

CITY OF DENTON CITY COUNCIL MINUTES

June 27, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, June 27, 2017 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, Mayor Pro Tem Bagheri, and Mayor Watts.

ABSENT: Council Member Hudspeth

1. Requests for clarification of agenda items listed on the agenda for June 27, 2017.

There were no requests for clarification of agenda items.

2. Work Session Reports

Item D was considered.

D. ID 17-812 Receive a report from the Charter Review Committee on their recommendations and proposed revisions to the Denton City Charter and give staff direction.

Joe Mulroy, Chair-Charter Review Committee, presented background information concerning the formation of the Committee, makeup of the Committee, charges for the Committee, dates of the meetings, makeup of the subcommittees, and Charter amendment history.

The topics for the Committee discussion and Committee recommendations included:

- Council districts – should the composition of the Council change to 6 single-member council districts and 1 at-large mayoral district?

Unanimous recommendation by the Committee to make no revisions.

- Terms of office - should the current 3 consecutive two year term limitations be changed?

Unanimous recommendation by Committee to make no revisions.

- One year district eligibility requirement - should the current one year district residency eligibility requirement be amended?

Unanimous recommendation by the Committee to revise the language from “resided” to “domiciled” defined as principal place of establishment.

- Recall Petition – should the percentage of signature requirement for recall petitions be increased?

Unanimous recommendation by the Committee to increase the signature requirement for a recall petition from 25% of votes cast for that seat to 35%.

- City Auditor – should the appointment, duties, and responsibilities of the City Auditor be clarified?

Unanimous recommendation by the Committee that the position was a mandatory appointed position, to clarify the City Auditor's main duties and responsibilities in the Charter, to allow Council to maintain some flexibility to fulfill this role and to clarify that the City Auditor was independent of the City Manager and his staff.

- Ethics- should the current conflict of interest and nepotism provisions be replaced with alternative ethics provisions?

Unanimous recommendation by the Committee to adopt Charter language that City Council shall adopt an ethics ordinance that addresses 4 ethics components at a minimum. Also recommended that Council adopting an Ethics ordinance so that if needed, revisions could be made easier than amending the Charter.

Mulroy reviewed the Charter language for ethics and the recommended elements of an ethics ordinance.

Council discussed adding a provision to an ethics ordinance that a member recuing himself should leave the room for the particular item. They also noted that the appearance of a conflict was difficult to define. It was also questioned whether the Model City's Charter concept was considered during the discussions.

- Salary or stipend – should a salary or stipend be established for council members?

Unanimous vote by the Committee to recommend \$750/month for council members, \$1000/month for the Mayor with the Council able to vote to increase a maximum of 3% annually.

Council discussed that some professions prohibited collecting a salary from the City such as working at UNT; the ability of council members to forgo the salary; whether the goal should be to provide enough compensation for a member to be meaningful and whether the proposed amendments would be all in one proposition or individual propositions.

Council Member Briggs questioned the conflict percentage recommendation and instead of 2% ownership or \$1000/year, make it 0 to avoid conflict perception.

Bryan Langley, Deputy City Manager, stated that staff could receive direction today from Council if they were ready and also put an item on the July 18th Work Session for continued discussion. The election would have to be called in August in order to be on the November ballot.

Mayor Pro Bagheri requested a comparison of what currently was in the Charter, the committee recommendation and the model charter provisions.

Council Member Briggs suggested adjusting the recall percentage to 30% instead of 35%.

Council Member Hudspeth arrived at the meeting.

Council discussed the provisions of Chapter 171 of the Government Code in relation to the percentage amount for the conflict of interest and whether to consider not using percentages due to varying income levels and the percentage effect on that and instead use a set fixed dollar amount.

Council Member Briggs suggested adding city employees into the Charter language for the ethics provisions.

Council discussed if it might be better to add that in the ordinance rather than in the Charter and reasons for putting employees in the Charter as opposed to the ordinance.

Council Member Hudspeth questioned if the recall provisions were in business or calendar days and if it would be possible for an individual to run in a recall election if he/she resigned before the election. He also questioned whether the city should do due diligence when receiving candidate applications in terms of felony convictions.

Mayor Pro Tem Bagheri requested a briefing regarding self-policing of applications. She was comfortable with the oversight mechanism for compensation.

Council Member Brigg asked about self-policing personal/financial statements.

Council Member Gregory stated that there were already provisions for disqualification for a felony conviction. He questioned having a city person auditing Council's financial statements.

Mayor Pro Tem Bagheri suggested that the independent Ethics Committee might be the mechanism to review the personal financial statements.

Mayor Watts suggesting looking at what other cities were doing in those areas.

Council Member Hudspeth suggested considering the Denton County Alternative Dispute resolution panel to use for the Ethics Committee.

Mayor Watts suggested going through each item to see if there was a consensus on the Committee's recommendations so staff would know what to focus on at the July 18th meeting.

- One year district eligibility requirement - consensus ok.
- Recall percentage votes- provide a definition of "like communities" and see what other cities were doing.
- City Auditor – wording was vague in terms of an interim auditor - discussed vacancy requirements or conflict of interest with the current auditor.
- Ethics - come back with more information
- Stipend –determine what the intention was to establish one; did there have to be a specific amount in the Charter; could be it established by ordinance; effective date of the stipend would be upon the departure of current council members; areas for discussion was whether to leave an amount and percentage open ended or put specifics in the Charter.

Council returned to the regular agenda order.

- A. ID 17-760 Receive a report; hold a discussion, and receive departmental presentations in preparation for the FY 2017-18 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Bike/Pedestrian Department - Julie Anderson presented goals and accomplishments; performance measures; and budget highlights.

Facilities Management - Dean Hartley presented FTEs by functional area, organizational chart, goals and accomplishments, performance measures; cost containment strategies; process improvements; and expenditure budget highlights.

Fleet - Terry Kader presented information on his department's FTEs; goals and accomplishments; performance measures; cost containment strategies; process improvements; and budget highlights.

Airport - Mark Nelson presented the Airport's goals and accomplishments; performance measures; cost containment strategies; process improvements; and budget highlights.

- B. ID 17-796 Receive a report, hold a discussion, and give staff direction regarding City Council Committee nominations.

Jennifer Walters, City Secretary, reviewed with Council the current vacancies on each Council committee.

Council discussed the vacancies and noted which committee they would like to serve on.

City Secretary Walters noted that the committee list would be updated for Council consideration later in the meeting.

- C. ID 17-797 Receive a report, hold a discussion and give staff direction regarding Board and Commission nominations and appointments.

Jennifer Walters, City Secretary, provided information to Council on the nomination process, the notebooks the Council was receiving and the schedule for nominations.

- E. ID 17-837 Receive a report, hold a discussion, and give staff direction regarding a policy and application to review low-income housing tax credit requests.

Sarah Keuchler, Assistant to the City Manager, presented background information on the LIHTC program, the role of a city in the process, a draft policy and application; and a checklist of submittals.

Council discussed adding to the application whether the developer was submitting applications in other cities; consider a point system to provide clarity to the applicant; and include the addition of greater mobility access in the point system.

Keuchler continued that the policy and application could be reviewed each year by Council based on experience and/or number of requests submitted.

Following the completion of the Work Session, the City Council convene in a Closed Meeting to consider the specific items listed below.

1. Closed Meeting:

- A. ID 17-828 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 potential purchase of a certain 18.969 acre tract out of the David Hough Survey, Abstract No. 646, in Denton County, Texas, and generally located in the 2600 block of South Mayhill Road, Denton, Texas, including as it relates to the widening and realignment of Mayhill Road. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or release of real property interests in the tract described above, including as it relates to the widening and realignment of Mayhill Road, 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. (Option to acquire 18.969 acre Donnelly remainder tract - Ordinance 1997-276 & Ordinance 1997-292)

- B. ID 17-835 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the lease and use of 1001 S. Mayhill Rd., Buildings 101 and 102, 1301 S. Mayhill Rd., and 651 S. Mayhill Rd., Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with lease of lease and use of said 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.

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting to consider the following items:

1. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2017-189

- A. ID 17-739 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the Mayhill Road Widening and Improvements project for the City of Denton with geographical limits from US 380/University Drive south to 500' north of Edwards Road; providing for the

expenditure of funds therefor; and providing an effective date (IFB 6389C-awarded to Zachry Construction Corporation in the not-to-exceed amount of \$35,877,414.52).

Galen Gillum, Director of Capital Projects, provided background information on the project, a recommendation letter from Freese and Nichols on the recommended bidder, and project funding.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 note.

Resolution No. R2017-024

- B. ID 17-791 Consider approval of a resolution of the City of Denton, Texas re-establishing an ad hoc City Council Committee and appointing Committee members to review employee benefits of the City of Denton, Texas and to advise the City Council with regard to these matters; and providing an effective date.

Carla Romine, Director of Human Resources, reviewed the history of the committee, role of the committee, and the request to re-establish the committee to allow for feedback from employees to the committee.

Council Member Briggs and Mayor Pro Tem Bagheri indicated that they would like to remain on the Committee. Council Member Ryan expressed an interest to serve on the Committee.

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to approve the resolution with the members of the committee as noted above. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Council Member Briggs "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion passed unanimously.

- C. ID 17-795 Consider appointments to Council Committees.

Council Member Ryan motioned, Council Member Briggs seconded to approve the nominations as noted during the Work Session. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Council Member Briggs "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion passed unanimously.

Ordinance No. 2017-190

- D. ID 17-805 Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for design and engineering services relating to the extension of approximately 14,000 linear feet of 24-inch to 30-inch water line from the City of Denton Southwest Pump Station located on John Paine Road, north along Old John Paine Road, and then east along Allred Road to Bonnie Brae Street; providing for the expenditure of funds therefor; and providing an effective date (File 6478-awarded to Kimley-Horn & Associates, Inc. in an amount not-to-exceed \$504,500). The Public Utilities Board recommends approval (7-0).

Lee Perry, Senior Engineer, presented the details of the Allred to John Paine Road water project. He detailed the awarding of the contract, project importance, project funding, and design schedule.

Council Member Gregory, Council Member Ryan motioned to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Council Member Briggs "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion passed unanimously.

Ordinance No. 2017-191

- E. ID 17-806 Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for design and engineering services relating to the extension of approximately 1,900 linear feet of 20-inch water line and 900 linear feet of 16-inch water line from the east side of IH35 to the west side of IH35 along US Hwy 380 and the extension of approximately 370 linear feet of 20-inch main from the intersection of Scripture Street and IH35 from the east side to the west side of IH35; providing for the expenditure of funds therefor; and providing an effective date (File 6479-awarded to Birkhoff, Hendricks & Carter, LLP in an amount not-to-exceed \$229,492). The Public Utilities Board recommends approval (7-0).

Lee Perry, Senior Engineer, presented information on the water line project along IH35. He detailed the awarding of the contract, project importance, project funding, and design schedule.

Council Member Ryan motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Council Member Briggs "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion passed 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 Brigg requested an update on setbacks for gas wells and the current regulations.

Council Member Ryan requested information on roadwork at Ryan and Montecito.

Council Member Ryan requested that social media and interaction with social media be included in the upcoming discussion regarding open meetings.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 6:40 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS