

CITY OF DENTON CITY COUNCIL MINUTES

June 5, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, June 5, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Meltzer, Council Member Gregory and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

Robert Donnelly spoke on Consent Agenda Item J. He was opposed to the item and requested consideration only when the Mayhill Road project had an approved designated route.

2. Requests for clarification of agenda items listed on the agenda for June 5, 2018.

Staff responded to Council's requests for information on the following items:

Council Member Briggs – Consent Agenda Items B, P, F, and L - pull Item J for separate consideration

Council Member Meltzer - Pull Consent Agenda Item R for separate consideration

Council Member Hudspeth – Consent Agenda Item K

3. Work Session Reports

A. ID 18-902 Receive a report, hold a discussion, and give staff direction regarding University of North Texas's Bike Share Pilot Proposal and a proposed Interlocal Agreement between the City of Denton and The University of North Texas.

Mark Nelson, Director of Transportation, presented the staff report regarding the UNT Bike Share proposed interlocal agreement.

Allen Clark, UNT Transportation Services, reviewed the components of the bike share program and noted that UNT was a bicycle friendly university. There was a need for bike sharing to help reduce the number of abandoned bikes, the bikes causing safety concerns and provide transportation for those students who had to park a distance from campus. He reviewed the definition of a bike share program, goals for bike share, and the plan associated with Spin along with concerns associated with bikes on campus and in the City.

Council discussed:

- The cost of service to the students
- The technology associated with Spin to locate bikes not on the UNT campus
- Consider a program to work with DISD to repurpose bikes abandoned on campus
- The intent of the 100 bike limit noted in the City's ordinance
- The program was a work in progress until more data was known
- Whether the non-student population would be able to rent and ride the bikes from the UNT campus

- B. ID 18-758 Receive a report from staff and EIKON consultants, hold a discussion, and give staff direction regarding the design and construction of the American Legion Hall Senior Center.

Gary Packan, Director of Parks and Recreation, presented the staff report on the design and construction of the American Legion Hall Senior Center. He noted the history of the Center, the amenities of the two buildings associated with the Center, the scope of the Eikon engineering study, the issues identified, and options for renovation/replacement of the building. He reviewed the original scope of the study, additional considerations based on feedback from the community and adjusted scope was noted.

Council discussion included:

- What renovations would be included in the north building
- Whether there would be added programming and added staff associated with that added programming

Packan continued with additional considerations requested by the users of the Center, the base bid for the facility, and the alternates suggested to be included.

Council discussed the various alternates presented in terms of energy efficiency and usage.

Packan concluded the presentation with the base costs, alternate costs and total cost for the proposal along with funding options. He presented an overview of the three options to #1 original proposal for south building only, #2 demolish south building and renovate north building and #3 Option #2 plus alternatives.

Consensus of the Council was to proceed with Option #3 with less glass in the entryway.

- C. ID 18-649 Receive a report, hold a discussion, and give staff direction regarding the various options to cost effectively complete reconstruction projects for the Street Rehab Bond Program.

Todd Estes, City Engineer, presented key improvements regarding the coordination of capital projects.

Daniel Kremer, Deputy Director of Operations, presented statistics regarding city streets; the Overall Condition Index (OCI) definition and associated tracking of streets; pavement life cycle curve; street condition comparison; non-OCI related activities connected with street repair; and the timeline associated street reconstruction projects.

Council discussed whether the projects were vetted with the public in terms of scope and schedule; whether concrete rehab was better than asphalt in terms of heavily travelled streets; the possibility of receiving funding from DCTA for streets being rehabed that had bus routes on them.

Kremer continued with key take away strategies for the projects in terms of lack of bond implementation; current street budget and bond packages.

Council discussed the reliability of the OCI measurement; community response to the Mockingbird project as it was a major reconstruction project; comparing other area cities as a benchmark for budget purposes and how they finance their level of road reconstruction; and consider a procedure list on how to approach bonds for street rehab.

- D. ID 18-799 Receive a report, hold a discussion and give staff direction regarding City of Denton drainage system improvements planned and/or implemented since the 2007 flood.

Chad Allen, Deputy City Engineer, presented an update on past drainage projects which included seven projects since the April 2007 flooding. Five of those seven projects were completed. There were also 10 additional projects that were completed since the 2007 flood. He noted the current drainage projects included in the 2014 bond program which were all on going. Those included Eagle Drive Drainage Phase 2; Magnolia Drainage Phase II; Downtown Drainage Phase 1 and 2; and PEC 4 Phase 1 and 2.

Council discussed agreements with TxDOT to transfer streets from TxDOT to the City after the improvements were completed; whether the rock lined channels would remain with the PEC reconstruction; and whether park dedication fees could be used for some of the improvements as they involved walkways, etc.

Allen noted revenue funded drainage projects.

Council discussed the Mingo Road at Cooper Creek project and whether environmental impact studies were necessary when altering the drainage.

- E. ID 18-885 Receive a report; hold a discussion, and receive departmental presentations in preparation for the FY 2018-19 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Tony Puente, Director of Finance, clarified that this process was a continuation of last year's process for department presentations of their budgets in terms of accomplishments and budget implications.

Melissa Kraft, Chief Technology Officer, reviewed Technology Services goals and accomplishments; upcoming goals; budget emphasis; cost containment strategies; process improvements; five year forecast; revenue/expenditures; FTEs by functions area; organizational changes; budget highlights; and 5 year capital plan.

Council discussed the 5 year capital plan in terms of budgeting from the various departments;

- F. ID 18-893 Receive a report, hold a discussion, and give staff direction concerning water supply planning to meet the City of Denton's future needs.

Kenny Banks, General Manager of Utilities, presented the staff report regarding water supply planning to meet Denton's future needs. He noted that his presentation would include the history of Texas water planning, the current state of the utility, a forecasting overview and future needs planning. He reviewed the history of Texas water planning; regional and statewide planning; the

Region C summary in terms of suppliers and demand projections; major North Texas water providers; past/current state of Denton utility; water demand forecasting which was done for budget purposes and for planning for future year demand; and definition of yield for water supply needs for Denton.

Council discussed Denton's water comparisons with area cities; processes in place for increasing capacity; weather planning forecast for water needs planning; ways to obtain more water rights or increase the percentages Denton already had; and direct and indirect use of water.

Banks continued with water supply sources and a comparison of Region C to Denton in terms of a 2050 model year estimate.

Council continued discussion regarding the amount of water used from Lake Lewisville as opposed to what was available; develop a list of pros and cons regarding indirect use versus purchasing the water; the process of desalination of water; and future purchase of water rights in conjunction with the city of Dallas.

- G. ID 18-899 Receive a report, hold a discussion and give staff direction regarding the Wastewater and Drainage FY 2018-19 Operating and Capital Improvement Program Budgets.

Tony Puente, Director of Finance, presented information on the Wastewater Utilities budget. He noted the wastewater volume forecast; wastewater assumptions; cost containment strategies; future risks and mitigation; wastewater options; five year forecast with the 5% rate decrease; five year forecast with the 2% rate decrease, and budget highlights in terms of revenues and expenditures.

Council discussed the information provided on the 5% rate decrease versus the 2% rate decrease to reduce future debt. Consensus of Council was to proceed with Option 1, the 5% rate decrease.

Mayor Watts left the meeting. He appointed Council Member Gregory as chair in his absence.

Kenny Banks, General Manager of Utilities, presented wastewater accomplishments; wastewater goals; budget emphasis; process improvements; position summary; five year capital plan; and major CIP projects.

Banks continued with the Environmental Services & Sustainability Department noting FTEs, organizational chart, and accomplishments.

Mayor Watts returned to the meeting.

Banks presented goals for the department; performance measures; cost containment strategies; and process improvements in terms of completed projects and future projects.

Puente presented information on the Drainage Department budget presentation. He reviewed the drainage history; cost containment strategies; drainage assumptions; future risks and mitigation; and five year forecast. Due to time constraints, this budget presentation would be completed at an upcoming meeting.

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 18-819 Women Veterans Day

Mayor Watts presented the proclamation for Women Veterans Day.

B. ID 18-820 Men's Health Week

Mayor Watts presented the proclamation for Men's Health Week.

C. ID 18-821 Pollinator Week

Mayor Watts presented the proclamation for National Pollinator Week.

D. ID 18-934 Juneteenth Day

Mayor Watts presented the proclamation for Juneteenth Day.

E. ID 18-935 LGBTQ Pride Month

Mayor Watts presented the proclamation for LGBTQ Pride Month.

F. ID 18-936 The Longest Day

Mayor Watts presented the proclamation for the Longest Day.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Receive Scheduled Citizen Reports from Members of the Public

There were no scheduled citizen reports.

C. Additional Citizen Reports

Willie Hudspeth spoke regarding no African American firefighters and the Back to School event which was moved to Denton Bible Church without notice to those who had worked in the program for years.

4. CONSENT AGENDA

Council Member Ryan motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinance and resolutions with the exception of Item J and R which would be considered separately. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Meltzer "aye", Council Member Gregory "aye" and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-331

- A. ID 18-331 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, for approval of a pre-qualified professional services list for Water, Wastewater, and Storm Water; and providing an effective date (RFQ 6590). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-604

- B. ID 18-604 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for food and beverage concession services; and providing an effective date (RFP 6650- awarded to Mega Promotions, Inc. for a one year term with two (2) one (1) year options). The Parks, Recreation and Beautification Board recommends approval (6-0)

Ordinance No. 18-692

- C. ID 18-692 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for Micro Surfacing Services with Intermountain Slurry Seal, Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 6659- awarded to Intermountain Slurry Seal, Inc., in the three (3) year not-to-exceed amount of \$2,500,000).

Ordinance No. 18-693

- D. ID 18-693 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for Fiber Optic Cable Installation Services with Sunrise IT Solutions Group; providing for the expenditure of funds therefor; and providing an effective date (RFP 6703 - awarded to Sunrise IT Solutions Group, in the three (3) year not-to-exceed amount of \$2,000,000 of which 80% is funded by state grant).

Ordinance No. 19-695

- E. ID 18-695 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract

for street milling service with Dustrol, Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 6726- awarded to Dustrol, Inc., in the four (4) year not-to-exceed amount of \$2,176,000).

Ordinance No. 18-698

F. ID 18-698 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for Odor Neutralizer Chemicals with Probe America Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 6651- awarded to Probe America Inc., in the three (3) year not-to-exceed amount of \$130,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-753

G. ID 18-753 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 515-16 for the acquisition of one (1) 2018 replacement Wheel Loader for the Beneficial Reuse Department; providing expenditure of funds therefor; and providing an effective date (File 6801- awarded to RDO Equipment Company, in the amount of \$313,050.55). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-766

H. ID 18-766 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, accepting competitive proposals and awarding a public works contract for the Construction of Sanitary Sewer Pipe Rehab for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6716-awarded to Insituform Technologies, LLC, in the not-to-exceed amount of \$297,368.50). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-769

I. ID 18-769 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and Floyd Smith Concrete, Inc. for the concrete slab extension of existing compost windrows; providing for the expenditure of funds therefor; and providing an effective date (IFB 6547- Change Order No. 1 in the amount of \$220,233.87 for a total contract award aggregating to \$22,196,495.71). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-829

K. ID 18-829 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Dannenbaum Engineering Company - Dallas, LLC, for design services of City sidewalks as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-

007- Professional Services Agreement for design services awarded to Dannenbaum Engineering Company - Dallas, LLC, in the not-to-exceed amount of \$183,839.97).

Resolution No. 18-846

- L. ID 18-846 Consider approval of a resolution repealing the City's Illness/Off-Duty Injury Policy (commonly referred to as the City's Uniform Absence Control Policy), reference number 107.05; incorporating a non-FMLA Medical Leave Policy, reference number 111.07; and revising the City's Personal Leave Without Pay Policy, reference number 111.08, of City of Denton's current policies and procedures; and providing an effective date.

Ordinance No. 18-868

- M. ID 18-868 Consider adoption of an ordinance by the City of Denton, Texas, authorizing the City Manager to sign and submit to the Department of Housing and Urban Development a 2018 Action Plan for Housing and Community Development with appropriate certifications, as authorized and required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, as amended; authorizing the Community Development Manager and Community Development Coordinator to sign release of liens and subordination agreements upon certain conditions; and providing for an effective date.

Ordinance No. 18-875

- N. ID 18-875 Consider adoption of an ordinance of the City of Denton, Texas approving a City sponsorship in an amount not to exceed \$15,150 of in-kind services and resources for the Denton Juneteenth Celebration on Friday, June 15, and Saturday, June 16, 2018, at Fred Moore Park; and providing an effective date.

Ordinance No. 18-876

- O. ID 18-876 Consider adoption of an ordinance of the City of Denton, Texas granting the Denton Juneteenth Celebration, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Friday, June 15, from 10 p.m. to 11:30 p.m. and Saturday, June 16, from 10 p.m. to midnight; granting an increase in sound levels for an outdoor music festival from 70 to 75 dba and a variance in hours of operation at Fred Moore Park; and providing for an effective date.

Ordinance No. 18-880

- P. ID 18-880 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply of Concession Supplies to Water Works Park and Civic Center Pool Concession Stands to Ben E. Keith Foods; providing for the expenditure of funds therefor; and providing an effective date (IFB 6758- awarded to Ben E. Keith Foods in the three (3) year not-to-exceed amount of \$180,000).

Ordinance No. 18-887

- Q. ID 18-887 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a second amendment

to a professional services agreement between the City of Denton and Teague Nall and Perkins, Inc., amending the contract approved by City Council on March 21, 2017, in the not-to-exceed amount of \$118,000, amended by Amendment 1 approved by the City Manager for an additional \$90,000, said second amendment to provide additional surveying and engineering services related to the Magnolia Drainage Phase II project in the amount of \$21,300; providing for the expenditure of funds therefor; and providing an effective date (File 6405 - providing for a second amendment in the amount of \$21,300, with the total contract amount not-to-exceed of \$229,300).

Approved the minutes listed below.

S. ID 18-926 Consider approval of the minutes of April 10, April 17, and April 24, 2018.

Ordinance No. 18-950

T. ID 18-950 Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or designee, to execute a confidentiality agreement between the City and ENGIE Development LLC, a Delaware Limited Liability Company, ("EDL"); and, providing for an effective date.

The items pulled for separate consideration were considered.

Ordinance No. 18-822

J. ID 18-822 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 4 to the contract between the City of Denton and Zachry Construction Corporation for the Mayhill Road Widening and Improvements Project; and providing an effective date (IFB 6389- Change Order No. 4 reduces the contract by \$667,847.97 for a total contract award aggregating to \$35,276,656.88).

Todd Estes, City Engineer, presented the background information regarding the Mayhill project. He noted that the Change Order would result in a reduction in the contract price. He reviewed the background information on the components of the change order.

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 Meltzer "aye", Council Member Gregory "aye", Mayor Watts "aye" and Council Member Briggs "nay". Motion carried with a 6-1 vote.

Ordinance No. 18-903

R. ID 18-903 Consider the adoption of an ordinance of the City of Denton approving an interlocal agreement between the City of Denton and the University of North Texas for a bike share pilot program owned and administered by the University of North Texas; and providing an effective date.

Mark Nelson, Director of Transportation, presented the staff report concerning an interlocal agreement with UNT for a bike share program. He reviewed goals of the proposed ordinance, key elements of the ordinance, and draft policy revisions. He noted the draft policy revisions for various sections from the draft considered in the backup materials.

Council Member Gregory motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Meltzer "aye", Council Member Gregory "aye" and Mayor Watts "aye". Motion carried unanimously.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. 18-951

- A. ID 18-951 Consider approval of a resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Tony Puente, Director of Finance, noted that staff had received one nomination for the Board of Managers of the Denco Area 9-1-1. Staff would be returning later with a slate of nomination for consideration.

Willie Hudspeth spoke off topic on suggested questions for the 9-1-1 operator to ask; how to make a request for an item pulled from the agenda; don't allow users to take a bike home with the bike share program and that there were too many consent agenda items.

Council Member Meltzer motioned, Council Member Briggs seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Meltzer "aye", Council Member Gregory "aye" and Mayor Watts "aye". Motion carried unanimously.

6. PUBLIC HEARINGS

- A. Z18-0006a Hold a public hearing and consider adoption of an ordinance to rezone approximately 1.33 acres from a Downtown Residential 1 (DR-1) to a Downtown Commercial General (DC-G) District. The property is generally located south of Underwood Street along Avenue A, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z18-0006, Fire Station 3, Hayley Zagurski). **THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA AND RENOTICED FOR A LATER MEETING DATE.**

This item was not considered at this meeting.

7. 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 requested information on more ways to advertise the City's reuse store.

Council Member Briggs requested information on the sidewalk ordinance relative to tables/chairs in the right of way.

Council Member Briggs requested information on a possible pilot program for a week during the summer to provide DISD teachers reduced rates at the water park.

Council Member Briggs requested information on designating Denton as a monarch watch city.

Council Member Briggs requested information on who was in charge of the Back to School event.

Council Member Hudspeth suggested a procedure to carve out proclamations as separate videos for the public.

Council Member Duff suggested combining the primary election with the city election and hold them at the same time.

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 7:40 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS