

CITY OF DENTON CITY COUNCIL MINUTES

September 27, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 27, 2016 at 2:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Mayor Pro Tem Roden.

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 September 27, 2016.

There were no requests for clarification of agenda items.

3. Work Session Reports

A. ID 16-897 Receive a report on use of innovative technology for operation and maintenance of the wastewater collection system.

PS Arora, General Manager for Wastewater Services, presented the report on Denton's use of a Quick Cam and Quick Lock system to meet CMOM Goals. These were used for inspection of the sewer lines. He reviewed statistics of Denton's sewer system and assets plus the current Denton state of asset management system was presented.

Drew Huffman, Wastewater Collection, presented information on the purpose of using the Quick Cam procedures as well as a goal for the quick cam with clay pipe.

Arora reviewed the CCTV versus the Quick Cam procedures.

David Brown, Wastewater Administration, presented information on why the quick lock system was used when making repairs.

B. ID 16-1237 Receive a report, hold a discussion and provide direction regarding potential revisions to the Denton City Charter, including, but not limited to, provisions related to ethics.

City Attorney Burgess presented information on the Denton City Charter and Ethics which were addressed in various state and federal laws, the City Charter, Resolution R2006-003 and R2009-15. The Denton City Charter acted as a local constitution enacted by the electorate and represented the highest law of the locality. Ordinances must be consistent with the Charter. Section 14.05 Personal Interest imposed LGC 171 conflict of interest standards on local officials, Section 14.05, Nepotism, imposed limitations on appointment and employment of individuals related to members of Council. The Charter should set the foundation on which any ethics ordinance was based. Any ordinance provision inconsistent to the Charter was subject to nullification.

Mayor Watts questioned if there were advantages or disadvantages of the provisions in the Charter or in ordinances.

City Attorney Burgess stated that the changes should be approved by citizens and not have ordinances in conflict with those approved by the citizens. Looking at ethics provisions, the Charter would be the foundation and then circle back with an ordinance with the standards. Currently the standards were in the Charter

Council Member Briggs asked about an ordinance that provided for LGC 171 but went a little further.

City Attorney Burgess stated that Council could work with those provisions, add different provisions and read together or create tools in the Charter and circle back with ordinances.

Council Member Wazny asked if a section of the Charter wording was amended, could it be done so without a Charter election.

City Attorney Burgess stated that the Charter could only be amended by the people. An amendment to the Charter went to the voters to approve or not.

Council Member Hawkins asked about the San Antonio ordinance and whether it conflicted with their Charter.

City Attorney Burgess stated that she had reviewed their Charter and ordinance and did not see that there was a conflict. Citizens enacted the provisions and Council enacted the ordinances. She presented the NLC Model Charter foundation for an ethics ordinance. The Charter was amended by a vote of the electorate. A Charter committee could review provisions for possible amendments. Other Charter provision of interest such as clarification of residency or salary for Council could also be considered. Any election must be called 78 days before the date of the election. If that was the May election, it would be called in February.

Council discussed conflict of interest provisions for inclusion in a Charter amendment, the 10% fiduciary regulation, and that a Charter committee would be a recommending body and Council could always change or accept their recommendations before going to the voters.

Possible Charter committee considerations in addition to the ethics provision included (1) clarification on residency as to whether an individual who desired to run in a place had to meet a one year residency in the city and also in the district he/she wanted to run, (2) rules for triggering a recall election, (3) changing the 4-3 council arrangement to a 6-1 arrangement, (4) changing the term of office from 2 year terms to two three year terms, (5) whether the Internal Auditor was a required position, and (5) a possible salary for Council. Makeup of the committee would be three appointees per Council. Council also discussed a possible May or November date for the election, possible increases in polling locations in each voting district and the committee choosing their chair. It was agreed that an ethics ordinance would apply to elected officials as well as employees.

City Attorney Burgess stated that staff would frame the resolution on the proposed issues and then set the date for the nominations. A Work Session item and action item would be placed on the October 11th agenda.

Mayor Watts wanted to make sure the committee operated as an independent body and if Council moved in a different direction to make sure it was done in an independent manner.

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

1. Closed Meeting:

A. ID 16-1135 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's Attorneys on the status, strategy, and potential resolution of litigation styled, *Esker v. City of Denton*, Cause No. 14-000942-158, currently pending in the 158th District Court of Denton County, Texas.

B. ID 16-1254 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 and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located in the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas; discussion had, deliberation, and direction given by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; 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. (Brinker SS and TL)

Following the completion of the Closed Meeting, the City of Denton City Council convened in a Special Called Meeting.

1. CONSENT AGENDA

Mayor Watts noted that Item C would not be considered.

Council Member Gregory motioned, Council Member Bagheri seconded to adopt the Consent Agenda and accompanying ordinances. On roll call vote, Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2016-309

- A. ID 16-1251 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of equipment to outfit two (2) Pierce Velocity Pumper Fire Engines for the City of Denton Fire Department, 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 6245 awarded to Siddons-Martin Emergency Group in the not-to-exceed amount of \$379,000.26).

Ordinance No. 2016-310

- B. ID 16-1252 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase and installation of a 300 kilowatt (KW) single phase generator 277/480 with 600 AMP main breaker to provide emergency backup for the City of Denton Service Center operations 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 6239-awarded to C&G Electric, Inc. in the not-to-exceed amount of \$121,490).

This item was not considered.

- C. ID 16-1258 Consider adoption of an ordinance of the City of Denton, a Texas home rule municipal corporation ("City"), approving the exchange of a 1.334 acre tract located in the N. Meisenhamer Survey, Abstract, No. 810, Denton, Denton County, Texas ("Property"), to Rayzor Investments, Ltd. ("Rayzor"), for permanent and temporary utility easements, also located in the N. Meisenhamer Survey, and reservations of permanent utility easements and dedication of right of way in the Property to the City, all with the equivalent value of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00) as stated in the contract of sale ("Contract"); authorizing the City Manager in accordance with Texas Local Government Code 272.001(k) to execute a deed to Rayzor together with any other documents necessary to exchange the Property for permanent and temporary utility easements and reservations of permanent utility easements and dedication of right of way; and, providing an effective date. [Bonnie Brae to North Lakes TM Line Rebuild (Easement Exchange)]

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 Wazny asked about the policy and procedure to add one additional voting location at each of four city districts for the May 6, 2017 and hear from staff on how that would proceed, deadlines and finding an additional location plus cost.

Council Member Bagheri asked staff to investigate a food for fines program where fines were paid for with food items.

With no further business the meeting was adjourned at 5:15 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS