

# CITY OF DENTON CITY COUNCIL MINUTES

March 1, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 1, 2016 at 12:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

## 1. Citizen Comments on Consent Agenda Items

Sam Burke spoke on Item 4G regarding security fences for substations. He expressed concerns regarding how the bid was scored.

Dennis Kleinman spoke on Item 4G and the specifications of the bid.

Richard Hinds spoke on Item 4G in terms of the grading of the bids. He requested the item be pulled from consideration at this meeting.

Doyle Hinds spoke on Item 4G in terms of the grading of the bids and the evaluation of their company. He asked for additional review of the bid and the proposed award.

Council discussion centered on the differences in the scoring of the companies.

## 2. Requests for clarification of agenda items listed on the agenda for March 1, 2016.

Council Member Wazny asked the City Manager for the process for reviewing the bid for the security fence.

City Manager Campbell provided an explanation of how the bidding was done and the weighing of the scores.

Council Member Wazny stated that many cities and counties that had bids of this size had someone explain the bids to the elected body so the members could make a decision and not just have the item on a consent agenda. She felt this should be looked into in the future.

Brent Heath, Executive Manager of Energy Delivery, presented information on where the fencing would be installed and an estimation of the cost for all of the wall projects.

Council and staff discussed the bidding process; the allowance for past experience with the city; experience with the type of material the company was going to use; the fact that concrete walls were not the primary core business for this company; the fence business had a wide variety of materials used and this company had been in business for 50 years provided credibility. Concern was also expressed that the Council was too involved and that it was uncomfortable when vendors pitched their side of the equation; the appeal process for the awarding of a bid; no concern regarding vendors coming to Council to discuss their bids; how long the bids were good and whether delaying the award would delay projects.

Karen Smith, Assistant Purchasing Manager, presented information on the bond information.

Council Member Roden asked about Item O regarding the research project with SMU. He questioned whether local universities could have accomplished the project.

Scott Lebsack, Business Development and Administrative Department Manager, stated that the local universities had emerging programs that were not geared towards landfill and landfill management. They were not set up for this type of work.

Council Member Hawkins asked for an explanation of the terminology for Item J.

City Attorney Burgess stated that the contract would add \$800,000 to the existing contract not to exceed \$1 million.

Council Member Hawkins asked about Item AA in terms of what category the funds were coming from.

Chuck Springer, Director of Finance, stated that there was a set amount with the HOT Committee for public art every year and would come from that dedicated amount.

Mayor Watts stated that he was struggling with the proposed amount for Item J and approving something that large. He would prefer more of an incremental amount rather than a lump sum and would like to pull the item for individual consideration.

Council Member Briggs asked for a clarification of Item Z.

City Attorney Burgess stated that this item was discussed at the last Council meeting. It was an area on Ryan Road not contained in the larger grouping of areas to be annexed. Last year it had a one year limited extension of the agreement to see about the possibility of getting a developers agreement for this property.

City Manager Campbell noted that Consent Item G and Item U would be pulled; the applicant for Public Hearing 5A had requested to postpone to April 5; the public hearing 5D would be opened and continued to March 22; and Item 6A had an alternate ordinance to consider.

### 3. Work Session Reports

- A. ID 16-261 Receive a report, hold a discussion, and give staff direction regarding the FY 2014-15 Comprehensive Annual Financial Report and annual audit.

Chuck Springer, Director of Finance, stated that this report had been presented to the Audit Finance Committee. Each year, the City hired an independent accounting firm to conduct an audit of the City's basic financial statements. The purpose of the audit was to express an opinion as to whether the City's financial statements presented fairly, in all material respects, the financial position of the City. The annual audit report is comprised of four major components: 1) the Comprehensive Annual Financial Report (CAFR), 2) Management Letter (when appropriate), 3) Single Audit, and

4) Auditor's Communication to the Audit Committee. The external auditor would be presenting the results.

Jerry Gaither, Weaver, LLP, stated that the City had a clean opinion (unqualified), which meant that in the opinion of Weaver, LLP, the City's financial statements presented fairly, in all material respects, the financial position of the City. A clean or unqualified opinion was the best opinion that may be rendered in an audit of the financial statements.

Council and staff discussed the process of the audit.

- B. ID 16-317 Receive a report, hold a discussion, and give staff direction regarding approval of a purchase order through the National Joint Powers Alliance (NJPA) Contract # 022113 - CXT for the purchase of prefabricated concrete restroom buildings at City of Denton North Lakes Park Fields 5 and 6, Mack Park Roberts Field, and the restroom concession at Mack Park.

Emerson Vorel, Director of Parks and Recreation, stated that staff had prior discussions with Council regarding this item and had done further evaluations. He presented estimates and information on non-binding by local builders with three replies. He reviewed the estimates received from the various entities.

Council discussed the portability of the buildings; maintenance of the buildings; whether they could be used as a tornado shelter if needed; and timing for placement.

- C. ID 16-331 Receive a report, hold a discussion, and give staff direction regarding the City's budgeting process, financial planning assumptions, and the debt service tax rate impacts related to the 2014 bond election and upcoming issuance of Certificates of Obligation.

Chuck Springer, Director of Finance, presented objectives of the presentation which included municipal budgeting concepts; types and examples of funds; total budget in terms of revenues and expenditures; ad valorem property tax history; sales tax history; components in the development of the budget; and components in the development of departmental budgets.

Council and staff discussed whether there were year-end reports regarding individual department budgets; supplemental program submission; and incentives for departments to not spend their entire budget.

Springer continued with budget reviews; fund balance reserves history; and next steps.

Council discussed holding budget discussions among different departments to facilitate the development of the entire budget.

Springer reviewed information on the Debt Tax Rate in terms of current projections with Council discussing assumptions of sales tax growth as well as ad valorem tax growth in terms of an initial budget without overage.

Springer continued with options to eliminate debt service tax increase.

Council and staff discussed the effect of extending the implementation of the 2014 bond program; the various options presented; making critical budget decisions early enough in the process in order to ensure a critical flow of the budget; and setting priorities on whether or not to cash fund replacement vehicles.

Springer presented vehicle debt impact on the General Fund and advantages/disadvantages of Cash Funding.

- D. ID 16-274 Receive a report, hold a discussion, give staff direction regarding the Public Art Committee's recommendation to construct an outdoor sculpture of a 9/11 Firefighter's Memorial Bell Tower on the north side of Central Fire Station located at 332 E. Hickory St., and purchase a replica replacement bell to be located in City Hall West bell tower, as City of Denton Public Art. The Public Art Committee recommends approval (8-0). The Historic Landmark Commission granted a Certificate of Appropriateness on February 8, 2016.

Emerson Vorel, Director of Parks and Recreation, presented a design concept for the Memorial which was presented to the Historic Landmark Commission. The Commission approved a Certificate of Appropriateness. Staff was asking for Council permission to move forward with the project with the hope to dedicate it on 9/11/2016.

Mayor Pro Tem Gregory suggested better signage to show what the building was at Central Fire. Council discussed plantings around the memorial so as to not hide the memorial.

Consensus of the Council was to move forward with the concept.

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 16-365 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consultation, discussion, deliberation and receipt of information from the City's attorneys involving legal matters relating to the annexation or extension/renewal of non-annexation agreements for eligible properties, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

- B. ID 16-345 Deliberations regarding Consultation with the City Attorney - Under Texas Government Code Section 551.071, Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding legal and economic development issues involving a proposed Rayzor Ranch Public Improvement District No. 1 Reimbursement Agreement, 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 16-346]

- C. ID 16-299 Consultation with Attorneys - Under Texas Government Code, Section 552.071; Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

Consult with the City's attorneys regarding the present status of the Denton Municipal Electric-Energy Management Organization's operations regarding EEI contract negotiation, ISDA contract negotiation, and other related contracting issues; discuss, deliberate and provide the City's attorneys and staff with direction. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. [ID 16-286]

- D. ID 16-301 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with the City's attorneys regarding the present status of pending litigation entitled: The City of Denton, Texas v. NRG Power Marketing, LLC, et al, Cause No. 15-01404-16, now pending before the 16th Judicial District Court in and for Denton County, Texas; discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. [ID 16-287]

- E. ID 16-348 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 16-349]

- F. ID 16-326 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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 potential purchase of certain real property interests in the Gideon Walker Survey, Abstract 1330, City of Denton, Denton County, Texas and being generally located southwest of the intersection of Edwards Road and Swisher Road. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property interests described 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. (Villages of Carmel, Phase 5B - prospective Parks Department property purchase)

- G. ID 16-347 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 E. Puchalski Survey, Abstract No. 996, located generally in the 1200 block of the east side of N. I-35E, 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. (Denton Fire Station No. 3 Rebuild)

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 16-370 National Community Development Week

Mayor Watts presented the proclamation for National Community Development Week.

**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 16-358 Anyah Martinez regarding a children's museum using City Hall West as a potential space for the project.

Ms. Martinez presented information on a children's museum project that she had started. She presented examples of various children's museums around the country which were a valuable asset to their communities. She would like to see if City Hall West might be a location for such a children's museum and requested Council consider a portion of the building for this project.

- 2. ID 16-366 Willie Hudspeth regarding City Hall.

Mr. Hudspeth's comments are noted in the Citizen Comment Section at the end of the meeting.

- C. Additional Citizen Reports

David Zoltner spoke on the Council's rules of procedure in particular open mic and citizen reports as they concerned the Open Meetings Act.

**4. CONSENT AGENDA**

Council Member Hawkins motioned, Council Member Johnson seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Items G and U and with the alternate ordinance for Item J. 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. 2016-058

- A. ID 16-011 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. 2016-059

- B. ID 16-121 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Houston-Galveston Area Council of Governments (H-GAC) for the acquisition of residential refuse and recycling carts including replacement parts, for the City of Denton Solid Waste Department; and providing an effective date (File 5997-Purchase of Residential Recycling and Refuse Carts awarded to Rehrig Pacific Company in the three (3) year

not-to-exceed amount of \$875,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-060

- C. ID 16-265 Consider adoption of an ordinance (1) releasing, abandoning and vacating (a) a 28.953 acre public drainage easement recorded as Instrument No. 2002-R0073655, Real Property Records, Denton County, Texas; (b) a 13.14 acre public drainage & detention easement recorded as Instrument No. 2002-R0073656, Real Property Records, Denton County, Texas; and (c) a 0.562 acre public drainage easement recorded as Instrument No. 2002-R0073661, Real Property Records, Denton County, Texas, all located in the S. Graham Survey, Abstract No. 468, Denton County, Texas; and (2) partially releasing, abandoning and vacating a 5.324 acre public drainage easement recorded as Instrument No. 2005-85936, Real Property Records, Denton County, Texas, and located in the M. Smith Survey, Abstract No. 1181 and the W. Smith Survey, Abstract No. 1182, Denton County, Texas; and declaring an effective date. [Abandonment of drainage easements to allow for subdivision lot sales]

Ordinance No. 2016-061

- D. ID 16-271 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$24,030,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2016-062

- E. ID 16-272 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$69,810,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Sewer System and Electric System projects; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2016-063

- F. ID 16-281 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) Caterpillar Model 953D track loader for the City of Denton Drainage Department; and providing an effective date (File 6070-awarded to Holt CAT in the amount of \$213,950). The Public Utilities Board recommends approval (5-0).

This item was not considered.

- G. ID 16-282 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for construction of Substation Pre-Cast Security Fences for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5963-awarded to Walsh's Hawk Construction Company, LLC in the three (3) year not-to-exceed amount of amount of \$5,900,000). The Public Utilities Board recommends approval (5-0).



Ordinance No. 2016-064

- H. ID 16-284 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, authorizing the City Manager or his designee to execute an Investment Advisory Services contract with First Southwest Asset Management, Inc. for investment advisory services; providing for the expenditure of funds therefor; and providing an effective date (File 6086 in the two (2) year not-to-exceed amount of \$52,000). The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2016-065

- I. ID 16-286 Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager to execute a supplemental and amended engagement letter with the law firm of David A. Portz, P.C., Houston, Texas for Professional Legal Services to be provided to the Energy Management Organization of Denton Municipal Electric; authorizing the expenditure of funds therefor; providing an effective date (File No. 5554-in the additional amount of not-to-exceed \$50,000, aggregating not-to-exceed \$175,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-066

- J. ID 16-287 Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager to execute a second supplemental and amended engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C. for professional legal services relating to the pending litigation entitled the City of Denton, Texas v NRG Power Marketing, LLC, et al; authorizing the expenditure of funds therefor; providing for retroactive confirmation, ratification and approval thereof; providing an effective date (File No. 5771-in the additional amount of not-to-exceed \$800,000, aggregating not-to-exceed \$1,395,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-067

- K. ID 16-288 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a First Supplement to Amendment to an engagement letter for professional legal services by and between the City of Denton, Texas and Herrera & Boyle, PLLC. for legal services pertaining to pole attachment license agreement, right-of-way agreement, collections from Verizon and other possible pertinent agreements; providing for the expenditure of funds therefor; and providing an effective date (File No. 5592 in the additional amount of \$65,000; aggregating a total not-to-exceed \$130,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-068

- L. ID 16-289 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of SEL protective relays, controls, monitoring, metering, software, integration, accessories, and devices for Denton Municipal Electric, which are 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 6046-awarded to Schweitzer Engineering Laboratories (SEL) in the three (3) year not-to-exceed amount of \$2,240,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-069

M. ID 16-290 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for sports officiating services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6028-awarded to SED Referees in the three (3) year not-to-exceed amount of \$153,352).

Ordinance No. 2016-070

N. ID 16-291 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of uniforms for the City of Denton Fire Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 6025-awarded to Impact Promotional Services, dba Got You Covered Uniforms in the three (3) year not-to-exceed amount of \$328,650).

Ordinance No. 2016-071

O. ID 16-295 Consider adoption of an ordinance authorizing the City Manager to execute a "Sponsored Research Agreement" by and between the City of Denton, Texas and Southern Methodist University providing for the investigation of enhanced methane generation in the bioreactor landfill facility at the City of Denton, Texas in the not-to-exceed amount of \$169,655; providing for the expenditure of funds therefor; providing for an effective date (File 6072). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-072

P. ID 16-307 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Dependent Care Services for regular full time City of Denton employees; providing for the expenditure of funds therefore; and providing an effective date (RFP 5914-awarded to Bright Horizons Family Solutions LLC, in the three (3) year not-to-exceed amount of \$178,387.50).

Approved the recommended nominations

Q. ID 16-320 Consider nominations/appointments to the Tax Increment Reinvestment Zone (TIRZ) Number Two Board of Directors.

Ordinance No. 2016-073

R. ID 16-321 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$150,000 of in-kind services and resources for the Denton Arts and Jazz Festival to be held in Quakertown Park on April 29 - May 1, 2016; and providing an effective date.

Ordinance No. 2016-074

S. ID 16-322 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager for the emergency purchase and installation of a Poured in Place

(PIP) safety surface at Eureka 2 Playground and in accordance with provisions of Section 252.022 of the Local Government Code exempting such purchases from requirements of competitive bidding; and providing an effective date (File 6071-awarded to Lea Park and Play in the amount of \$84,892.60).

Ordinance No. 2016-075

- T. ID 16-325 Consider adoption of an ordinance establishing a Teen Council to provide a teen perspective to the Parks and Recreation Department regarding programming and community issues related to Parks programming; and provide an effective date.

This item was not considered.

- U. ID 16-335 Consider adoption of an ordinance of the City of Denton, Texas Nunc Pro Tunc, correcting an inadvertent mistake in ordinance 2015-188 relating to the annexation of an area of land to the City of Denton, Texas that was granted deferral of annexation until October 31, 2017.

Ordinance No. 2016-076

- V. ID 16-338 Consider adoption of an ordinance of the City of Denton, Texas, approving an amendment to an economic development program grant agreement dated December 1, 2015, between the City of Denton and Buc-ee's, LTD., which was duly assigned, in part, to Buc-ee's, LTD.; and providing an effective date.

Ordinance No. 2016-077

- W. ID 16-346 Consider adoption of an ordinance of the City of Denton, Texas approving a Reimbursement Agreement amongst the City of Denton, Texas, Allegiance Hillview, L.P., and DB Denton II, LLC related to the reimbursement of public improvements constructed within the Rayzor Ranch Public Improvement District No. 1; authorizing the City Manager to execute the Reimbursement Agreement on behalf of the City of Denton, Texas; and providing for an effective date.

Ordinance No. 2016-078

- X. ID 16-349 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 BCI Real Estate Ventures, L.P. (the "Owner"), as seller, to acquire fee simple to a 1.509 acre tract located in the Moreau Forrest Survey, Abstract Number 417, in the City of Denton, Denton County, Texas; (the "Property Interests") for the purchase price of Two Hundred Twenty Three Thousand Eight Hundred Seven Dollars and No Cents (\$223,807.00), 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. (Mayhill Road Widening and Improvements project - Parcel M088 -BCI Real Estate Ventures, LP)

Approved the minutes listed below.

- Y. ID 16-362 Consider approval of the minutes of January 4, 5, 12, 23, 26, and 28-29, 2016.

Ordinance No. 2016-079

- Z. ID 16-363 Consider adoption of an ordinance accepting a First Amendment to a Chapter 212 Texas Local Government Code Non-annexation Agreement between the City of Denton, Jean Ann Baker, and Ryan Capital Partners, LTD. to extend the term of such Agreement 120 days pending the execution of a new pre-annexation agreement with the City; authorizing the City Manager to execute the Agreement; and providing an effective date.

Approved the recommendation for the public art.

- AA. ID 16-364 Consider approval of the Public Art Committee's recommendation to commission artist Mick Burson for the design and installation of a mural at the Patterson-Appleton Arts Center located at 400 E. Hickory St. as Public Art for the City of Denton; and declare an effective date. The Public Art Committee recommends approval (8-0).

**5. PUBLIC HEARINGS**

- A. Z15-0029b Continue a public hearing and consider adoption of an ordinance regarding amending Subchapter 35.7.5, the Fry Street Overlay District, to create a new sub district and development standards for a mixed use building on approximately 1.7 acres. The subject property is generally located between Oak Street and Hickory Street and 125 feet west of Fry Street. The Planning and Zoning Commission recommends denial (6-1). A supermajority vote by Council is required for approval. The applicant has requested that this item be postponed to next regular City Council meeting, April 5, 2016.

The Mayor opened the public hearing. He noted that the applicant had requested to continue the public hearing to the April 5<sup>th</sup> Council meeting.

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to continue the public hearing to the April 5<sup>th</sup> City Council meeting. 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. 2016-080

- B. DCA15-0007b Continue a public hearing and consider amending Section 35.7.9.5, 35.7.10.5, and 35.7.13.5 of the Denton Development Code to include additional Façade Materials as architectural requirements to the Oak-Hickory Historic District, Bell Avenue Historic Conservation District, and the West Oak Area Historic District. The Planning and Zoning Commission recommends approval (7-0). (DCA15-0007, Amended Historic District Standards)

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that this was an amendment to the historic standards for all three historic districts to allow cementitious siding as allowable materials. The change was to the overlay districts for these three districts with the change only for new construction. She presented the background on the reasons for the requested change; definitions of cementitious siding; positives for using such materials; current standards that did not differentiate between new construction and preservation activities that were not consistent regarding new product applications. This was not a proposal to change to the preservation of historic homes in the districts. The definitions as noted in the current DDC regulations were reviewed. The proposed change would make all three districts the same. She presented survey results and public input both from comparable cities and from citizens in the Districts including a community meeting. A majority of those surveyed and at the meeting were in favor of the proposed materials. Information on notifications and actions was noted.

The Historic Landmark Commission voted in support of the change. The Planning and Zoning Commission voted in support but recommended an amendment to eliminate smooth sided hardie board.

Council discussed the length of discussion with the Planning and Zoning Commission on this process; the change would only apply to those residences located in the three districts; how to assure the new materials would be compatible with the original structure; and the process used for the original regulations of the districts.

The following individuals spoke during the public hearing:

Mary Anderson spoke in opposition

Annetta Ramsay, 722 West Oak, Denton, 76201 – opposed

John Morris spoke in favor

Comment cards were submitted by the following:

Brian and Vicki Morrison, 305 Mounts, Denton, 762021 –opposed

William Matthews, 619 Pearl, Denton, 76201 – in support

Angie Matthews, 619 Pearl, Denton, 76201 – in support

The Mayor closed the public hearing.

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

- C. ID 16-334 Hold the first of two public hearings to consider annexing approximately 4,132.40 acres of land contained in ten of the fifteen annexation areas, which received a Non-Annexation Agreement in 2010, and a one year extension in 2015 that will expire on March 16, 2016. Four of the annexation areas include approximately 2,789.14 acres of land and are primarily located within the northwestern quadrant of the City of Denton's Extraterritorial Jurisdiction (ETJ), Division 1, and are identified

as PAA1, PAA2, PAA3, and PAA4. The remaining seven areas include approximately 1,343.26 acres of land and are considered unincorporated ETJ pockets located within the body of the City of Denton's corporate limits and are identified as DH1, DH2, DH3, DH4, DH5, and DH14.

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that was the first of two public hearings for annexation of property contained in 10 of 15 annexation areas. She reviewed the background of the proposal; goals of the 2009 annexation study; types of annexation areas that evolved from the Annexation Study; and elements of the 2010 annexation program. She reviewed each of the potential annexation areas by location and size of the location in addition to the donut holes location and size of location. The 2016 annexation scheduled was presented.

The following individuals spoke during the public hearing:

Bert Yarbrough, 204 Long Canyon Court, Richardson, 75080 – opposed  
Janelle Burch, 4478 Country Club Road, Denton, 76210 – opposed  
Linda Roberts, 2136 Chinn Road, Denton, 76207 – opposed  
Ray Roberts, 2136 Chinn Road, Denton, 76207 – opposed  
Ladonna Pockrus, 9080 Wolf Road, Denton, 76259 – opposed  
Larry Pockrus, 9080 Wolf Road, Denton, 76259 – opposed  
Mary Robin Gregory, 491 Hickory Creek, Krum, 76249 – opposed  
Deborah Cottle, 480 Hickory Creek, Krum, 76249 - opposed  
Silva Pena, 470 Hickory Creek, Krum, 76249 – opposed  
Jodie Ismert, 819 Anna, Denton, 76201 – opposed  
Rick Chapman, 2946 Ganzer Road W, Denton, 76207- opposed  
Deborah Armintor, 2003 Mistywood, Denton, 76209 – opposed  
Patsy deBaca, 9861 Jim Christal, Denton, 76249 – opposed  
David Mollen, 701 Chisholm, Denton, 76209 – neutral  
Don Logan, 4293 Bonnie Brae, Argyle, 76226 –opposed  
Tammy Tubbs, 4277 Bonnie Brae, Argyle, 76226- opposed  
Nathan Harvey, 4353 S. Bonnie Brae, Argyle, 76226 – opposed  
Chuck Gregory, 491 Hickory Creek, Krum, 76249 – opposed  
Leslie Buell, 6778 C. Wolfe Road, Ponder, 76259 - opposed  
Zac Youngblood – opposed  
Skyler (no last name) –opposed

Mayor Watts read the comment cards submitted.

The Mayor closed the public hearing.

No action was required on this item at this meeting.

- D. ID 16-310 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas designating a certain area within the city limits of Denton as West Gate Business Park (WGBP Investments, LTD) Reinvestment Zone No. XIII for

commercial/industrial tax abatement; establishing the boundaries of such zone; making findings required in accordance with Chapter 312 of the Texas Tax Code; ordaining other matters relating thereto; providing a severability clause; and providing an effective date.

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to postpone the item to the March 22, 2016 Council meeting. 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.

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION**

### Ordinance No. 2016-081

- A. ID 16-309 Consider approval of a concurrent ordinance with the Cities of Bryan, Garland and Greenville, Texas electing the provisions of Subchapter C-1 of Chapter 163, Texas Utilities Code, providing for alternative governance of the Texas Municipal Power Agency; providing findings of fact; defining the boundaries of the agency; designating the name of the agency; and designating the number, place, terms, and manner of appointment of directors of the agency; providing a savings clause; providing a severability clause; providing for retroactive ratification, confirmation and approval thereof; providing an effective date.

Phil Williams, DME General Manager, reviewed the history of the Texas Municipal Power Agency and its associated holdings. The member cities must adopt a concurrent ordinance to adopt the most recent state legislation. He presented the items to address in the ordinance which included delegating authority, removal of a board member, allowing non-residents to serve on the board, and permit the member cities to dissolve TMPA. The ordinance also addressed assignment of assets if dissolved, allowed for two governing boards for generation and transmission, clarified the authority of TMPA to sell facilities and authorized member cities to issue bonds to finance TMPA improvements.

Council Member Johnson motioned, Council Member Hawkins seconded to adopt the substituted 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.

- B. A15-0016a Consider adoption of an ordinance establishing public hearing dates and authorizing the City Secretary to publish notice for April 5, 2016, and April 12, 2016, for annexation of an approximately 23.24 acre property generally located on the west side of Geesling Road, approximately 700 feet south of East University Drive (U.S. 380), within the Moreau Forrest Survey, Abstract No. 417, in Denton County, Texas.

This item was not considered.

**7. 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.

Willie Hudspeth spoke on the times of meetings and thanked Jim Mays and his crew for the great job they did at Fred Moore Park.

**8. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda

Council Member Briggs suggested a partnership with the DISD and the City's bike coordinator for education in the schools including middle and high schools to help reduce risks of crossing streets around schools.

Council Member Roden requested a revisit of the tree canopy study and associated goals.

Council Member Roden requested information on how the City grew historically through annexations.

Council Member Roden requested a report on what other cities were doing and options in terms of a children's museum.

Council Member Johnson questioned how to provide education to citizens about annexations.

Council Member Wazny asked about the possibility of filming the meeting regarding the Lillian Miller road construction.

Mayor Pro Tem Gregory requested a report or Work Session on how to collect ideas on how to use City Hall West.

Mayor Watts requested a work session on City Hall West.



Mayor Watts requested information on the trolley idea for the downtown area and possible coordination with DCTA.

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 9:45 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