

CITY OF DENTON CITY COUNCIL MINUTES

May 5, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, May 5, 2015 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Engelbrecht, Council Member Gregory, Council Member Hawkins, Council Member Johnson, Council Member Roden, Council Member Ryan, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments regarding the Consent Agenda.

2. Requests for clarification of agenda items listed on the agenda for May 5, 2015.

Council Member Ryan stated that he had received requests from several citizens to pull Consent Agenda Items O-S for separate consideration.

City Manager Campbell stated that Council had received a substitute fee schedule for the Parks item and he requested Council include that in any motion for the Consent Agenda.

Council Member Johnson asked about Consent Agenda Item F regarding the software maintenance and requested a clarification of the expenditure.

Chuck Springer, Director of Finance, stated that the item was a three year agreement for the utility billing system software support for that program and an update for the prepaid utility program to make them more efficient.

Council Member Johnson asked about Consent Agenda Item N regarding the sharing of resources to a city in Mexico. He suggested either pulling the item for recognition at the regular meeting or have the City Manager explain it in the regular meeting.

City Manager Campbell stated that the item was a proposal to donate equipment and Council authority was needed in order to complete the transaction. This proposal would provide better use of the equipment than just disposing of it.

Mayor Pro Tem Engelbrecht stated that this was in conjunction with a follow up of a meeting last year with the City of Múzquiz. Múzquiz asked for help locating supplies for their fire/police and Denton was able to donate items to them. The two cities had entered into joint friendship agreement.

3. Work Session Reports

- A. ID 15-156 Receive a report, hold a discussion and give staff direction regarding the request to change the existing park rules Chapter 22-26 and 22-29 of the Code of Ordinances of the City of Denton to prohibit vending, solicitation and the offer to sell items in the park and as well as solicitation of future sales unless the vendor is under contract with the City to offer fitness, athletic or recreation programs; or invited to participate in an activity offered by the Department.

Emerson Vorel, Director of Parks and Recreation, stated that current park rules did not allow solicitation in the Parks without contracting with the City. There had been an increase in unauthorized commercial use of the Parks such as teaching tennis lessons on the courts, organized fitness activities in the parks, sales of food and problems with solicitation in the parks to purchase products off the website. These vendors did not have any insurance and provided no protection for the City if someone were to get hurt participating in one of these types of activities. There were also no background checks on the individuals providing the classes and no general fund revenue for the City. These vendors were in direct competition with individuals who had contracts with Parks. There was a philosophical difference with the personal gain off public tax supported property. The Parks Board expressed a desire to limit commerce in the parks to special events, recreation and sports related activities and no food vendors, etc. without a contract with the City.

Council Member Roden asked if there was a tool in place to enforce these activities at this time.

Vorel stated that they could curb the true sales but needed help with the solicitation and associated resistance from those vendors.

Council Member Roden asked what would be the process if a citizen wanted to approach the City with a related need.

Vorel stated that their process was very clear. They could come in and talk with him about their proposal. If an event was being held in a park, the perception was that it was related to the City.

Council Member Gregory asked about limiting the food vending.

Vorel stated that the Parks Board recommended not allowing food vending in the parks for several reasons which included the noise level, litter, children in the street, etc. There was also the conflict where there was already a concessions stand either sponsored by the City or by a group.

Council Member Ryan questioned why not allow food vending where there was no concessions.

Vorel stated that the Parks Board indicated that they did not want commerce of any kind in the parks and had a lengthy discussion about the matter.

Council Member Roden asked about the fee schedule.

Vorel stated that the Parks Board had indicated no vending in the parks and other vending would be worked out with a contract with staff.

Council Member Gregory stated that he was not sure if he was comfortable with no vending at all as there might be a time when it would be appropriate.

Vorel stated that in that case, it would be some type of special event and vendors would be invited by Parks to vend.

Consensus of the Council was to follow the general direction of the proposed ordinance reflected by the Parks Board for further discussion.

- B. ID 15-332 Receive a report, hold a discussion and give staff direction regarding City Council priorities for the FY 2015-16 Proposed Budget and Capital Improvement Plan.

Chuck Springer, Director of Finance, presented the budget priorities for the 2015-16 budget. The purpose of the discussion was to discuss council priorities to assist staff in the development of the 2015-16 budget. He provided a list of potential priorities from prior year budget discussions and City Council discussion during the current year. He reviewed the potential budget priorities list that was in the backup materials.

Council Member Roden asked if staff's supplemental packages had already been submitted.

Springer stated that staff will make presentations to the City Manager in early June and the budget would be presented to Council in July.

Council Member Roden asked if there was any give or take before the supplemental packages were considered. The current process made it hard to get Council/citizen suggestions.

Springer stated that the City Manager sent out a memo regarding projects staff wanted to see before the proposed budget.

City Manager Campbell stated that most of what the departments were submitting was their perceptions of what the City needed based on discussions from Council.

Council Member Roden stated that he would like more detail on the current street situation in order to consider how that would affect franchise fees.

Howard Martin, Assistant City Manager, stated that the OCI study would not be completed for a while. Staff could put together a financial plan or approach that could be adjusted when the study was completed.

Council Member Roden requested that sidewalks be included with an inventory and condition assessment along with facility parking lots.

Council Member Gregory felt the list was a good reflection of what Council had been discussing. He felt that a 3-1-1 plan was missing and did not know if it needed to be on the list.

City Manager Campbell stated that it would be good to add it to the list to keep as a place holder.

Council Member Johnson stated that he would like a plan for a goal for the OCI rating and how to get there from an activity standpoint and financial standpoint. He suggested considering a long range goal for the OCI rating to help with the financial aspect. Then set up short term goals for the next 5, 10 or 15 years to reach that long term goal. He noted that one thing missing from the list was improvement in the planning and development process from start to the receipt of a Certificate of Occupancy.

Aimee Bissett, Interim Director of Planning and Development, stated that the department was in the process of doing that and that staff had conversations with Building Inspections and the Planning Division on how to balance the trend for inspections, etc.

Council Member Johnson suggested adding a priority for appropriate funding for Building Inspections and Planning.

Council Member Ryan asked about a reserve for economic development and a way to fund that as other economic development incentives rolled off. He also asked about cash funding for vehicles.

Springer stated that in the past there was some cash funding done but that was later rolled into the General Fund.

Council Member Johnson requested developing a plan to assist with bike/pedestrian access such as here was what was wanted/here was how long to get there.

Council Member Gregory noted that there was a bike plan but not so much with sidewalks and that there were lots of gaps in the sidewalks.

Council Member Hawkins felt that the streets issue was the capacity to work on the streets and a schedule to do that.

Martin stated that it would cost about \$157 million to do all the streets and that they were trying to tackle it over a number of years.

Mayor Pro Tem Engelbrecht stated that water and sewer lines needed to be replaced at the same time and suggesting funding to do the utilities at the same time as the streets.

Springer stated that the upcoming budget proposed to add a piece of equipment for a second dedicated City crew to work on those projects and then add a second crew to do the smaller jobs.

Council Member Johnson recommended setting the OCI goal at 70. He also recommended hiring a consultant to help with facility usage to plan what was needed such as a space study to get the process moving.

Mayor Watts stated that he had suggested this meeting early in the process out of concern about budget assumptions that had changed. He suggested building a budget amount and the excess that went over that budgeted amount, determine where to put those additional funds. If the amount went over the established increase, Council could determine what to do with that extra funding. He felt that he would like to revisit the OCI process and the OCI technology. He questioned if a street were redone, what then was the rating for that street.

Council Member Hawkins requested an Informal Staff Report on how it was determined on which streets to fix before there was an OCI rating.

Council Member Roden suggested considering how to plan for big ticket items; a McKinney Street crossing suggestion; and a smart meter concept for the immediate Square area for on-street parking.

Mayor Watts suggested considering TIF funds for helping with the Parks.

C. ID 15-351 Receive a report, hold a discussion, and give staff direction regarding a proposal of private property tree planting projects from Keep Denton Beautiful (KDB).

Loren Barker, Keep Denton Beautiful (KDB) Program Manager, stated that at the Council meeting of March 3rd staff had presented a proposal for KDB to use Tree Mitigation Funds for private property tree plantings. The focus of this meeting would be a comprehensive plan to use Tree Fund money for getting trees into the hands of citizens. It would also cover necessary changes to the Tree Code to make these programs possible.

Background of KDB - KDB was a nonprofit partner of the City working on litter prevention, beautification and urban forestry. It provided free trees and tree planting instructions through a number of events.

Proposal overview - revisions to the Tree Code were needed to allow use of the Tree Migration Funds for private property planting and staffing. The recommendation was 12,160 trees at a total cost of \$835,302 over three years. The proposal would be a combination of four programs to maximize distribution and reach the approaches fitting within existing program models. There would be a built-in tracking capability and opportunities for education. Case studies and current KDB tree programs were used to determine feasibility and sustainability.

Tree Code revisions – an amendment was needed to allow for proposed programs to purchase trees for planting on private property either through giveaways or rebates and for temporary staff.

Proposed Programs – these programs included small scale giveaways, a business NeighborWoods program, enhanced Arbor Day activities and a tree rebate program. Small-scale giveaways would include (1) giveaways to neighborhood groups, churches and civic organizations, and (2) free trees at the Denton Redbud festival. The business neighborhood option would target businesses that needed trees. Participants would agree to provide a water/maintenance plan, plant the trees in publicly viewed spaces, take a tree care education class and submit reports to track the health of the trees over time. Enhanced Arbor Day activities would involve providing up to 20 3-inch caliper trees planted at local schools along with watering bags, mulch and educational materials. The Tree Rebate Program was modeled after Denton's GreenSense Rebate Program which included a list of approved vendors. Only selected native or adapted trees would be eligible for the rebate. The public education component would center on the right tree in the right place. A temporary employee would be needed to implement the program and process applications.

The three year budget projections were reviewed. Additional considerations were (1) temporary staff to support the programs, (2) a citizen forester training program, (3) a sustained education

campaign, and (4) the possibility of increased tree trimming costs (even with education and placement requirements).

Short term goals included coordinating public and private efforts for a comprehensive tree planting plan for the City and metrics for large-scale tree planting success.

Long range goals involved a citywide tree management plan and tree tracking software to allow residents to adopt a tree through an online portal plus the use of Citizen Forester volunteers to help care for street trees and other public trees.

Council Member Johnson felt that the program was heavily weighted towards a rebate program.

Barker stated that the cost of a tree was lower as well as the labor to install the tree.

Council Member Johnson suggested finding retailers who would partner with the City which might result in the sale of other items along with getting the trees.

Council Member Roden suggested building in an opportunity for flexibility to change from a rebate to a neighborhood program, etc.

Council Member Roden asked if the tracking system would be the same for each of the different programs.

Barker stated that the intake of the data would be different such as applications, etc. for each program.

Council discussed the neighborhood programs, training for those receiving the trees, the rebate program associated with receiving the trees, and the need to keep in mind that Denton was part prairie and part woods to keep the plantings consistent with the region.

Council Member Roden suggested not getting bogged down in the details regarding the education of the planting of trees so as to not keep people away from the rebate program.

Mayor Watts requested an Informal Staff Report on the details of the project.

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

1. Closed Meeting:

- A. ID 15-360 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 acquisition of real property interests located in the, A. Tomkins Survey, Abstract No. 1246, and the O. S. Brewster Survey, Abstract No. 56, both in Denton County,

Texas, generally located in the 1800 block of Bonnie Brae Street, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or 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. (Bonnie Brae Road Widening and Improvements Project: Parcel 17, Jones Family Trust [ID 15-361])

- B. ID 15-367 Deliberation regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551-071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the acquisition of real property interests in the J. Haney Survey, Abstract No. 515, Denton, Denton County, Texas, generally located south of FM 1173 and east of Masch Branch Road. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of real property interests referenced above where a public discussion of these legal matters would conflict with the duties of the City's attorneys to the City of Denton and Denton City Council under the Texas Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceedings or potential litigation. (DME-Masch Branch Switch Station) [ID 15-371]

- C. ID 15-377 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the potential exchange and/or sale of certain real property interests regarding a 1.6598 acre tract located in the Robert Beaumont Survey, Abstract Number 31 and a 0.3278 acre tract located in the N.H. Meisenhamer Survey, Abstract Number 810, both in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against 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. (North Lakes Park - excess property below south dam area) [ID 15-378]

- D. ID 15-376 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. Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to legal and economic development issues related to Orison Holdings and economic development incentives and the acquisition of real property interests in the H.

Sisco Survey, Abstract No. 1184, Denton, Denton County, Texas, generally located in the 600 block of E. Hickory. This discussion shall include commercial and financial information the City Council has received from Orison Holdings which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

This item was not considered.

- E. ID 15-302 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

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

- F. ID 15-168 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive a further briefing and presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information regarding the proposed Collaboration Agreement which pertains to DME's establishment of a high voltage direct current (HVDC) interconnection with another electric transmission service company utilizing the latest in power grid technology that would provide DME the opportunity to acquire additional renewable energy and other electric power products for its energy portfolio. Consultation with the City's attorneys regarding legal issues associated with the proposed Collaboration Agreement and the implementation of the HVDC interconnection where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. Discuss, deliberate, provide staff with direction and consider final action and approval of the Collaboration Agreement.

Council considered Ordinance No. 2015-124. Mayor Pro Tem Engelbrecht motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

- G. ID 15-363 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive a briefing and presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding the proposed Professional Services Agreement (the "Agreement") by and between the City of Denton, Texas and Burns & McDonnell Engineering Company, Inc., Kansas City, Missouri, regarding contractual matters that deal with plans, studies, proposals and analyses for system improvements to the Denton Municipal Electric system, said Agreement being in the not-to-exceed amount of \$264,648. Consultation with the City's attorneys regarding legal issues associated with the Agreement where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. Discuss, deliberate, provide staff with direction, approve and take final action on said Agreement.

Council considered Ordinance No. 2015-125. Mayor Pro Tem Engelbrecht motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

- H. ID 15-364 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive a briefing and presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding the proposed three-year Professional Services Agreement (the "Agreement") by and between the City of Denton, Texas and Teague Nall & Perkins, Inc. regarding contractual matters that deal with plans, studies, proposals and analyses for system improvements to the Denton Municipal Electric system, said Agreement being in the not-to-exceed amount of \$450,000. Consultation with the City's attorneys regarding legal issues associated with the Agreement where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. Discuss, deliberate, provide staff with direction, approve and take final action on said Agreement.

Council considered Ordinance No. 2015-126. Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

I. ID 15-375 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; current and proposed extension to moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

J. ID 15-394 Deliberation regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the City Attorney, Municipal Court Judge, and City Manager.

This item was not considered.

K. ID 15-400 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 regarding a proposed economic development incentive agreement for Project Ranger One (Denton-Tarrant PRW, LLC). This discussion shall include commercial and financial information the City Council has received from Project Ranger One which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Mayor Watts left the meeting with a potential conflict of interest.

L. ID 15-401 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 regarding a proposed economic development incentive agreement for Madison Partners. This discussion shall include commercial and financial information the City Council has received from Madison Partners which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Mayor Watts returned to the meeting.

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.

Council Member Roden left the meeting.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

A. ID 15-246 National Day of Prayer

Mayor Watts presented the proclamation for National Day of Prayer.

B. ID 15-250 Bike Month

Mayor Watts presented the proclamation for Bike Month.

C. ID 15-292 Shelter Thy Neighbor Week

Mayor Watts presented the proclamation for Shelter Thy Neighbor Week.

D. ID 15-384 Children's Mental Health Awareness Day

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

E. ID 15-402 Arson Awareness Week

Mayor Watts presented the proclamation for Arson Awareness Week.

3. CONSENT AGENDA

Mayor Watts noted that Items O-S would be pulled for separate consideration and that Item L would be considered with the substitute ordinance as provided in the Work Session.

Council Member Hawkins motioned, Council Member Gregory seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Items O-S and with the substituted ordinance for Item L. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2015-127

- A. ID 15-136 Consider adoption of an ordinance approving an Encroachment Agreement between the City of Denton, Texas, and RLB Investment Partners, LLC, to allow a deck and related appurtenances to be located within existing City easements on and near 321 W. Hickory St.; and declaring an effective date.

Ordinance No. 2015-128

- B. ID 15-312 Consider adoption of an ordinance approving the expenditure of funds for the purchase of LON GON Odor Control for the City of Denton Landfill which is available from only one source 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 5786-awarded to Enviro Chemical Research in the three (3) year not-to-exceed amount of \$450,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-129

- C. ID 15-352 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a purchase order through the Buy Board Cooperative Purchasing Network for the acquisition of two (2) skid steer loaders for the City of Denton Solid Waste and Wastewater Collections departments; and providing an effective date (File 5813 awarded to Bobcat Company in the amount of \$152,722.74). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-130

- D. ID 15-353 Consider adoption of an ordinance providing for the expenditure of funds for the emergency cleaning of the Lake Ray Roberts Water Treatment Plant Supply Pipeline 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 5684-awarded to Archer Western Construction, LLC in the amount of \$265,818.12 and File 5711 awarded to Clean-Co Systems, Inc. in the amount of \$224,493.10). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-131

- E. ID 15-354 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Lake Ray Roberts Water Treatment Plant Equipment Storage Building; providing for the expenditure of funds therefor; and providing an effective date (RFP 5783-awarded to Caliber Construction, Inc. in the amount of \$138,040). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-132

- F. ID 15-355 Consider adoption of an ordinance approving the expenditure of funds for the purchase of three (3) year software maintenance for continued vendor support for Harris Public Utility Billing System and associated software modules, implementation of data transfer with Exceleron for utility prepay, and implementation of the core automation suite, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 4735-awarded to Harris Computer Systems, Inc. in the three (3) year not-to-exceed amount of \$700,000).

Ordinance No. 2015-133

- G. ID 15-356 Consider adoption of an ordinance accepting competitive bids by way of an Interlocal Agreement with The Cooperative Purchasing Network (TCPN) for the acquisition of maintenance, repair, and operations supplies including hand tools, personal safety equipment, and supplies used by the City's field personnel, for the City of Denton Distribution Center; providing for the expenditure of funds therefore; and providing an effective date (File 5811-awarded to Fastenal Company in the three (3) year not-to-exceed amount of \$600,000).

Ordinance No. 2015-134

- H. ID 15-357 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the City of Denton Pecan Interceptor III project; providing for the expenditure of funds therefor; and providing an effective date (Bid 5767-awarded to the lowest responsible bidder meeting specification, William J Schultz Inc. dba Circle C Construction Company in the amount of \$2,928,637). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-135

- I. ID 15-358 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of medium duty trucks for the City of Denton; and providing an effective date (RFP 5762-awarded to Grapevine DCJ, LLC in the three (3) year not-to-exceed amount of \$1,743,826).

Ordinance No. 2015-136

- J. ID 15-359 Consider adoption of an ordinance of the City of Denton authorizing an agreement by and between the City of Denton, Texas and Robson Denton

Development, L.P. for the provision of water services, providing for the expenditure of funds therefor; providing an effective date. The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-137

K. ID 15-371 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to accept a counteroffer from McKee- Krum Properties, LLC, for the purchase by the City of a 15.037 acre tract located in the J. Haney Survey, Abstract No. 515, Denton, Denton County, Texas, generally located south of FM 1173 and east of Masch Branch Road, for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, including substations and switch stations, for the price of \$250,000.00; authorizing the expenditure of funds; and, providing an effective date. (DME Masch Branch Switch Station) [ID 15-367]

Ordinance No. 2915-138

L. ID 15-373 Consider adoption of an ordinance adopting a Schedule of Fees for use of certain park facilities; superseding all prior fees in conflict with such schedule; and providing for severability and an effective date. The Parks, Recreation and Beautification Board recommends approval (4-1).

Ordinance No. 2015-139

M. ID 15-378 Consider adoption of an ordinance of the City of Denton, Texas approving the sale of an approximate 1.6598 acre of designated City park land situated in the R. Beaumont Survey, Abstract No. 31, to the successful proposer, SSR Group, LP, a Texas limited partnership, for the total consideration of \$658,100.00 consisting of both cash and real property; authorizing the City Manager in accordance with Texas Local Government Code 253.001 to execute a deed to SSR Group, LP, together with any other documents necessary to sell and convey said real property; and providing an effective date (RFP 5614-Sale of Real Property).

Ordinance No. 2015-140

N. ID 15-399 Consider adoption of an ordinance authorizing the City Manager to execute an Donation Agreement with the City of Múzquiz, a political subdivision of the Free and Sovereign State of Coahuila, Mexico in compliance with City of Denton Ordinance 2008-11; authorizing the donation of Police and Fire Equipment to the City of Múzquiz; authorizing the donation of the equipment with an estimated value greater than Five Hundred Dollars (\$500); and providing an effective date (File 5824-Donation Agreement with the City of Múzquiz).

Council considered Items O-S pulled for separate consideration.

Ordinance No. 2015-141

O. ID 15-396 Consider adoption of an ordinance approving a salary increase for Anita

Burgess, City Attorney, under the performance review provision of her employment agreement with the City; authorizing the expenditure of funds; and providing an effective date.

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

Ordinance No. 2015-142

- P. ID 15-397 Consider adoption of an ordinance approving a salary increase for George C. Campbell, City Manager, under the performance review provision of his employment agreement with the City; authorizing the expenditure of funds; and providing an effective date.

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

Ordinance No. 2015-143

- Q. ID 15-403 Consider adoption of an ordinance approving a salary increase for Robin A. Ramsay, Municipal Judge, under the performance review provision of his employment agreement with the City; authorizing the expenditure of funds; and providing an effective date.

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

Ordinance No. 2015-144

- R. ID 15-404 Consider adoption of an ordinance extending an employment agreement for the City Manager; amending Sections 3, 5 and 6 of said agreement; authorizing the Mayor to execute said agreement; and authorizing expenditures and actions.

Mayor Watts noted that Comment Cards had been submitted by the following:

Hatice Salih, 300 Northridge, Denton, 76201 - in opposition
Daniel Garza, 300 Northridge, Denton, 76201 - in opposition
David Zoltner, 2501 Timber Trail, Denton, 76209 - in opposition

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

Ordinance No. 2015-145

- S. ID 15-405 Consider adoption of an ordinance extending an employment agreement for the City Attorney; amending Sections 3, 5 and 6 of said agreement; authorizing the Mayor to execute said agreement; and authorizing expenditures and actions.

Mayor Watts noted that Comment Cards had been submitted by the following:

Hatice Salih, 300 Northridge, Denton, 76201 - in opposition

Daniel Garza, 300 Northridge, Denton, 76201 - in opposition

David Zoltner, 2501 Timber Trail, Denton, 76209 - in opposition

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

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

Ordinance No. 2015-146

- A. ID 15-361 Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (i) fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of an approximate 1.28 acre of real property, (ii) a utility slope easement encumbering 0.244 acre of real property, (iii) a temporary construction, grading and access easement, encumbering 1.29 acre of real property; (iv) a slope easement encumbering 0.04 acre of real property, (v) a drainage easement encumbering 0.04 acre of real property, (vi) a sanitary sewer easement encumbering 0.65 acre of real property, (vii) a utility drainage easement encumbering 0.01 acre of real property, and (viii) a temporary access easement encumbering 1.11 acre of real property; for the public use of expanding and improving Bonnie Brae Street, a municipal street and roadway located in the City of Denton, Texas, generally located in the 1800 block of N. Bonnie Brae Street, and situated in the A. Tompkins Survey, Abstract No. 1246 and the O. S. Brewster Survey, Abstract No. 56, City of Denton, Denton County, Texas, as more particularly described on "Exhibit "A", attached thereto and made a part thereof, (collectively the "Property Interests"); authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Bonnie Brae Road Widening and Improvements Project: Parcel 17, Jones Family Trust)

LuAnne Oldham, Real Estate Specialist, presented information on the proposal. The project involved the Bonnie Brae Road widening and improvements. She noted that she would be presenting the legal description of the property on the overhead screen as the motion was being read.

Council Member Gregory motioned: "I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire (1) fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of an approximate 1.28 acre tract of real property, (2) a utility slope easement encumbering 0.244 acre of real property, (3) a temporary construction, grading and access easement, encumbering 1.29 acre of real property, (4) a slope easement encumbering 0.04 acre of real property, (5) a drainage easement encumbering 0.04 acre of real property, (6) a sanitary sewer easement encumbering 0.65 acre of real property, (7) utility drainage easement encumbering 0.01 acre of real property, and (8) a temporary access easement, encumbering 1.11 acre of real property, all of which are for the public use of expanding and improving Bonnie Brae Street, a municipal street and roadway situated in the A. Tompkins Survey, Abstract No. 1246 and the O. S. Brewster Survey, Abstract No. 56, City of Denton, Denton County, Texas and are generally located in the 1800 block of N. Bonnie Brae Street, and are more particularly described in Exhibit "A" to the ordinance now under consideration and on the overhead screen being now displaced to the audience." Council Member Hawkins seconded the motion.

On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

First Reading

- A. SI15-0011 Consider adoption of an ordinance of the City of Denton, Texas, on first reading, confirming and approving a Boundary Adjustment Agreement, with the City of Corinth, Texas, adjusting a mutual boundary of the cities not exceeding 1,000 feet; providing for severability; and providing an effective date.

Aimee Bissett, Interim Director of Planning and Development, stated that this was a boundary adjustment with the city of Corinth. She presented the location map and zoning map. This adjustment was a mutual request from the cities of Denton and Corinth and would not exceed 1,000 feet. If approved the next step would be to amend PD-12 to extend the boundary to include the new area and complete the final plat.

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

Resolution No. R2015-014

- B. ID 15-347 Consider approval of a resolution appointing a member of the Board of Directors of Texas Municipal Power Agency, a Joint Powers Agency representing the City of Denton, Texas; and declaring an effective date.

Mayor Watts left the meeting with a conflict of interest.

Council Member Gregory motioned, Council Member Ryan seconded to appoint Chris Watts to the TMPA Board of Directors. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", and Council Member Ryan "aye". Motion carried unanimously.

Mayor Watts returned to the meeting.

6. PUBLIC HEARINGS

Ordinance No. 2015-147

- A. HL15-0004 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, designating the property located at 1109 West Congress Street, legally known as Lot 2 (all), Lot 6 (n25' of w75'), Block 4 of the High School Addition, as a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. The Planning and Zoning Commission recommends approval (7-0).

Aimee Bissett, Interim Director of Planning and Development, stated that the request was for a historic landmark designation for 1109 W. Congress. She presented site photos and criteria for approval which the proposal met. The Planning and Zoning Commission and the Historic Landmark Commission recommended approval.

The Mayor opened the public hearing.

Mayor Watts noted that Comment Cards had been submitted by the following:

John and Donna Morris, 918 W. Oak, Denton – in favor
Angie Matthews, 317 Matthew, Denton, 76210 – in favor

Chris Voci, applicant, spoke in favor.

Council Member Johnson asked Voci about his experience going through the process from the application to this meeting.

Voci stated that he submitted his preliminary application after HLC approved it and then his final application was submitted in December. The entire process was about five-six months from first started. He suggested a seminar on how to do the process.

The Mayor closed the public hearing.

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

Ordinance No. 2015-148

- B. HL15-0006 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, designating the property located at 923 West Oak Street, legally known as Tract 17, A.E. Pulchalski Survey, Abstract No. 996, as a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. The Planning and Zoning Commission recommends approval (7-0).

Aimee Bissett, Interim Director of Planning and Development, presented the details of the proposed historic designation. The HLC had made the recommendation to designate both the land and the home as a historic designation. The Planning and Zoning Commission and the Historic Landmark Commission recommended approval.

The Mayor opened the public hearing.

Mayor Watts noted that two Comment Cards had been submitted:

John and Donna Morris, 918 W. Oak, Denton – in favor
Angie Matthews, 317 Matthew, Denton, 76210 – in favor

Randy Hunt spoke in favor.

The Mayor closed the public hearing.

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

Ordinance No, 2015-149

- C. HL15-0012 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, designating the property located at 1011 West Oak Street, legally known as Tract 22, A.E. Pulchalski Survey, Abstract No. 996, as a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. The Planning and Zoning Commission recommends approval (7-0).

Aimee Bissett, Interim Director of Planning and Development, presented the details of the request for historic designation at 1011 West Oak Street. She reviewed site photos, location map and notification map. The HLC had approved a preliminary application. She reviewed the criteria for approval which the proposal met. The Planning and Zoning Commission and the Historic Landmark Commission recommended approval.

The Mayor opened the public hearing.

Mayor Watts noted that Comment Cards had been submitted by:

John and Donna Morris, 918 W. Oak, Denton – in favor
Angie Matthews, 317 Matthew, Denton, 76210 – in favor

Randy Hunt spoke in favor.

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

7. CITIZEN REPORTS

- A. Review of procedures for addressing the City Council. B. Receive citizen reports from the following:

- B. ID 15-383 Willie Hudspeth regarding Southeast Denton issues.

Mr. Hudspeth stated that he had several issues to discuss with the Council. One of his concerns was the time when citizens were allowed to speak. Another was a meeting that was hosted asking City leaders to come and get to know each other. Some members did not attend the meeting. Administrators were causing him problems at his business at Oak and Bonnie Brae. His final concern was that the Parks Department had never had an African-American in a leadership role. He thanked Police Chief, Fire Chief and the County Sheriff for attending his meeting.

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.

Mayor Pro Tem Engelbrecht thanked the Parks Department for bringing Quakertown Park up to better standards for Cinco de Mayo after the wet weather during Jazzfest.

Council Member Hawkins echoed Mayor Pro Tem Engelbrecht's thanks.

Council Member Johnson thanked staff for the information concerning food trucks.

Mayor Watts suggested a committee be formed to discuss potential changes in the use of the Tree Mitigation Fund and different way to approach the tree ordinance.

Mayor Watts requested a presentation by the Planning Department describing different projects in process and requested an update on those listed projects.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned 7:40 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS