

# CITY OF DENTON CITY COUNCIL MINUTES

October 13, 2015

After determining that a quorum was present, the City Council convened in a 2<sup>nd</sup> Tuesday Session on Tuesday, October 13, 2015 at 02:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

## 1. Work Session Reports

A.ID 15-909 Receive a report, hold a discussion and provide staff direction relating to a proposal to design and develop a Community Event Center on City of Denton property located at 121 Exposition Street.

Mark Nelson, Director of Transportation, stated that Denton Community Market had submitted a proposal outlining needed and desired enhancements to the two acre City parking lot at the corner of Exposition and East Hickory. He stated that the proposal included removal of existing pavement to establish green space, water and electrical services for vendors, lighting for security and evening events, shade structures, landscaping (trees), restroom facilities and sidewalk enhancements. Staff recommended that as part of the proposal to improve the 121 Exposition site, the existing pavement be removed and pavement for a minimum of 80 parking spaces be constructed.

Nelson stated that a preliminary budget estimate of \$253,000 had been included as part of FY 2015-16 budget to facilitate non-parking lot enhancements. An additional \$405,000 had been identified to facilitate the demolition and reconstruction of approximately one acre of pavement.

Nelson presented two overlays of the site – one with a pavilion area, a stage, visitor restroom and wash area, addition parking and greenspace. The other overlay was a different orientation of the same overlay of the site.

Mayor Pro Tem Gregory asked who owned the area with the greenspace.

Nelson stated that Austin Baker owned that property.

Nelson showed some photos of how the site was currently being used from different views.

Nelson stated that the next steps included – direction on the formal design process; finalizing lease negotiations with Denton Community Market; construction elements – design RFP or in house, demo and reconstruct parking lot, utilities, sidewalks, lighting, shade structures, green space/landscaping; and access to the Austin Baker property.

Council Member Johnson asked if we were going to make some improvements had there been any discussion as to what lease terms would look like.

Nelson stated that staff had initiated some discussions.

Mayor Pro Tem Gregory asked if staff had had any other discussions about using the site for other events.

Nelson stated that Economic Development had initiated some conversations.

Council Member Roden asked if there was any update to the suggestion for a committee to look at design, sustainability goals, and business/entrepreneurship goals.

Aimee Bissett, Director of Development Services, stated that there had not been any movement on that yet but there was still the intent to go that direction.

Gregory asked if there were any policies regarding naming opportunities.

Burgess stated that the City had a naming policy and could provide a copy to the Council.

Council Member Hawkins asked if the next steps included putting the committee together and sticking to the timeline.

Bissett stated that there was an opportunity for long range planning and neighborhood planning and economic development to work hand in hand to create a small area plan that was consistent with the Denton Plan 2030 but also incorporated a lot of the economic development effort into it.

Nelson stated that the direction of Council included forming a committee, no funding be spent until a lease agreement was finalized, reaching out to the music community as well as Southeast Denton community in terms of design requests, looking at sponsorship opportunities as well as the naming policy, provide some feedback on the lighting costs, if making additional investments look into some grants.

Roden also suggested some kind of policy discussion related to downtown festivals.

Gregory asked about the components of the committee.

Watts stated that it should be an ad hoc committee consisting of three council members.

City Attorney Burgess stated that they could bring a resolution creating the ad hoc committee and assigning it duties and bring that back to Council at another meeting.

**B. ID 15-955 Receive a report from staff on Prioritization of Street Reconstruction Projects.**

Tim Fisher, Division Manager of Water, stated that the pavement management system included three comprehensive pavement condition surveys performed in 2003, 2009 and 2015. A work order and pavement management software system was used to track asset conditions and costs and modeled future conditions and performed financial impacts. Street conditions were declining rapidly due to underfunding of street maintenance.

Fisher stated that a pavement management system was a set of tools or methods that assisted decision makers in finding optimum strategies for providing and maintaining pavements in a serviceable condition over a given period of time.

He stated that the past three bond programs used the pavement management system database and pavement surveys to develop the street reconstruction capital improvements plans. The bond programs included – 2005 – \$9.6 million for street reconstruction, 2012 – \$20.0 million for streets only bond program; and 2014 – \$24 million for street reconstruction. The City Council appointed a citizen advisory committee. Staff initially proposed a street reconstruction capital improvement plan to the citizen advisory committee. The citizen advisory committee reviewed, modified and approved the proposed CIP plan. The Planning and Zoning Commission reviewed and approved the proposed CIP Plan. A voter election approved or rejected the bond sale and program. City Council appointed a bond oversight committee to advise the City Council during the implementation of the bond program. Changes to the Bond Program were determined by City Council after recommendation from the Bond Oversight Committee.

Fisher reviewed the 2005 bond program. He stated that staff used a “worst first” approach based upon lowest OCI scores. They considered distributing the project across the city and avoiding small short projects that lacked continuity. There was limited staff experience with the pavement management system and limited and unknown level of funds available. For the 2012 bond program, there was more staff experience with the pavement management system. The second pavement survey and report was available with significantly improved analysis and report documentation available. The bond sale funding level was known and the bond advisory committee's focus was on street reconstruction. Staff had more time to plan and prepare a draft CIP project list.

Information that was factored into the decision making process included: street classification, for example, arterial, collector, and residential – higher priority given to arterials and collectors; water and wastewater utilities replacement CIP projects within the 5-year CIP plans – higher priority given to streets with water and/or wastewater projects; funded drainage CIP projects or identified but unfunded drainage CIP project information; water and wastewater utility condition information from the utility work order management system – higher priority given to streets with no utility concerns; traffic volume considerations; anticipated development activity; City Council district location; and bike lane plan information.

The 2012 Bond Program was a streets only bond package – \$20 million over five years at \$4 million per year. The program funded 208 street segments (about 20% of streets with OCI less than 40) and 35% of segments were arterials and collectors. Seventy street segments had been completed; seven other segments were in progress. They were slightly behind schedule, costs were tracking below budget.

Council Member Johnson suggested that it would be helpful if there was some sort of update on bond projects on the website.

Council Member Hawkins stated that it would also help people understand what had happened with the previous bond program money before they were asked to vote on another bond program.

Fisher reviewed the 2014 bond program - \$98 million program over six years. \$24 million for street reconstruction. Funding levels were raised to \$6.0 million per year beginning in bond year 2015. 195 street segments were funded (28% of unfunded streets segments with OCIs greater than 40). 56% of segments were arterials and collectors. Four street segments were completed.

Fisher presented an overview of the Street Department's operations and maintenance budget which funded the street maintenance program implementation. Funds were split about 60/40 between OCI and Non-OCI activities.

Staff also used the pavement management system database to identify annual O&M budget funded street maintenance projects as well. One of the big challenges was coordination with utilities. A higher priority was given to streets used by more citizens (collectors over residential streets). Collector streets were identified as the classification of streets with the greatest proportion of low OCI ratings. Arterial costs were much higher due to many factors (depth of pavement, number of lanes, traffic detours, etc.).

Council Member Wazny asked that staff come up with a list for next 12 or 24 months so that the Council could weigh in on some of the arterial and collector streets.

Hawkins asked how is the street construction project report was prepared.

Fisher stated that it included streets that were going to be closed for a variety of reasons.

Watts asked if there were some modification we could do to change the priority for some higher profile streets.

Gregory stated that he would like to see the higher traffic streets moved up.

Assistant City Manager Howard Martin stated that staff would look at the communication tool on the website for the street bond programs.

Roden stated that he would like to see Hickory, Oak, Eagle, and the connection from TWU to Bell accelerated.

Council Member Briggs stated that she would like to see McKinney to Ryan High School and Bolivar accelerated.

Following the completion of the 2nd Tuesday Session, the City Council convened in a Special Called Meeting of the City of Denton City Council to consider the following items:

## **1. Consent Agenda**

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote, Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Mayor Watts "aye", and Council Member Wazny "aye". Motion carried unanimously.

Resolution No. R2015-032

- A. ID 15-892 Consider approval of a resolution nominating members to the Board of Directors of the Denton Central Appraisal District; and declaring an effective date.

Resolution No. R2015-033

- B. ID 15-950 Consider approval of a resolution allowing Denton Rugby Football Club, Inc., to be the sole participant allowed to sell alcoholic beverages at Friends With Benefits Presents: North Texas Hot Shots, on October 17, 2015, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Approved the noise exception request listed below.

- C. ID 15-951 Consider a request for an exception to the Noise Ordinance for the purpose of the third annual Friends With Benefits Presents: North Texas Hot Shots at the E. McKinney and E. Oak Street parking lot on Saturday, October 17, 2015, from noon to 6 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels for amplified sound.

Approved the noise exception request listed below.

- D. ID 15-960 Consider a request for an exception to the Noise Ordinance for the purpose of the third annual Industrial Street Pop Festival on the 100 block of Industrial Street, on Sunday, October 18, 2015 from noon to 10 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

**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 Hawkins stated that since DME's big announcement he has received requests from citizens on how DME rates compared to other competitors. He was working with DME to get that information to the public.

Council Member Wazny stated that she understood the Council would be briefed in Closed Meeting regarding the Larsen letter at the October 20 meeting and requested that if part of the discussion was not considered legal advice then that discussion be held during the open meeting.

Council Member Wazny requested that the Planning Department have a community meeting with citizens so they understand the changes to the gas well fees prior to having the item on the November 17 Council agenda.

City Attorney Burgess stated that they might need to do a work session item on November 17th and possibly have the public meeting after that.

Council Member Roden stated that citizens in Southeast Denton had legitimate concerns about the new event center site and where did that sort of new development end as it was at the entry of an already established neighborhood. He wanted to know what were tools from a planning perspective to make sure that the entertainment/business district stopped at a certain point and the neighborhood began.

Mayor Watts stated that he had received notice that the Denton Animal Support Foundation had donated \$25,000 to the Linda McNatt Adoption Center.

Following the completion of the Special Called Meeting, the City Council convened in a Closed Meeting at 4:47 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

**1. Closed Meeting:**

- A. ID 15-926 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]
- B. ID 15-978 Consultation with Attorneys - Under Texas Government Code §551.071. Consult with the City's Attorneys on the status, strategy, and potential resolution of litigation styled, Bishop v. City of Denton, Texas and Darius M. Porter, Cause No. 4:14-CV-608, currently pending in the US District Court for the Eastern District of Texas, Sherman Division.
- C. ID 15-1014 Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087. Receive a report and hold a discussion regarding economic development issues regarding a proposed economic development incentive

agreement for Project Cartoon. This discussion shall include commercial and financial information the City Council has received from Project Cartoon, a business prospect, 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; deliberate the offer of a financial or other incentive to Project Cartoon.

With no further business, the meeting was adjourned at 6:32 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS