

CITY OF DENTON CITY COUNCIL MINUTES

April 24, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 24, 2018 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Hudspeth; Mayor Watts

1. Work Session Reports

A. ID 18-617 Receive a report, hold a discussion and give staff direction regarding the construction of the G. Roland Vela Athletic Complex capital project.

Gary Packan, Director of Parks and Recreation, provided an update on the questions raised at the April, 3 council meeting regarding the construction of the G. Roland Vela Athletic Complex. He noted the layout of the complex, the finishes of the buildings proposed for the complex, design of the roofs, the restroom/concession stand layout, and the breezeway for the complex. The total square footage and cost per square foot was presented along with comparisons with other bidders for the project and other restroom/concession construction in the Metroplex. Comments were noted from Dunaway and Associates, architects for the project. He continued with comparisons of residential structures versus commercial structures.

Options were (1) proceed as designed, (2) redesign the facility to remove the concession and breezeway, (3) modify design/alternative with a prefabricated structure with restroom and storage only and (4) prefabricated structure with restroom, storage and concession.

Council discussion included:

- Sources of funding for the complex
- How the size of the restrooms was determined
- Cost determination if any of the components were done in-house
- Storm readiness for the prefabricated buildings
- Delaying would result in increased costs
- There was no electrical room for Options 3 and 4 and would add to the total cost

Council Member Gregory stated that he favored the original concept.

Council Member Duff noted that he favored Option 1.

Council Member Briggs stated that she favored Option 3 or 4 and a deeper look into the project to save costs.

Mayor Pro Tem Bagheri suggested an alternate cost for a shade structure elsewhere than the breezeway and stated that she favored Option 3 or 4 with added amenities in the future and food trucks as an option.

Mayor Watts joined the meeting.

Council Member Ryan stated that he would like to see cost figures for the additional need of an electrical room with Options 3 and 4. He could not make a decision without those costs.

Mayor Watts also noted what additional costs would be with Option 4 in terms of on-site or off-site electrical costs.

Packan stated that the current bid expired on May 18th. He suggested that the project could move forward with the contract and do a deduction for items Council wanted to delete.

Council discussed:

- Expiration of the bid could potentially result in higher costs
- Provide a comparison of the options in terms of square footage, how much footage was dedicated storage in Option 1 as opposed to Option 4, number of toilets in the two options and if Option 4 would accommodate 16 teams and their guests
- One major concern was the number of restroom facilities
- Whether impact fees and plumbing costs were included in the building costs and that those figures could drive the cost back to Option 1
- Whether the price for Option 4 was inclusive of the infrastructure or just for the building – it was noted that the prefabricated building replaced an existing structure so the infrastructure was already there and Options 3 and 4 did not have those costs built in
- Cost differences between the options regarding sewer lines, restrooms and the prefabricated structures installed in other parks

B. ID 18-532 Receive a report, hold a discussion, and give staff direction regarding a policy and application process to review housing tax credit requests.

Sarah Kuechler, Director of Public Affairs, presented background information on the process for housing tax credit requests along with the review of presentations at various meetings. She noted the proposed revisions to the application process and project preferences. Staff was seeking direction on any revisions and recommended Council approve a resolution to approve the application.

Council discussed State legislative action to remove local government authority to provide a resolution of support.

Consensus of the Council was to proceed with the staff recommendation.

C. ID 18-620 Receive a report, hold a discussion, and give staff direction regarding existing pavement failures on selected concrete streets throughout Denton.

Todd Estes, City Engineer, presented the staff report on a proposed assessment of existing pavement failures on concrete streets throughout Denton. He noted the concrete pavement layers; utility components under the pavement; types of pavement failures; life cycle of concrete pavement; scope of failures in terms of locations within the City; and possible causes.

Council discussed a recourse back to the contractor if there was a pavement failure in a short time frame,

Estes continued with possible solutions including updating the design manuals with increased minimum pavement standards and encouragement for geotechnical exploration prior to design. Additional solutions would include construction specifications needed to allow for alternatives, increase inspection resources, adherence to current city standards, or more stringent material testing requirements. Estes reviewed staff recommendations.

Consensus of the Council was to proceed with the staff recommendations.

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 18-719 Deliberation regarding Personnel Matters - Under Government Code Section 551.074; Consultation with Attorney - Under Texas Government Code Section 551.071.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contract of the City Attorney.

- B. ID 18-731 Consultation with Attorneys - Under Texas Government Code, Section 551.071

Receive information from, consult with, deliberate, and provide direction to the City's attorneys regarding monies paid by the City to the University of Texas at Arlington ("UTA") related to (i) UTA's Solid Waste Institute for Sustainability; and, (ii) UTA's research related to and/or at the City's ECO-W.E.R.C.S. Resource Recovery Park. 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 Work Session, the City Council convened in a Special Called Meeting.

1. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 18-716 Consider adoption of an ordinance of the City of Denton, Texas amending the Code of Ordinances, related to Chapter 2, titled "Administration" Article XI, titled "Ethics"; providing for findings of facts; providing a repealer; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

Mayor Watts noted a Speaker Card had been submitted by David Zoltner supporting the final draft.

Bryan Langley, Deputy City Manager, presented the staff report on the ethics ordinance. He noted key elements.

Council discussed the prohibited gifts provision in terms of number of multiple vendors.

Langley continued with next steps if the Council approved the ordinance at this meeting.

Council discussed

- Addition of subpoena authority to the draft
- Concern that subpoena authority might be used in excess and whether it would be appropriate to give direction to the Ethics Board when a subpoena might be issued
- The process of issuing a subpoena and a request for irrelevant documents
- Procedures would need to be in place to protect privacy rights and to ensure a level of fairness regarding requested documents

Greg Johnson stated that his major concern was that there were provisions that would prevent an individual the opportunity to serve in terms of representing business clients. He also preferred stronger penalties.

Ken Gold spoke on the necessity of subpoenas and the appropriate use of them.

Council discussed the vendor gift amount in terms of whether it was cumulative or an unlimited annual amount. Consensus was to have \$200 per year maximum from any sources.

Council discussed the subpoena power in terms of who would have this power and whether it would apply to the subcommittee was well. Consensus was that this area needed further clarification.

Council discussed the definition wording for capital improvement projects in terms of the City purchasing property from an individual along with options for amending that definition and definition of vendor in terms of selling property.

Council continued their discussion regarding the subpoena power of the Board in terms of when to determine the parameters of the power and the reasons why the subpoena process had not been mentioned earlier the process.

Council also discussed whether to proceed with approval of the ordinance at this meeting or postpone it for a week to incorporate the changes they had noted regarding the vendor gifts, change in definition of vendor for real property and subpoena power.

Consensus of Council was that the subpoena power would be limited to the scope of the investigation and the Ethics Board would work out their own rules subject to Council approval. Consensus in terms of effective date was that the ordinance would be effective upon passage but no complaint could be filed until September 1st or such time as the Ethics Board was constituted to accept a complaint.

Council Member Gregory motioned, Council Member Ryan seconded to postpone consideration of the ordinance to the May 1st meeting. On roll call vote, Council Member Briggs "nay", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "nay", and Mayor Watts "aye". Motion carried with a 4-2 vote.

Resolution 18-534

- B. ID 18-534 Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing a Primary Member and Alternate Member as the official voting representatives to the North Central Texas Council of Governments' Regional Transportation Council; and providing an effective date. The Mobility Committee recommends approval (2-0).

Mark Nelson, Director of Transportation, presented the staff report on the appointment of a primary and alternate member to the NCTCOG Regional Transportation Council. He noted the overview of the current representation, the Mobility Committee recommendation with Council Member Ryan designated as the primary member and Council Member Briggs as alternate.

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

Resolution 18-654

- C. ID 18-654 Consider approval of a resolution of the City Council of the City of Denton, Texas requesting the Denton County Transportation Authority establish a minimum \$250,000 annual investment in passenger amenities for the City of Denton service area; and providing an effective date. The Mobility Committee recommends approval (2-0).

Mark Nelson, Director of Transportation, presented the staff report on the proposed resolution for DCTA passenger amenities. He noted background information on DCTA goals and objectives, passenger amenities; annual funding and the Mobility Committee action. He noted the available options for council consideration.

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

Resolution No. 18-674

- D. ID 18-674 Consider approval of a resolution of the City of Denton evidencing support for the Denton Community Market and its grant application for funding from FY2018 Farmers Market Promotion Program of the Agricultural Marketing service, United States Department of Agriculture, and providing support and in kind services in an amount not to exceed \$10,000 and providing for an effective date.

Katherine Barnett, Sustainability Manager, presented the staff report for the resolution of support for the Denton Community Market. She detailed the assistance/support the city staff would provide and cost of the assistance for the three year grant.

Council Member Briggs motioned, Mayor Pro Tem Bagheri seconded to approve the resolution. On roll call vote, Council Member Briggs "aye", Council Member Duff "aye", Council Member

Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "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 Briggs requested a Work Session on increasing the homestead exemption.

Council Member Briggs requested an Informal Staff Report on the noise ordinance as it related to bars and the current zoning requirement for these establishments in neighborhoods.

Council Member Briggs requested an Informal Staff Report regarding the ADA compliant sidewalk study.

Council Member Ryan requested information on when the stop light at 2499 and Roberson was going to be installed.

Council Member Ryan requested an Informal Staff Report on the City's water towers and whether there was a need to dump water due to the age of the water and whether there was something to do infrastructure wise to create quicker use of that water.

Council Member Ryan requested that the Chair/full committee of the Council committees receive their agendas prior to posting.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS