

CITY OF DENTON CITY COUNCIL MINUTES

June 28, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, June 28, 2016 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Work Session Reports

- A. ID 16-805 Receive a presentation and hold a discussion regarding the Texas Woman's University (TWU) master planning activities, the conceptual planning of university facilities necessary for future campus development, and the service and infrastructure impacts on both the University and the City.

Chancellor Feyten presented a video regarding a future vision for TWU that included master planning activities, a conceptual planning of university facilities necessary for future campus development and the service and infrastructure impacts on both the University and the City.

Council discussed considerations for moving Bell Avenue; remodeling Bell rather than move it from the current location; plans for TWU to continue to build up rather than out during expansion; consideration of reconstruction of Ruddell; the partnership between the City and the University; and a discussion of current projects being built on campus.

Council convened in a Closed Meeting at 1:45 p.m. to discuss the items listed below:

1. Closed Meeting:

- A. ID 16-800 Deliberations regarding Real Property - Under Texas Government Code Section 511.072; 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 (1) the Gibson Myers Survey, Abstract No. 843, The Johnson, Green, Myers, and Brummell Survey, Abstract No. 1699, the Moses H. Davis Survey, Abstract No. 377, and the William Wilburn Survey, Abstract No. 1419, and (2) the William A. Thompson Survey, Abstract No. 1238, both located in the City of Denton, Denton County, Texas, for the possible construction of an electric generation facility where deliberation in an open meeting would have a detrimental effect on the position of a governmental body in negotiations with a third party. Consultation with the City's attorney's 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.

- B. ID 16-816 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys with regard to Item # 16-555 of the June 28, 2016 Special Called 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.

- C. ID 16-817 Deliberations regarding a Personnel Matter under Government Code Section 551.074 - Consultation with Attorneys under Government Code Section 551.071.

Consultation, discussion, and deliberation about the appointment and duties of the Interim City Manager; consultation with the City's attorneys regarding associated legal issues where discussion of these legal matters in an open meeting 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.

Council reconvened in Open Session at 5:15 p.m. Mayor Watts questioned Council if they wished to continue with all of the Work Session items. Consensus of the Council was to continue with the Work Session items. However, they decided to move the Individual Items for Consideration before the Work Session Items.

1. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2016-191

- A. ID 16-555 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a Professional Services Agreement with Sawko and Burroughs, P.C., for Professional Services related to collection of delinquent taxes on behalf of the City of Denton; and establishing an effective date.

Bryan Langley, Assistant City Manager, presented an update on the delinquent tax collection services contract. He recapped the information on the current contract, the request for clarification process, the proposals received, and the staff recommendation. He also presented information on historical collection rates. The conclusion was to continue to recommend the Sawko and Burroughs firm.

Council discussed how a five year contract was determined and a review of the determination of the selection criteria

Mayor Watts noted that any public comment on this item would be limited to only the guarantee amount. No other items would be allowed.

The following individuals submitted Speaker Cards:

Jill Jester – opposed
Matthew Tepper – opposed
Mark Burroughs – favor
Willie Hudspeth - negotiate the terms

Council discussed payment to the City of taxes not collected.

Mayor Pro Tem Roden motioned, Council Member Gregory seconded to approve the ordinance.

Mayor Watts stated that he would like a shorter term for the contract such as one or two years.

Council Member Wazny agreed with a shorter term option.

Council Member Gregory stated that he could be in favor of a three year contract.

Council Member Bagheri stated that she would not be in favor of a 3 or 5 year contract with this firm.

Mayor Pro Tem Roden amended his motion for a two year contract. Council Member Gregory was agreeable to the amendment.

Council asked Mr. Burroughs if he would be in favor of a two year contract which he agreed with.

On roll call vote, Council Member Hawkins "aye", Council Member Briggs "nay", Council Member Wazny "aye", Mayor Watts "aye", Mayor Pro Tem Roden "aye", Council Member Bagheri "nay", and Council Member Gregory "aye". Motion carried with a 5-2 vote.

Ordinance No. 2016-192

- B. ID 16-762 Consider adoption of an ordinance authorizing the City Manager, or his authorized designee to execute an agreement or agreements by and between the City of Denton, Texas and the Texas Municipal Power Agency (TMPA), that provides for terms and conditions under which the parties will be jointly manage the responsibility of the operations of TMPA, in substantial conformity with the attached exhibits; authorizing the expenditure of funds therefor; and providing an effective date.

Phil Williams, DME General Manager, presented the details regarding the joint operating agreement with TMPA which would provide the structure for future operations with or without generation. The proposed effective date was 9/1/16 with each member city adopting concurrent ordinances.

Council Member Gregory motioned, Mayor Pro Tem Roden seconded to adopt the ordinance. On roll call vote, Council Member Hawkins "aye", Council Member Briggs "aye", Council Member

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

Ordinance No. 2016-193

- C. ID 16-797 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Second Amendment to a Professional Services Agreement by and between the City of Denton, Texas and Teague Nall and Perkins, Inc. for engineering and surveying services relating to the Fiscal Year 2015-2016 Wastewater Collection System Improvements Project; authorizing the expenditure of funds therefor; providing an effective date (File 5756 in the additional amount not-to-exceed \$93,600; aggregating a total not-to-exceed \$397,430).

Howard Martin, Assistant City Manager, stated that the amendment was for the inclusion of two water lines that were not in the original scope of service.

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

Ordinance No. 2016-194

- D. ID 16-814 Consider adoption of an ordinance regarding settlement of the pending litigation entitled: The City of Denton, Texas v NRG Power Marketing, LLC, et al., Cause No. 15-01404-16 in the 16th Judicial District Court in and for Denton County, Texas; discuss, deliberate and provide staff with direction.

Phil Williams, DME General Manager, reviewed the settlement ordinance with NRG.

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

Resolution No. R2016-016

- E. ID 16-815 Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing an Interim City Manager; setting forth the terms of the appointment; setting forth the Interim City Manager's salary; and providing an effective date.

Council Member Gregory motioned, Council Member Hawkins seconded to approve the resolution appointing Howard Martin Interim City Manager effective July 2, 2016 with a 5% salary increase during his term as interim.

Willie Hudspeth did not speak on the resolution but rather spoke on the lack of African American firefighters in the City.

On roll call vote, Council Member Hawkins "aye", Council Member Briggs "aye", Council Member Wazny "aye", Mayor Watts "aye", Mayor Pro Tem Roden "aye", Council Member Bagheri "aye", and Council Member Gregory "aye". Motion carried unanimously.

2. 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 Bagheri asked for a discussion on the possible consolidation of the dispatch facilities on the July 19th meeting.

Council Member Bagheri suggested hiring a city auditor in concert with a search for a city manager.

Mayor Pro Tem Roden asked that staff provide a selection of firms in which to do a national search for new city manager.

Council returned to the Work Session Items.

Item C was considered.

- C. ID 16-778 Receive a report, hold a discussion, and give staff direction regarding the Novaces Agile Economic Development consulting report and the goals, accomplishments, and upcoming strategic priorities of the Economic Development Division.

Aimee Bissett, Director of Development Services, presented information on the Novaces Agile Economic Development consulting report including the goals, accomplishments, and upcoming strategic priorities of the Economic Development division. She also discussed alignment between departmental priorities and the City's Strategic Plan and receive Council direction. She reviewed the background of the Economic Development Strategic Action Agenda that had one primary strategy. A goal tree was developed to assist with the process with four critical success factors. The RFP Response process was included in the study and the results were presented.

Council discussed the RFP process and possible related incentives.

Bissett continued with key focus points which included combining economic development with Planning and Building Inspections which created better communication among parties and with prospects; the creation of an economic development response team, and the utilization of economic impact software.

Council discussed the value of having the parallel entity with both economic develop proposals and the budget impact if maintaining the same process.

Consensus of the Council was to move forward with the recommendations as noted in the report.

Item B was considered.

- B. ID 16-651 Receive a report, hold a discussion, and give staff direction regarding goals, accomplishments, and upcoming strategic priorities for the Department of Development Services.

Aimee Bissett, Director of Development Services, stated that the objective of the presentation was to review departmental accomplishments and achievements from the previous year and departmental goals. She reviewed the departments and services that made up the Department of Development Services. The Planning Division workload was reviewed along with the process of development review teams. Building Inspections workload in terms of number of permits issues was presented. Inspections/day per inspector were also presented. The Key Focus Areas 3 relating to economic development were noted along with Key Action steps. Bissett stated that the 16-17 goals included continued improved service to customers and an improved image.

Munal Mauladad, Deputy Director of Development Services, presented the Kaizen team recommendations.

Mayor Pro Tem Roden left the meeting.

The Denton land development process summary was presented along with a standardized project review process. Council discussed the review process.

- D. ID 16-498 Receive a report, hold a discussion, and give staff direction regarding the Economic Development Investment Fund and the Downtown Reinvestment Grant Fund.

This item was not considered.

- E. ID 16-776 Receive a report, hold a discussion and provide staff direction regarding the Street Maintenance Department and Traffic Operations Division's Annual Programs.

This item was not considered.

With no further business, the meeting was adjourned at 8:31 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS