

CITY OF DENTON CITY COUNCIL MINUTES

August 18, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 18, 2015 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Hawkins.

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 August 18, 2015.

City Manager Campbell stated that staff was asking to remove Items I, J and R from the agenda and not consider them. Item S had been would be considered as an Individual Item for Consideration.

Council Member Wazny suggested not considering Consent Agenda Item S at this meeting and have a presentation at a later date.

City Manager Campbell stated that staff could get consensus from Council in Closed Session.

Council Member Johnson stated that Consent Agenda Items C, D and E related to the tree mitigation fund and that at one point there was a detail on the percentages of total funds spend on each category of trees, education, etc.

Haywood Morgan, Urban Forrester, stated that those were part of the criteria for using the funds and were still in effect.

City Manager Campbell commented on the new rules of procedure for citizen engagement. He reviewed the new speaker comment cards and noted that the comment cards did not have an option for written comments which would not be read into the records.

Mayor Pro Tem Gregory suggested adding wording for the section on the agenda dealing with additional citizen reports indicating that there would be no pre-registration for this section and would be limited to four speakers.

City Manager Campbell stated that the wording would be modified and that the intent was that those speakers would not be speaking on other agenda items.

Council Member Johnson suggested making it clear that the additional speaker reports were for items not listed on the agenda.

Mayor Watts stated that a process that had been in the rules for a while but not enforced was that the blue cards needed to be in before consideration of an item other than a public hearing.

City Manager Campbell stated that the public hearings procedure was changed so that the Mayor would open the public hearing before staff presentation, then the applicant would speak and then comments from citizens, followed by Council questions and discussion.

3. Work Session Reports

- A. ID 15-623 Receive a report, hold a discussion and give staff direction regarding a potential Economic Development Chapter 380 Grant Agreement for the Victor Expansion Project (Mohr Denton, LLC, a Texas Limited Liability Company and Victor Equipment Company, a Delaware corporation) located at 2800 Airport Road, Denton, Texas 76207.

Aimee Bissett, Director of Development Services, stated that this incentive was for Victor Equipment. Chapter 380 of the Local Government Code allowed incentive agreements for economic development. She reviewed the statistics of Victor and indicated that the development would become the headquarters of the company and create 100 new jobs. The current facility and the expansion project were reviewed.

The Economic Development Partnership Board was proposing a 65% property tax rebate for 7 years which was about \$70,000 annually.

Mayor Watts asked about the 100 new jobs. The information presented stated that there were also 100 jobs relocating to Denton and questioned the distinction between the two.

Bissett stated that the incentive applied to the combined 200 jobs. She noted that the benefits to the City included adding high skilled, high paying jobs, and involvement in the community,

- B. ID 15-647 Receive a report; hold a discussion, and give staff direction regarding the 2015-16 Proposed Budget, Capital Improvement Program and Five-Year Financial Forecast.

Aimee Bissett, Director of Development Services, presented information on staffing in the Planning Department with a total of 12 FTEs requested for 3 departments across 5 divisions.

Mayor Pro Tem Gregory questioned when an analysis of fees in line with revenue was done.

Bissett stated it was done last year with the collection of the number of inspections remaining the same. The intent was to get to a place where the inspectors were doing below 15 inspections per day.

Mayor Watts questioned if the planning software was underutilized and that it might not be what was needed. He did not want to just put in people to fill in insufficiencies for the software. He had questions regarding the Clarion contract and felt that might be an area that could be reduced in the budget. His concern was the consulting fees as he was not sure it was what he wanted to spend money on at this time as the I35 corridor was still changing.

Council discussed the pros and cons of the consulting services for the project. The goal was how to fine tune the project to get the most out of the dollars spent. A suggestion was to look at what other cities were doing as well as UNT along the I35 corridor.

Bissett discussed the potential lease of space of City Hall West. Staff was working with real estate and legal on a potential lease agreement plus a preliminary space layout to estimate the number of employees, proper adjacencies for efficiency and workflow. A potential agreement and preliminary space layout would be brought to Council for consideration.

Springer noted that the Community Market reconstruction of the Exposition parking lot was not currently included in the budget. Council discussion was needed on how to use the \$959,188 overage so staff could put hard numbers together.

Council Member Roden questioned the use of HOT funds for the Kiwanis fireworks. He felt a large number of what was funded through the HOT funds did not meet the eligibility test and that this expense was a better use than most of the other things funded through the HOT funds.

Mayor Watts agreed and felt the explanation was more of an opinion and that it was a good use of the funds.

Council Member Johnson questioned if the HOT funding was final or if modifications could be made at this point in time.

Bryan Langley, Assistant City Manager, stated that changes could still be made.

Council Member Johnson stated he would like to fund the fireworks at the level as last year - \$40,000.

Council Member Roden suggested funding South by Southwest out of HOT funds in future years. Some of the HOT funded agencies had a significant increase this year such as the North Texas State Fair.

Mayor Watts stated that the goal when looking at revenues versus expenses was to not dip into the Fund Balance and look at each individual request. The additional money for the Fair was for increased security and the increase for the CVB was a potential increased demand for marketing Denton.

Council Member Wazny asked about the body cameras for the Police Department and questioned where the additional \$171,000 would be used.

Springer stated that it would add cameras for non-patrol officers.

Captain Scott Fletcher stated that currently there were 80 cameras which provided enough cameras for the patrol officers for one shift such as traffic officers and officers with contact with citizens. The community expected everything the Police Department did to be recorded and some officers had purchased their own cameras. However, that was difficult with evidence management and court case management.

Council discussed the possibility of applying for grants to purchase cameras, conditions when cameras would be used by off-duty officers at special events, and liability of the City during events if cameras were not available.

Council Member Roden asked about the funding for the Community Market and the distinction of what was being funded.

Springer stated that the funds had been separated out such as the paving of the parking lot from other improvements.

Council discussed the use of the Exposition parking lot such as being available for other outdoor events and not just the exclusive use by the Community Market. They agreed that a positive of the project was that it would create another space for community events that would have no negative impact on businesses.

Mayor Pro Tem Gregory questioned if Council needed to have a decision at this meeting regarding which option to use for the projected overage.

Springer stated that a decision should be made by the September 1st meeting so that staff could have it incorporated into the budget for approval on September 15th. He reviewed the options for the Council priority funding. Option A would fund recurring expenditures such as street maintenance; Option B would use the funds for one-time expenditures such as the Community Market parking lot; and Option C would use the funds to lower the tax rate from the proposed rate. A combination of the options could be used.

Council discussed the implications of the three options on the budget, how much the tax rate would be reduced if all of the funds were used for that option, and how the supplemental packages would be affected by using Option C. Council also discussed possible assumptions on the growth of the City for upcoming years. A consideration was to take one-time expenses from the Fund Balance.

Council Member Wazny requested information on the dollar amount between a 1.7 % and 5% inflation rate for employee increases. She suggested scaling back the increases for higher salaries such as salaries under \$100,000 would be eligible for a 3%.

Mayor Watts questioned Council on what other items they wanted to add to the priority funding such as the Community Market to get an idea if the requests went over the amount. If so, then the list would need to be revised again.

Mayor Pro Tem Gregory suggested thinking of one-time only items rather than recurring items. He was not in favor of a tax decrease and wanted to get as much money as possible for the Community Market facilities and for a homeless coordinator.

Council Member Roden indicated that he too was interested in the Community Market and homeless coordinator. His desire would be to coordinate that position with other entities but noted that it would be ongoing expense.

Council Member Briggs requested bus stop shelters be included.

Council discussed the funding for the Community Market. Considerations discussed were that it would be an ongoing expense, whether it would be in competition with fixed stores, should a goal be that the Market be self-sustaining in future years, and that the location would be available for

other community events and not just for the Community Market. A concern was expressed not to send conflicting messages to other event partners.

City Manager Campbell stated that the Exposition parking lot and the Community Market were two different items.

John Cabrales, Assistant City Manager, stated that the original plan was to redo the parking lot in order to provide parking for training facility parking and overflow parking for staff at City Hall East plus overflow parking for DCTA riders. The cost included redoing the parking lot and removal of the slab from the building that was torn down.

Mayor Pro Tem Gregory stated that there would still be pressures for the parking lot as the Community Market would be using it on Saturdays and could possibly compete with other entities using it.

Council Member Roden felt that improving this space would provide a great place for events in the future and was a possible catalyst site for a business incubator concept.

Council Member Johnson stated he would like to see more of a business plan from the Community Market moving from a fun event to a real business including how it might be a business incubator and how to be self-sustaining. He would also like to what the sales taxes were being paid at the Market. He suggested holding the \$268,000 as a place holder until there was more information on a business plan.

Mayor Watts said he struggled with the full \$268,000. The space could not be used Saturdays for other events because the Market would have it leased for every Saturday and during the prime festival period it would not be available. There were two expenses that were specific to the Community Market that he would like to see subtracted from the \$268,000 - signage for \$5,000 and a media campaign for \$10,000. He suggested \$250,000 come from the Fund Balance or the financing of vehicles from the Fund Balance. He was not sure if the space study was necessary. If not done, that amount could reduce the total amount.

Council Member Johnson stated his recommendations were to purchase the vehicles on a 5 year note at 1.5% interest instead of using cash, take the funds for the parking lot from the Fund Balance, and fund the Community Market at \$253,000.

Council Member Roden stated that a full fledge marketing plan in an innovation district would be needed for the Community Market but it would be on them to develop and operate it.

Mayor Watts questioned if a joint meeting with TIF Board was needed regarding funds.

Council Member Johnson felt there was a need to get started on an Economic Development Reserve Fund. He proposed placing \$80,000 in such a fund from the financing of the vehicles.

Mayor Watts suggested expanding the amount to \$100,000.

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

1. Closed Meeting:

- A. ID 15-632 Consultation with 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 the Victor Expansion Project (Victor Technologies International, Inc. and Mohr Partners Inc.) located at 2800 Airport Road, Denton, Texas 76207. This discussion shall include commercial and financial information the City Council has received from the Victor Expansion Project which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-633]

- B. ID 15-700 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the S. McCracken Survey, Abstract Number 817, located generally in the 2200 block of East Sherman Street, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Williams Rentals LLC - Denton Fire Station No. 4 Rebuild) [ID 15-701]

- C. ID 15-581 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests, to wit: Lot 1, Block 2 of the Municipal Utility Addition as shown by the plat thereof recorded in Cabinet G Page 346 of the P.R.D.C.T., located in the City of Denton, Denton County, Texas, for the construction, expansion and use of electric substations, switch stations and power transmission lines. Consultation with the City's attorneys regarding legal issues associated with the 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. [Brinker Substation] [ID 15-718]

- D. ID 15-652 Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code, Section 551.086.

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

- E. ID 15-716 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests generally located in Denton, Denton County, Texas, East of Bonnie Brae St and West of N Locust St, and terminating at DME's Northlakes substation just South of Loop 288, for the construction, expansion and use of electric power transmission lines. Consultation with the City's attorneys regarding legal issues associated with the 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. [Bonnie Brae to North Lakes TM line]

- F. ID 15-717 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests in the E. Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, and being generally located in the 900 block of W. Collins Street (Block 4, Hillside Addition, City and County of Denton, Texas). Consultation with the City's attorneys regarding legal issues associated with the 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. [Eagle Substation]

- G. ID 15-762 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding potential litigation and legal issues and strategies associated with property located at 1003, 1005 and 1007 E. Sycamore, and A1184a H. Sisco, Tr 15, where a public discussion of such 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.

- H. ID 15-748 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys regarding ID15-744 of the August 18th, 2015 Regular Meeting Agenda, as it concerns legal issues associated with that item where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- I. ID 15-753 Consultation with Attorneys - Under Texas Government Code Section 551.071.

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

- J. ID 15-754 Consult with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Consult with and provide direction to City's attorneys regarding legal issues and legal strategies associated with the anticipated access, occupation and/or use of the City's right of way for fiber and/or fiber conduit by Zayo Group, LLC, pursuant to an Exchange Agreement with the Denton Independent School District and the County of Denton, Texas effective July 28, 2015; a public discussion of these legal issues and legal strategies would conflict with the duty of the City's attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

A. ID 15-742 Mayor's Summer Youth Jobs Program

Mayor Watts presented the proclamation for the Summer Youth Jobs Program.

Council Member Roden motioned, Mayor Pro Tem Gregory seconded to suspend the Council's rules to allow the Citizen Reports at the end of the meeting to be moved to the beginning of the meeting. On roll call vote, Council Member Briggs "aye", Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Mayor Watts announced that Consent Agenda Item 4 S. would be pulled from the agenda with no public discussion at this meeting.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

1. ID 15-746 Monica Jones regarding a complaint on Animal Control and Code Enforcement.

Ms. Jones was not present at the meeting.

2. ID 15-689 Willie Hudspeth regarding City Hall.

Mr. Hudspeth was not present at the meeting.

3. ID 15-750 Matthew Sallack regarding the positive effect of the Denton Community Market.

Mr. Sallack stated that he was a vendor at the Community Market and a member of the Board of Directors. He felt Denton had a strong movement for the business community. The Market acted as a hub for businesses to connect with customers.

Citizen Reports from the end of the meeting were considered.

1. ID 15-751 Vicki Oppenheim regarding Denton Community Market-snapshot of emerging Denton.

Ms. Oppenheim spoke on the Market's request for budget consideration for a new site for the Community Market. She listed the needs of the Market for a successful location and requested Council consider their request as they were a perfect addition to the area.

2. ID 15-752 Kati Trice regarding the Denton Community Market.

Ms. Trice stated that the Community Market was an arts organization as well as for other producers. She felt that the Market was a small business incubator that allowed starter businesses to grow into a brick and mortar business.

3. ID 15-755 Ryan Crocker regarding the Denton Community Market.

Mr. Crocker stated that he regularly attended the Market. He had 11 acres where he had an organic farm and sold his produce at the Market. The project at the Railyard district was exciting to coordinate with the Community Market.

4. ID 15-756 Emily White regarding the Denton Community Market.

Emily White stated she was a volunteer for the Market and was an avid supporter. The Market provided access for local food, music entertainment and artists.

5. ID 15-757 Jason Schreiber regarding the Denton Community Market.

Mr. Schreiber stated that his business had been at the Community Market for over two years and was doing a large business. People traveled from the Dallas-Fort Worth area to Denton to purchase their products. Due to their popularity at the Market, they have been able to grow their business worldwide. He requested Council provide funding for the Market.

6. ID 15-758 Kimberly Bien regarding the Denton Community Market.

Ms. Bien stated that she was a vendor at the Community Market. Her business was growing due to her sales at the Market. She was also a member of the Board. The Market connected people throughout the community and asked Council to consider their budget needs.

7. ID 15-759 Jeffrey Rous regarding funding for the Denton Community Market.

Mr. Rous indicated that he was a Board member and a professor of Economics. He questioned whether an investment on a project increased the value of the property. The investment in the Community Market would produce an increase in the value of the area. People selling or buying at the Market felt that it increased their quality of life in Denton. Others coming from outside Denton helped contribute to the local economy. All of that would increase property values.

8. ID 15-760 Agatha Biens regarding the Denton Community Market.

Ms. Biens stated that before she moved to Denton she searched for what kind of Farmer's Market was available. The fact that one existed in Denton attracted her to the community. The Market symbolized the support of local businesses to local goods and local independent businesses. It was also an important space of community for her.

2. ID 15-689 Willie Hudspeth regarding City Hall.

Mr. Hudspeth arrived at the meeting and spoke on what was happening to his small business and what the City Manager and his staff were telling him to do. He felt that the City Manager and his staff were not talking. He would keep coming back to Council to speak on his issue. Every day people dumped items on his property that he ended up being responsible for. His other issue was that he could not park his vehicle on a non-improved surface.

C. Additional Citizen Reports.

There were no additional speakers.

4. CONSENT AGENDA

Mayor Watts noted that Items I, J, R, and S would be pulled from consideration.

Council Member Johnson motioned, Mayor Pro Tem Gregory seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Items I, J, R and S. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2015-238

- A. ID 15-602 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for upgrading Denton Municipal Electric (DME)'s Geographical Information System (GIS) and related software systems including ArcGIS and ArcFM Database, Responder Outage Management System (OMS), Fiber Manager, ArcFM for Silverlight, ArcFM Mobile Replication, ArcFM Mobile Inspector and related custom code from version 10.1 to 10.2.1; and providing an effective date (RFP 5770-awarded to Power Engineers, Inc. in the not-to-exceed amount of \$108,000). The Public Utilities Board recommends approval (6-0).

Resolution No. R2015-020

- B. ID 15-667 Consider approval of a resolution authorizing the filing and acceptance of a contract with the Texas Commission of Environmental Quality (TCEQ) for a Texas Emissions Reduction Plan Rebate Grant; delegating and authorizing Arden Vance Kemler, Solid Waste & Recycling Services General Manager, or his designate, to act on behalf of the Solid Waste & Recycling Department in all other matters that are related to this project application, pledging that if funding for this capital project is received, the City of Denton will comply with all project requirements of the Texas Commission on Environmental Quality, and the State of Texas, and providing for an effective date.

Ordinance No. 2015-239

- C. ID 15-668 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a first amendment to an agreement by and between the City of Denton, Texas and Keep Denton Beautiful, Incorporated, relating to developing programs enhancing the appearance and environment of the City of Denton, Texas; authorizing the expenditure of funds therefor; providing for retroactive approval, confirmation and ratification thereof.

Ordinance No. 2015-240

- D. ID 15-724 Consider adoption of an ordinance of the City of Denton, Texas, approving a tree rebate program for the public purpose of increasing the tree canopy within the

City; providing the authority for issuance of tree rebates; committing proceeds from the tree fund; and providing an effective date.

Ordinance No. 2015-241

E. ID 15-734 Consider adoption of an ordinance of the City of Denton, Texas, approving certain tree adoption programs for the public purpose of increasing the tree canopy within the City; committing proceeds from the tree fund; and providing an effective date.

Ordinance No. 2015-242

F. ID 15-691 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to enter into an Interlocal Agreement with Denton County for the County to provide Property Tax Billing and Collections Services for the City of Denton; providing a savings clause; and providing an effective date.

Resolution No. R2015-021

G. ID 15-692 Consider approval of a resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Ordinance No. 2015-243

H. ID 15-697 Consider adoption of an ordinance of the City of Denton, Texas approving the Meet and Confer Agreement between the City of Denton and the Denton Police Officers Association, and providing an effective date.

This item was not considered.

I. ID 15-698 Consider adoption of an ordinance of the City of Denton, Texas approving the Meet and Confer Agreement between the City of Denton and the Denton Fire Fighters Association, and providing an effective date.

This item was not considered.

J. ID 15-699 Consider adoption of an ordinance of the City of Denton, Texas authorizing contribution to the Denton Firemen's Relief and Retirement Fund by the City; and establishing an effective date.

Ordinance No. 2015-244

K. ID 15-701 Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple to (1) 0.529 acre tract and (2) 0.480 acre tract, both tracts located in the S. McCracken Survey, Abstract Number 817, in the City of Denton, Denton County, Texas, as more particularly described on Exhibit "A", attached thereto and made a part thereof, located generally in the 2200 Block of East Sherman Street (the "Property Interests"), for the public use of construction of Fire Station Number 4, authorizing the City Manager or his designee to make an offer to (1) Williams Rentals, LLC, a Texas limited liability company (the "OWNER"); (2) successors in interest to the Owner to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for

the purchase price of Two Hundred Thirty Three Thousand Five Hundred Dollars and No Cents (\$233,500.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached thereto and made a part thereof as Exhibit "B"; authorizing the expenditure of funds therefor; making findings; authorizing relocation expenses and advisory services, if applicable; providing a savings clause; and providing an effective date. (Williams Rentals LLC - Denton Fire Station No. 4 Rebuild)

Ordinance No. 2014-245

- L. ID 15-703 Consider adoption of an ordinance providing for the expenditure of funds for the emergency repair of fuel lines located at the City of Denton Service Center 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 5856-awarded to United Pump Supply in the amount of \$60,942.25).

Ordinance No. 2015-246

- M. ID 15-704 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, authorizing the City Manager to execute a professional services agreement for the design of the City of Denton Traffic Control and Communications Building; providing for the expenditure of funds therefor; and providing an effective date (File 5864-awarded to WRA Architects, Inc. in an amount not-to-exceed \$122,500).

Ordinance No. 2015-247

- N. ID 15-706 Consider adoption of an ordinance approving the expenditure of funds for the purchase of two high density cross linked polyethylene tanks for the storage of ferric chloride for the Pecan Creek Water Reclamation Plant Phosphorous Removal Project which is available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 5909-awarded to Cortrol Process Systems, Inc. in the not-to-exceed amount of \$68,156). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-248

- O. ID 15-707 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Charter Transportation Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5803-awarded to Cowtown Bus Charters, Inc. in the three (3) year not-to-exceed amount of \$200,000).

Ordinance No., 2015-249

- P. ID 15-714 Consider adoption of an ordinance providing authorization for and ratification of a Landscape Maintenance Agreement with the Texas Department of Transportation for the purpose of providing all required maintenance of certain

landscape improvements located within the right of way of state highway routes; and, providing an effective date.

Ordinance No. 2015-250

- Q. ID 15-733 Consider adoption of an ordinance of the City of Denton, Texas, amending Chapter 18 of the Code of Ordinances to revise the school safety speed zones and times for various schools; to add a school safety speed zone for Pecan Creek Elementary; providing a penalty of a fine not to exceed two hundred dollars (\$200.00); providing a severability clause; providing for publication; and declaring an effective date. The Traffic Safety Commission recommends approval (5-0).

This item was not considered.

- R. ID 15-739 Consider adoption of an ordinance of the City Council of Denton, Texas, authorizing the City Manager to execute the "Utility Adjustment Agreement Amendment 002 for Project Utility Adjustment Agreement No. 35E-U-0503" which amends the original "Project Utility Adjustment Agreement" in the amount of \$1,729,820.01, \$50,334.75 of which is payable by the City of Denton for City requested betterments; facilitating and authorizing water and wastewater line relocations for the Interstate Highway 35E project, in substantial conformity with the previously executed Texas Department of Transportation agreements with the Developer, AGL Constructors, which is a consortium composed of Archer Western Contractors, LLC, Granite Construction Co. and Lane Construction company; and the Texas Department of Transportation; authorizing a quitclaim deed; authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (4-0).

This item was not considered.

- S. ID 15-744 Consider adoption of an ordinance of the City of Denton, Texas, repealing Ordinance No. 2013-248 and enacting a new ordinance relating to planning and development fees as it concerns: gas well drilling and production in the City of Denton and its extraterritorial jurisdiction; road damage remediation fee calculations due to damage to City of Denton roadways from gas well drilling and production activities in the city; assessment of penalties and interest; and setting an effective date.

The minutes listed below were approved.

- T. ID 15-747 Consider approval of the minutes of July 21, 2015.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2015-251

- A. ID 15-633 Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Agreement between the City of Denton and Victor Equipment Company for an incentive grant involving development at the property located at 2800 Airport Road, Denton, Texas 76207 and for which the Economic Development Partnership Board recommends approval; providing authority for the

City Manager to execute the agreement subject to final language approval by the City Attorney; and providing an effective date.

Aimee Bissett, Director of Development Services, stated that this incentive grant was for Victor Equipment. Chapter 380 of the Local Government Code allowed incentive agreements for public purposes such as for economic development. She presented the background of Victor Equipment indicating that it had been in the Denton area since 1960. She compared the current facility with the expansion project. The incentive analysis was considered by the Economic Development Partnership Board. Their recommendation was that a \$6.5 million investment would be required, retain 85% of employees with commensurate salaries, a 65% incentive for 7 years which would be an annual amount of \$71,734 and \$502,138 for the total incentive. Benefits to the City were reviewed.

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

- B. ID 15-666 Consider nominations/appointments to the City's Boards and Commissions: Animal Shelter Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Parks, Recreation and Beautification Board; Planning and Zoning Commission; and Public Utilities Board.

Mayor Pro Tem Gregory motioned, Council Member Wazny seconded to approve the nominations as listed in the agenda materials. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

- C. ID 15-737 Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

Aimee Bissett, Director of Development Services, reviewed the makeup of the board indicating that the nomination process was different for the Board from other city boards/commissions. A nominating committee made up of two Council Members and one member of the Chamber of Commerce recommended nominations to the Council for approval. The Black Chamber of Commerce and Hispanic Chamber of Commerce would solicit nominees from those organizations as well. The Chamber of Commerce asked that their representative on the nominating committee be Virgil Strange. The Council needed to select the two Council Members for the Committee.

Council Member Johnson stated that he and the Mayor were the current members on the Chamber committee and suggested that they be on the nominating committee as they were already involved in the meetings.

Mayor Watts stated that he would like someone else to be in his place.

Council Member Roden and Mayor Pro Tem Gregory volunteered for the nominating committee.

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

6. PUBLIC HEARINGS

- A. ID 15-690 Hold a public hearing on a proposal to adopt a tax rate of \$0.696380 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

The Mayor opened the public hearing.

Chuck Springer, Director of Finance, stated that this public hearing was required by State law when the tax rate would exceed the effective rate.

No one spoke during the public hearing.

The Mayor closed the public hearing.

No action was required on this item.

Ordinance No. 2015-252

- B. SI15-0001b Hold a public hearing and consider adoption of an ordinance amending Section 35.13.7.A.7.e.i of the Denton Development Code (DDC) pertaining to permitted uses of the Tree Fund. The Planning and Zoning Commission recommends approval (4-0).

Aimee Bissett, Director of Development Services, stated that this was an amendment to the DDC pertaining to the uses of the tree fund. The tree fund expenditure criteria detailed the desired types of projects that would be funded by the fund. Percentages of fund use included 75% for tree maintenance, 15% for the purchase of wooded property, 5% for a tree inventory and 5% for public education. The proposal was to expand the types of expenditures that would be permitted for existing and new tree programs facilitated by Keep Denton Beautiful. The proposed changes would allow for the purchase of trees for planting on private properties and the funding of a tree rebate program to encourage planting trees on private property. The objective was to leverage outside resources such as labor, materials or funding thereby allowing a greater number of trees to be planted at a reduced cost. The Planning and Zoning Commission and staff recommended approval.

Loren Barker, Keep Denton Beautiful (KDB), presented an overview of the projects. KDB was proposing a series of programs for public education programs, a rebate program, a business targeted program to place trees on private businesses, neighborhood and small scale giveaways such as red bud trees giveaways at the Red Bud Festival. They would like to give away 12,000 trees in three years.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

7. PRESENTATION FROM MEMBERS OF THE PUBLIC

These items were moved to the beginning of the 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.

Council Member Briggs suggested exploring a roundtable discussion between the City police and fire for an evacuation plan around gas wells.

Mayor Watts requested an update on the new crew that was authorized for wastewater and water line installation in terms of how many feet they had installed to this point and how many now to see the impact. Include what streets were expedited in conjunction with the new crew.

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

Mayor Watts announced that the Council would be returning to the Closed Meeting to consider Close Meeting Items C, E, F and G listed on the Agenda.

Council returned to Open Session at 10:20 p.m. and with no further business, the meeting was adjourned.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNFIER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS