Financial Report and annual audit.

Tony Puente, Director of Finance, noted the current financial situation of the city.

John Hill, PB&H, presented information regarding various sections of the CAFR which included an unmodified opinion of the financial statement; no material noncompliance with the audit standards, no material noncompliance regarding the Federal and State Single Audit for FY 2017. The audit presented a clean opinion.

Kent Willis presented information on the test of controls for the various sections of the audit; other control related procedures; internal control understanding and walkthroughs to gain knowledge of procedures in place; cash and investment balance sheet reviews; tax, customer and other receivables; capital assets; long-term liabilities;

John Manning presented the current year recommendations and noted that prior year comments had all been addressed.

- C. ID 18-369 Receive a report, hold a discussion, and give staff direction regarding nominations and the appointment of a Member to the Board of Directors of the Denton County Transportation Authority to include a discussion on the composition of the existing Board of Directors.

Mark Nelson, Director of Transportation, presented background information regarding Board composition, voting procedures in terms of routine matters, items of significance, definitions of critical or 2/3 votes; and next steps in terms of reappointment of current DCTA Board representation or submit other nominations.

Council discussed interest in appointing someone interested in serving; all other boards/commissions had a six year term limit; a suggestion to maintain the current membership due to expertise and knowledge of the current member and perhaps consider a different member as an alternate to provide experience for the future.

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 18-345 Judy and Gene Gohlke Day

Mayor Watts presented the proclamation for Judy and Gene Gohlke Day.

- B. ID 18-361 Purple Heart City

Mayor Watts presented the proclamation for Purple Heart City.

- C. ID 18-415 New Horizons Senior Band Day

The proclamation was not considered at this meeting.

**3. PRESENTATION FROM MEMBERS OF THE PUBLIC**

- A. Review of procedures for addressing the City Council.

- B. Receive Scheduled Citizen Reports from Members of the Public

1. ID 18-359 Robert Donnelly regarding Solid Waste.

Mr. Donnelly presented information concerning compliance of the SUP associated with the City landfill. He noted incorrect statements in a prior staff report. He felt the City was not in compliance with the provisions of the SUP.

- C. Additional Citizen Reports

Rev. Dr. Jeff Hood presented information on a traffic stop performed by a City Fire Marshal while he was driving in Denton. He requested three things from Council – create a committee to discuss Fire Marshal needs to make traffic stops; create a policy that indicates Fire Marshal vehicles/persons are identified; and develop a list of agencies that can perform traffic stops for the city's website.

**4. CONSENT AGENDA**

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the Consent Agenda and accompanying ordinances and resolutions. 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. 18-163

- A. ID 18-163 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement with Innovative Transportation Solutions, Inc. For transportation services as set forth in the contract; and providing an effective date (RFQ 6610-Professional Service Agreement for transportation consultant services to Innovative Transportation Solutions, Inc., for a two year contract in the amount of \$252,000, with three (3) one-year options to renew, for a not-to-exceed total award of \$630,000). Council Mobility Committee recommends approval (2-0).

Ordinance No. 18-289

- B. ID 18-289 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting all bids received under IFB 6621 - purchase of 138kv circuit breakers and maintenance parts - pursuant to section 252.043 (f), Local Government Code; authorizing the City Manager, or his designee, the authority to enter into a contract with the Lower Colorado River Authority, through an Interlocal Cooperative Purchasing Program participation agreement pursuant to section 271.102 of the Texas Local Government Code, for the purchase of high voltage circuit breakers for Denton Municipal Electric; providing for the expenditure of funds therefor; providing an effective date (File 6621-Interlocal Cooperative Purchasing Program participation agreement for the purchase of electrical equipment with the Lower Colorado River Authority awarded to Siemens Industry, Inc. In the not to exceed amount of \$2,200,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 18-325

- C. ID 18-325 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract# 521-16 for the acquisition of one (1) Altec model AM60 Articulating Over-center Aerial truck for \$236,005 and one (1) Altec model TA60 Articulating Telescopic Aerial truck for \$236,948 for the Denton Municipal Electric Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 6739 - awarded to Freightliner of Austin, in the amount of \$472,953). The Public Utilities Board recommends approval (7-0).

Ordinance No. 18-326

- D. ID 18-326 Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute a Donation Agreement with Denton Independent School District ("DISD"), a political subdivision of the State Of Texas, in compliance with Ordinance 2008-113; authorizing the donation of two (2) patrol cars to the DISD for use in its Law Enforcement Technology Program; authorizing the donation of the equipment with an estimated value greater than five hundred dollars (\$500); and providing an effective date (File 6656-Donation Agreement with Denton Independent School District).

Ordinance No. 18-328

- E. ID 18-328 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Texas Filmmakers Corporation for the sponsorship of the Thin Line Festival; providing for the expenditure of funds therefor; and providing for an effective date. (\$5,000) The Public Utilities Board recommends approval (6-1).

Ordinance No. 18-332

- F. ID 18-332 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. 2016-276; amending the provisions of the account connection and reconnection charges; amending the provisions of the miscellaneous fees, charges and deposits; providing for a repealer; providing for a severability clause; providing for an effective date. The Public Utilities Board recommended approval (6-0).

Ordinance No. 18-384

- G. ID 18-384 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract #516-16 for the acquisition of one (1) Low Boy Trailer for the Streets Department; providing for the expenditure of funds therefor; and providing an effective date (File 6714 - awarded to Holt Texas, LTD, dba Holt Truck Center, in the amount of \$82,610.82).

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. A17-0006c Conduct the first of two readings of an ordinance of the City of Denton for a voluntary annexation of approximately 0.30 acres of land generally located on the east side of Old Alton Road, south of the intersection of Old Alton Road and Teasley Lane by the City of Denton, Texas.

Richard Cannone, Interim Planning Director, presented information on a voluntary annexation on Old Alton Road in terms of the annexation schedule. He read the ordinance caption into the record.

No action was required on this item at this time.

- B. ID 18-316 Consider nominations/appointments to the City's Boards and Commissions: Human Services Advisory Committee and Public Art Committee.

Jennifer Walters, City Secretary, noted that Council Member Ryan had nominated Rhonda Love to the Human Services Advisory Committee and Council Member Duff had nominated Jodi Ismert to the Public Art Committee.

Council Member Briggs motioned, Mayor Pro Tem Bagheri seconded to approve the noted nominations. 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. 18-331

- C. ID 18-331 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, for partial approval of a pre-qualified professional services list for project management, Development Services, Roadways, and Traffic Signals and Street Lighting Design Services; and providing an effective date (RFQ 6590).

Todd Estes, City Engineer, presented a list of prequalified engineers for professional engineering services. He reviewed the professional services RFQ, the process involved, and the qualified firms for project management, Development Services, roadways and traffic signals and street lighting design services. The agreements would be for three years. Next steps in the process were presented.

Council noted that not all of the firms on the list would receive projects and that while there was a ranking list, firms could be used out of order due to expertise with a certain project.

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.

**6. PUBLIC HEARINGS**

Ordinance No. Z18-0001b

- A. Z18-0001b Hold a public hearing and consider adoption of an ordinance regarding an amendment to the Rayzor Ranch Overlay District to provide standards and criteria for the residential development within the Rayzor Ranch Marketplace Residential Area. The Rayzor Ranch Marketplace Residential Area includes approximately 40.7 acres generally located on the west side of North Bonnie Brae Street, approximately 1,400 feet north of West University Drive (US 380) in the City of Denton, Denton County, Texas. (Z18-0001b, Rayzor Ranch Marketplace Residential, Hayley Zagurski).

The Mayor opened the public hearing.

Haley Zagurski, Senior Planner, presented information on the background of the proposal; background information on Rayzor Ranch; overlay zoning for the Marketplace; base zoning for the property; proposed standards; future land use map compatibility; consideration for approval of the proposal; public notifications; and recommendations from staff and the Planning and Zoning Commission.

Council discussed the dimensions of the two zoning districts; the ability to amend street widths to help with parking in the area; and the future widening of Bonnie Brae with associated dedication of right-of-way.



Drew Christ spoke in support of the project.

Daniel Ebard spoke in favor.

Council continued their discussion regarding ingress/egress of the project and the number of units in the proposal;

The Mayor closed the public hearing.

Council Member Hudspeth 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. Z17-0027b

- B. Z17-0027b Hold a public hearing and consider adoption of an ordinance to rezone approximately 2 acres from a Neighborhood Residential Mixed Use 12 (NRMU-12) District to a Community Mixed Use General (CM-G) District. The subject property is located at 1101 W. University Drive, in the City of Denton, Denton County, Texas (Z17-0027b, Pecan Creek Crossing, Shandrian Jarvis Ugwoke). The Planning and Zoning Commission voted 6-0 to approve the request.

Shandrian Jarvis Ugwoke, Senior Planner, presented the background information on the proposal for rezoning of 2 acres. The intent for the property was to construct retail establishments and/or restaurants. She reviewed the compatibility with the future land use map, zoning compatibility; public facilities in the area; environmental assessment; public notification; and staff and Planning and Zoning Commission recommendations of approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Hudspeth 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.

**7. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding

holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Briggs requested a staff report on crime statistics by council district.

Council Member Briggs and Council Member Gregory requested an Informal Staff Report on traffic stop by Fire Investigators and whether Fire Investigator vehicles could be better marked.

Council Member Briggs requested information on planting white lilacs in Quakertown Park in remembrance of Henry Taylor.

Mayor Pro Tem Bagheri requested information on the Department of Motor Vehicles location and provide parking for current site.

B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 7:50 p.m.

---

CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

---

JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS