

## CITY OF DENTON CITY COUNCIL MINUTES

May 3, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, May 3, 2016 at 4:00 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

There were no citizen comments on Consent Agenda Items.

### 2. Requests for clarification of agenda items listed on the agenda for May 3, 2016.

Council Member Briggs asked where the money for the operation for Consent Agenda Item F would be coming from. Staff indicated that the money would be from discretionary funding for projects that might not be known at this time.

Council Member Briggs asked if Consent Agenda Item G included the Courthouse.

Emerson Vorel, Director of Parks and Recreation, stated that the recycling would continue with city staff. This contract was to surface wash the sidewalk and pick up loose trash.

Mayor Watts asked if this was a new award.

Vorel stated that this had been done for a long time.

Mayor Watts asked if this was for the Square.

Vorel stated that it was for the Square, Hickory and Cedar Streets.

Mayor Watts asked about TIF funding.

Vorel stated that part of the funding would be from HOT funds. The Council had discussed the bid process for the project and how much funding should come from the General Fund,

Mayor Pro Tem Roden asked about the FTE that was added for this type of work during the last budget cycle.

Vorel stated that an FTE was added partly for the maintenance on Hickory but not just for litter. It included emptying additional trash cans and maintenance of irrigation and planter beds. That was only a portion of the work that the individual would do; it included other areas around the city.

Council Member Roden asked about the scope of the service contract and if it included Hickory west of the Square or only east.

Vorel stated that it was one block west.

Council Member Roden suggested that as new businesses evolved on Oak and Hickory that those areas also be included.

Council Member Wazny stated that the purchase of the building next door would add continuity to the area for city government uses.

Council Member Hawkins about Consent Agenda Item B.

Vorel stated that it purchased the northeast corner of the property; a strip along the bottom of the property was ESA. It would be purchased with park dedication funds and be preserved as upland habitat.

Council Member Hawkins asked if Consent Agenda Item K, a consulting service, was needed under the Local Government Code.

Scott Payne, Risk Manager, stated that the Code allowed the City to hire a consultant. It was done to do so to help the City with the insurance program.

Council Member Johnson suggested that in conjunction with Consent Agenda Item L staff look proactively at streets similar around the University with similar parking conditions and consider what procedures might be workable.

Mayor Watts suggested considering a policy on more of a global scale throughout the city.

Mark Nelson, Director of Transportation, stated that the Traffic Safety Commission had a discussion on a more comprehensive look at these types of parking situations.

Council Member Wazny suggested considering the use of fire protection services for the streets that were difficult to travel.

Nelson stated that there was a balance to work with neighborhoods for the right to park on the street and maintain public safety.

Mayor Watts asked if there was any discussion regarding the restrictions.

Nelson stated yes but the Commission felt that the only way to address the issue was with a 24/7 ban which was the endorsement from the Commission.

Council Member Johnson asked that the item be pulled for individual consideration.

### 3. Work Session Reports

- A. ID 16-551 Receive a report, hold a discussion and give staff direction on a funding recommendation reports from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC); and the proposed 2016-17 Action Plan for Housing and Community Development.

Barbara Ross, Community Development Division Manager, introduced chairs Larry Banes and Sheryl English to present recommendations to the Council. The recommendations were included in the proposed 2016-17 Action Plan.

Larry Barnes, Chair-Community Development Advisory Committee, presented the Committee's recommendations for funding. These included CDBG and Home funds. The requested amounts were closer to the amounts allocated with almost all of the requesting agencies receiving full funding. Several of the agencies were receiving more than what was requested.

Council discussion included the use of unused funds, what the Minor Repair Program involved, the development of a key map of projects for public information, the difference between Home Improvement and Minor Repair programs, and the fact that there typically was more demand than available funding for Home Improvement, the Minor Repair Program and the Homebuyer Assistance Programs.

Sheryl English, Chair-Human Services Advisory Committee, presented the recommendations for funding from the Committee. She reviewed the recommendation process and that 18 of the 23 requested agencies would be receiving funding.

Council discussion included the policy that determined the funding numbers; goals of per capita amounts; and whether funding amounts were tracked over the last several years;

- B. ID 16-588 Receive a report, hold a discussion, and give staff direction regarding organizational programs that aim to increase the efficiency, effectiveness, and productivity of City of Denton operations.

Bryan Langley, Assistant City Manager, reviewed three work force improvement programs which included Lean Government, Innovation Program and Leadership Excellence and Enhancement Program (LEEP). Lean Government used a series of techniques to identify and eliminate waste in processing procedures and activities.

Council suggested an Informal Staff Report on more specifics regarding the dollars saved and in what areas.

Langley continued that the Innovation program was used to solicit creative ideas and implement suggestions to improve service. The LEEP Program was a formal program to develop leadership and management competencies for employees. He reviewed the next steps in the process and the timelines for the completion of each of the programs.

Council discussed recognition for these programs and the participants and the challenge from the staff perspective on what the Council did to promote and/or discourage innovation;

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 5:37 p.m. in the City Hall Conference Room to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 16-541 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 potential purchase of a 25.63 acre tract, generally located on the north side of Tom Cole Road and being west of and adjacent to City of Denton Enterprise Airport property and being situated in the Wm. Wilburn Survey, Abstract 1419, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property 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. (Denton Enterprise Airport - West Parallel Runway project: Eagle Farms/Porter - no action item)

- B. ID 16-542 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 potential purchase of a 29.444 acre tract, generally located and adjacent to the southwest boundaries of the City of Denton Enterprise Airport property and being situated in the J. McDonald Survey, Abstract 873, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property 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. (Denton Enterprise Airport - West Parallel Runway project: SLF II Cole Properties, LP - no action item)

- C. ID 16-599 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.

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 16-523 Hallie's Heroes Day

Mayor Watts presented the proclamation for Hallie's Heroes Day.

- B. ID 16-569 Bike Month

Mayor Watts presented the proclamation for Bike Month.

- C. ID 16-571 Motorcycle Safety and Awareness Month

Mayor Watts presented the proclamation for Motorcycle Safety and Awareness Month.

- D. ID 16-573 National Children's Mental Health Awareness Day

Mayor Watts presented the proclamation for Children's Mental Health Awareness Day.

- E. ID 16-574 Denton County MHMR Connections Fundraising Event

Mayor Watts presented the proclamation for Denton County MHMR Connections Fundraising Event.

- F. ID 16-582 Building Safety Month

Mayor Watts presented the proclamation for Building Safety Month.

**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 16-583 David Zoltner regarding "Decorum" and Rule of Procedure 2-29 (c)(3)h.

Dr. Zoltner presented information on addressing individual council members during public comments. He had information from the AG office that it was not permissible to restrict what individuals said about the members of the Council. Open Mic speakers and citizen reports were different procedures. Open mic would not allow discussion but citizen reports have topics posted and should be debatable by Council.

2. ID 16-590 Isabel Cano regarding sidewalks.

Ms. Cano presented information on sidewalks in Denton and felt that there should be priorities to bridge the gaps of sidewalks around elementary schools. She presented information of the gaps in

sidewalks around Newton Rayzor Elementary School. She also presented information on Wendell School and Lee Elementary School which had sidewalks. She suggested a quarter of a mile around the schools for sidewalks.

Council Member Roden asked about a tool to allow neighborhoods to petition for sidewalks as a way to leverage of donation of right-of-way for sidewalks.

Council Member Johnson stated that the DISD not provide bus service within 2 miles of a school and a priority was needed for the older neighborhoods to get sidewalks established.

Council Member Hawkins asked for an Informal Staff Report regarding more manned crosswalks.

#### C. Additional Citizen Reports

1. Ken Gold spoke in support of the City Charter regarding a city auditor. He felt a city auditor was needed and Council needed to appoint one.

#### **4. CONSENT AGENDA**

Mayor Watts announced that Items L and N would be pulled for individual consideration.

Council Member Hawkins motioned, Mayor Pro Tem Gregory seconded to adopt the Consent Agenda and accompanying ordinance and resolution with the exception of Item L and N. 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. 2016-133

- A. ID 16-536 Consider adoption of an ordinance approving the expenditure of funds for a software license upgrade and three (3) year software maintenance for continued vendor support for Cityworks software for the Water and Wastewater Asset Work Order Software System 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 5194-awarded to Azteca Systems, Inc. in the three (3) year not-to-exceed amount of \$180,000).

##### Ordinance No. 2016-134

- B. ID 16-540 Consider adoption of an ordinance of the City of Denton, authorizing the execution of a real estate sales contract ("contract") between the City of Denton ("City"), as buyer, and DW Carmel, LLC ("owner"), as seller, for the purchase of a 6.394 acre tract, more or less, being situated in the Gideon Walker Survey, Abstract no. 1330, located in Denton, Denton County, Texas, also known as Lot 1, Block KK, Villages of Carmel Phase 5B a pending subdivision plat, Denton County Texas, and known locally as the 5400 block of Edwards Road, Denton, Denton County, Texas, and is more particularly described in the contract attached as Exhibit "A", for the purchase price of Two Hundred Seventy Eight Thousand Three Hundred Twenty

Five Dollars and no/10 (\$278,325.00); authorizing the expenditure of funds therefor; and, providing an effective date.

Approved the appointment of the board members noted below.

- C. ID 16-545 Consider appointment of board members for Tax Increment Financing Zone Number One (Downtown TIF).

Resolution No. R2016-011

- D. ID 16-546 Consider approval of a resolution approving the Downtown Tax Increment Fund (Downtown TIF #1) 2015 Annual Report.

Ordinance No. 2016-135

- E. ID 16-559 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2015-2016 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Tree Mitigation Fund of ninety two thousand eight hundred and fifty dollars (\$92,850); declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Ordinance No. 2016-136

- F. ID 16-560 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 additional security cameras for various City departments and for the maintenance of all cameras in the network; and providing an effective date (File 6105-awarded to Sigma Surveillance, Inc. dba STS 360, LLC. in the three (3) year not-to-exceed amount of \$961,808.72).

Ordinance No. 2016-137

- G. ID 16-561 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for cleaning services for the City of Denton Downtown Square and Cedar, Hickory, and Industrial Streets; providing for the expenditure of funds therefor; and providing an effective date (RFP 6011-awarded to Entrust One Facility Services, Inc. in the three (3) year not-to-exceed amount of \$255,000).

Ordinance No. 2016-138

- H. ID 16-562 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Electric Substation Relay Panels for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 6056-awarded to Schweitzer Engineering Laboratories, Inc. in the three (3) year not-to-exceed amount of \$860,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2016-139

- I. ID 16-564 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for wood grinding services for the City of Denton Beneficial Reuse Department; providing for the expenditure of funds therefor; and providing an

effective date (RFP 6066-awarded to Thelin Recycling Company, LP in a three (3) year amount not to exceed \$750,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2016-140

J. ID 16-565 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for electrical services for City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6003-awarded to C&G Electric, Inc. in a three (3) year amount not to exceed \$450,000).

Ordinance No. 2016-141

K. ID 16-567 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Employee Benefits Consulting Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6063-awarded to McGriff, Seibels & Williams of Texas, Inc. in a three (3) year amount not to exceed \$145,500).

Approved the donation as noted below.

M. ID 16-575 Consider approving the donation of 13 oil and watercolor prints by the late Martha Robbins as Public Art pursuant to the City of Denton's Donations of Public Art Policy. The Public Art Committee recommends approval (7-1).

Item L was considered.

Ordinance No. 2016-142

L. ID 16-568 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the south side of Highland Street from its intersection with Bernard Street to its intersection with IOOF Street; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommends approval (4-0).

Council discussed the proposal which was initiated by the neighborhood and approved by the Traffic Safety Commission. It was noted that these same issues were highlighted by other areas in the city and there was a need for a city-wide policy. A suggestion was made to talk with the Fire Department about streets that presented problems with truck passage.

Willie Hudspeth felt that sidewalks were important for the children in order to keep them safe. This issue needed to be kept in the forefront until it was resolved.

Council Member Roden motioned, Mayor Pro Tem Gregory 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.

Item N. was considered.



Ordinance No. 2016-143

N. ID 16-584 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the execution of a contract for sale of real estate ("Contract"), between the City of Denton, Texas ("City"), as buyer, and Denton County, Texas ("County"), as seller, for the purchase a 1.083 acre tract, more or less, located in the B.B.B. & C. Railroad Company Survey, Abstract No. 185, Denton County, Texas, and located generally on the north side of the 300 block of East McKinney Street, Denton, Denton County, Texas, and more particularly described in the Contract of Sale attached to the ordinance as Exhibit "A", for the purchase price of One Million and No/100 Dollars (\$1,000,000.00); and providing an effective date. (Denton County Courthouse Annex property purchase - 301 East McKinney Street)

Council Member Johnson left the meeting with a potential conflict of interest.

Willie Hudspeth questioned if Council Member Johnson was involved in any of the deliberations concerning this property.

City Attorney Burgess stated that he had not been present.

Council Member Hawkins motioned, Council Member Roden seconded to adopt the ordinance. 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.

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

Ordinance No. 2016-144

A. ID 16-557 Consider adoption of an ordinance approving a First Amendment to a Tax Abatement Agreement between the City of Denton and Peterbilt Motors Company setting forth all the required terms of the Tax Abatement Agreement in accordance with the terms of Chapter 312 of the Texas Tax Code; setting forth the various conditions precedent to Peterbilt Motors Company, receiving the Tax Abatement; providing for a severability clause; and providing an effective date.

Aimee Bissett, Director of Development Services, stated that this was an amendment for a tax abatement agreement with Peterbilt. It would change the base year from 2017 to 2016. She reviewed the history of Peterbilt Motors in Denton; Peterbilt's efforts in helping expansion/relocation of suppliers/vendors to Denton; the original project approved in 2015; the current expansion project; considerations under Chapter 312 of the Local Government Code; project valuation estimate; amendment request in terms of abatement figures; and the total requested incentive. The recommendation from the Economic Development Partnership Board was presented which approved the amendment to include Phase 2 at 70% for 7 years.

Willie Hudspeth questioned what the basis was for giving incentive agreements.

Council discussed the criteria for considering a tax abatement and other programs such as 380 agreements.

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.

## **6. PUBLIC HEARINGS**

### Ordinance No. 2016-145

- A. ID 16-428 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, adopting Standards of Care for Youth/Teen Programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041 (b) (14); and providing an effective date. (The Parks, Recreation and Beautification Board recommended approval 6-0).

Kathy Schaefer, Youth/Teen Services Manager, presented the standards of care for the Parks recreations programs. Each year the State required a public hearing for these standards. The Standards were posted on the website and added qualifications for program specialists. The recreation centers were added in the standards of care.

The Mayor opened the public hearing.

Willie Hudspeth submitted a Speaker Card but did not address the topic. Instead he spoke on the lack of African American hires in the Parks Department.

The Mayor closed the public hearing

Council Member Briggs motioned, Council Member Hawkins 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.

- B. ID 16-522 Hold a public hearing inviting citizens to comment on the City of Denton's 2016-17 Action Plan for Housing and Community Development.

The Mayor opened the public hearing.

Barbara Ross, Community Development Division Manager, stated that the State required a 30 day public comment period and have the Action Plan posted on the website for public comment.

There were no speakers.

The Mayor closed the public hearing.

No action was required on this item.

**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.

1. ID 16-539 Willie Hudspeth regarding code enforcement, ethics ordinance and citizen reports at the end of the meeting.

Mr. Hudspeth commented on a Community Improvement Services Officer who was working with him regarding possible violations at his business. In terms of an ethics ordinance, he urged the Council to get one completed as soon as possible. Citizens should not have to wait to the end of the meeting to speak to Council.

**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 Johnson requested a work session or Informal Staff Report on what the City could do for Habitat for Humanity with items such as impact fees.

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 7:59 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