

CITY OF DENTON CITY COUNCIL MINUTES

September 1, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 1, 2015 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments regarding Consent Agenda items.

2. Requests for clarification of agenda items listed on the agenda for September 1, 2015.

City Manager Campbell suggested Council table Item 5B to the September 15th Council meeting.

Council Member Wazny asked for an explanation of Consent Agenda Item K from DME.

Phil Williams, General Manager-DME, stated this item would be discussed further in Closed Session. It was an agreement with TMPA for DME to assume some of the responsibilities to Garland. Denton would maintain the lines in Denton County. There would be no increase in cost to DME as the cost would be billed to TMPA.

Council Member Hawkins asked about Consent Agenda Item I and felt was a lot of money. He questioned why the City did not have its own crane.

Williams indicated that different sizes were needed for different jobs. This company had a variety of cranes to help with the different jobs.

Council Member Roden stated that Consent Agenda Item J regarding the house project was a great story and asked DME to share it.

Brian Daskam, Manager of Internal Affairs, stated that in December the Council approved a site for the Hickory Substation. There were five homes on the site. One resident did not want to move from his current home. By State law, he had rights to a relocation package, help moving, rent differentiation and ADA needs to a different home that would be decent, safe and sanitary. As staff looked at different places, they were discouraged how few were appropriate. DME owned a home at 1224 Bonnie Brae which was determined to be appropriate for relocation with renovations. The new resident would be the owner of the home by using relocation funds for the purchase.

Mayor Pro Gregory stated that the renovations would not add any expenses to what would be spent to relocate him.

Williams stated that funds would have been expended by the relocation rule. Something had to be done with the house and the money would have been spent anyways.

3. Work Session Reports

- A. ID 15-745 Receive a report, hold a discussion and give staff direction relating to the Denton County Transportation Authority Passenger Amenities Program.

Mark Nelson, Transportation Director, stated that questions had come up regarding transportation enhancements. Jim Cline, President of DCTA, was going to make a presentation regarding those enhancements.

Jim Cline stated that his presentation would include background/update, how to improve the passenger experience and discussion/questions. It would center particularly on shelters and benches. He reviewed the background information on the establishment of DCTA whereby the City contracted services for rail and bus operations.

Community enhancements – enhancements were done in the Southeast Denton area to enhance the trail in that area. They were in the process of performing a comprehensive bus service needs review to see if there was a different approach to improve service and efficiency.

Sustained financial strength – DCTA had strong reserve funds and internal coverage with current year revenue exceeding current year expenditures. They had received clean audits and GFOA awards.

Challenges/opportunities included positive train control, improved service within the existing service area, seeking opportunities for expansion without jeopardizing funding and service for financially participating member cities.

Passenger amenities – DCTA had already installed some amenities in Denton. Previous efforts included Where's My Ride, Go Pass, schedule changes/updates, passenger information, hike/bike trail, bus benches and shelters. Twenty new shelters were installed in Denton in 2014. They were coordinating with the City for future locations and a process for improvements.

Selection of next locations – currently there were 243 stop locations in Denton with a variety of site conditions, riders, and community interest. Site selection considerations included boardings, citizen/community input, site conditions such as right of way availability, accessibility, sidewalks, other infrastructure conflicts and available funds. Moving forward they were planning on installing amenities at seven locations in FY 2015. The locations would be submitted to the City to determine materials, the procedure to install and implementation.

Mayor Pro Tem Gregory asked if the amenities would be the same at all seven locations.

Cline stated that some were benches and some were shelters. All would have the same kind of pad. A higher boarding level might determine a shelter as opposed to a bench.

Council Member Johnson stated if there were no amenities at a stop then there would be no requirement for ADA but if something were constructed, then it would have to be ADA compliant. He felt there was a lot of red tape to get these done. He questioned if the ADA issue was the reason for the delay in these projects.

Cline stated that the goal was to have the entire route accessible. ADA requirements were a need that had to be addressed.

Council Member Wazny felt it was important to keep the project moving forward. She suggested a place on the City's website where citizens could recommend a shelter or bench.

Cline stated that someone could also go through the DCTA website and get an answer in seven days.

Mayor Watts indicated that Item C would be considered next.

- C. ID 15-780 Receive a report, hold a discussion and provide staff direction on the use of the City facility located at 300 Woodrow Lane as a homeless shelter.

John Cabrales, Assistant City Manager, stated that the Monsignor King Outreach Center had asked in December to use a location for an emergency shelter as they had to vacate their current location. The City had a facility not being used at the time and accommodated the request. Building Inspections and the Fire Marshal did an inspection of the facility with occupancy granted for specific areas and specific conditions for a specified amount of time. The Outreach Center was not able to get another location and asked to use the facility for summer months. They were advised that they could use the facility on a temporary basis but really needed to find an additional location. The Fire Marshal noted that the location was lacking some health safety issues as emergency lighting, people were preparing food with an open flame and a higher occupancy than anticipated. Staff indicated to the Outreach Center that they would have to work on the immediate needs and policies presented. Costs to bring the facility up to code was estimated to be above \$130,000 which did not include ADA compliance, adding more restrooms, and waterproofing a portion of the building as it was located in a flood plain. As a result they would no longer be able to use the building after September 15th.

Roy Metzler, Monsignor Outreach Center, presented Council with a packet of information that detailed the services they rendered to the homeless. They knew the building needed work but it was hard to do when they didn't have a definite answer if they could stay at the facility. If they could get a long term lease or possibly purchase the facility, they could at their own expense put in the fire alarm system. Getting a temporary certificate of occupancy would allow them to begin exploring ADA and FEMA requirements. If the facility were closed it would be hard for them to fund raise. A key question was whether the City was interested in helping the homeless. The current location was perfect as it was near the Salvation Army, the Police Department and Downtown. A question was the participation level of the City and if significant, the property would work.

Council Member Roden asked where they were with their capital campaign.

Metzler stated that previously they had netted \$35,000 per year. Now they were having people giving them money to renovate. The difference with the animal shelter was that they had a place they could continue to occupy while raising funds for a new location.

Betty Kay with the Outreach Center stated they were the only program that took in people with problems.

Metzler stated that the reality of finding the perfect scenario was not feasible.

Council Member Johnson stated that there needed to be a differentiation between the facility being up to the standards of the International Building Code or bringing it up to be safe for people. He felt there could be a slow migration to get the improvements done. He was in favor of doing this and felt that the City should help with the funding. A long term lease should be structured with an option to purchase it.

Council Member Briggs felt the location was good and was a good use of current building.

Council Member Wazny stated that if a lease were done, there needed to be stepping stones for improvements with a timetable.

Council Member Roden questioned if the Outreach Center had a suggested a term for a lease.

Metzler stated that just the certainty that they would be able to use the facility for a long term would be a help. A longer lease would be better.

Council Member Roden stated that the sprinkler system would be installed by the winter season.

Metzler replied correct.

Cabrales stated that a fire sprinkler system, fire alarm system, and water line tap were required. It was suggested to hire an architect to meet ADA compliance.

Council Member Roden felt that there was a different city posture now with the request. Somehow the request was accommodated without all of these issues.

Cabrales replied that the initial request was made in winter and the City tried to accommodate the request as it was only for a few evenings and a very temporary use of the facility. The inspectors were now involved as it appeared that this would be an ongoing use. Another entity would not be allowed to use the facility without the needed upgrades.

Mayor Watts stated that it was his understand that the shelter lost its prior building on short notice. He felt that no one who was asking questions was trying to put up a road block or not wanting to make it happen. There was a need to be consistent but flexible. He restated that the request was to continue and make a more permanent shelter similar to the Salvation Army

Metzler replied correct especially during the days to get people in touch with other agencies and services. They had always expressed an interest to stay there but had been told that no decision had been made on the building.

Mayor Watts stated that before the building was occupied, the sprinkler and fire alarm systems would be functional and that it would also include the dog kennel area.

Metzler stated correct. He noted that the request was for a six month temporary Certificate of Occupancy would allow them to be open during the winter and to have more time for fundraising.

Mayor Watts stated that he would like to keep the funding for the Homeless Coordinator position in order to leverage funds with other agencies. He was in favor of the concept with flexibility and provide a safe environment for the clientele. The most pressing issue was the fire safety issue.

Laura Behrens, Fire Marshal, stated that when the issue came to them in February, it was an emergency situation with two weeks to vacate their current location. They did an inspection and made fire safety changes for that immediate need. In the summer it was more of a long term use and they did another inspection. They requested additional fire safety code requirements for a long term use that included carbon monoxide detector and exiting requirements. Existing challenges still exist that could be worked through such as the issue of the gates. The building exits lead to an enclosed locked area which was prohibited. Moving forward the two biggest issues were the fire suppression and fire alarm system. The use could fall under I (Institutional) or R (Residential). In terms of the Fire Code both were applicable from the old code to the new code. A majority of these facilities were classified as an "I" because of the transit nature with more long term facilities classified as "R". An "I" occupancy triggered more stringent requirements.

Mayor Watts stated that the Council direction was to proceed forward with the discussion of a potential lease and terms, the immediate scheduling of fire suppression and alarm and an inventory of outstanding issues to get them before the proper body and monitor a timeline to get them done.

Council Member Roden suggested that part of the direction would be to provide a regular briefing to the Council on how the project was progressing.

Council Member Johnson suggested that terms for a lease could include a term of 10 years at \$1 a year, the City would not pay for any improvements with the Outreach Center paying for all improvements, and a 10 year renewal option for \$2 per year. The City should establish who would have ownership to help with the details.

City Manager Campbell suggested John Cabrales and Mark Nelson.

Mayor Watts stated that he agreed with the concept of a lease but that there would also be other terms to work out.

Council Member Hawkins and Briggs volunteered help with the process.

- B. ID 15-763 Receive a report, hold a discussion, and give staff direction regarding possible financial incentives related to the Cole Ranch development.

Bryan Langley, Assistant City Manager, stated that he would be updating Council about Cole Ranch. He noted that Ocie Vest was present for questions if needed. The details of the proposed development, location and components of the project were reviewed. Due to the high infrastructure costs the developer was seeking financial incentives. The developer had originally proposed a Public Improvement district (PID) which would provide for assessments charged to property owners in the District. A second proposal was a Tax Increment Reinvestment Zone (TIRZ) which

provided for incremental increase in tax revenues split between the City and the developer. Revenues from the PID assessment would be used to fund bonds to pay for infrastructure. The assessment was charged to property owners in the district. The TIRZ provided reimbursement to the developer for infrastructure costs. Staff had ongoing negotiations with the developer to address Council and staff concerns regarding the inclusion of a TIRZ for residential properties and the value of the public benefits. The developer provided a revised proposal that included a PID equivalent to \$0.33 cents per \$100 valuation but allowed to increase up to \$0.40 due to the structure of the TIRZ to make up for the costs. The TIRZ would be only for commercial property. The developer was also asking for sales tax rebate agreements on a case by case basis.

Staff recommended approval of both the PID and the TIRZ with the following conditions: (1) the PID would be limited to \$0.40 per \$100 valuation; (2) the TIRZ would be applicable only to commercial property with 40% contribution from full City of Denton tax rate limited to 20 years and no more than \$33 million; (3) sale tax incentive agreements for commercial properties would be considered on a case-by-case basis depending on the project; (4) homes sales in Cole Ranch would contribute 0.5% of the sale proceeds to enhancement of schools; (5) developer would donate sites to the City related for public safety and elevate storage needs; (6) developer would be responsible for all maintenance costs associated with lakes in the development; and (7) DME would be the sole provider of electrical services to the Cole Ranch development with a site for a future substation reserved.

Mayor Pro Tem Gregory stated that the TIRZ caused him some concern especially at the figure presented. He questioned what happened if the developer went away but the lake stayed.

Langley stated that would have to be looked at in the development agreement.

Mayor Pro Tem Gregory suggested setting set aside money in the PID for operation and maintenance of the lakes.

Council Member Wazny stated that having DME as the sole provider was financially advantageous for them but the Public Utilities Commission set the territories and there were other providers in the area. She was more comfortable removing that condition and let the territories set where they were.

Langley stated that this particular area of Cole Ranch was only served by Co-Serve which would not provide service there. In areas where there were options, DME would provide the service.

Phil Williams, General Manager-DME, stated that the development was at the edges of Denton's multi-certification area and in those areas where possible, DME would be the provider.

Mayor Watts questioned whether commercial did not include multi-family for the TIRZ.

Langley replied correct.

Mayor Watts stated that he struggled with the TIRZ on commercial but a cap of \$33 million he could not agree with. He was not comfortable with the staff recommendation on sales tax recommendation as it gave a perception that it would be done. He suggested looking into whether the County would be willing to participate as well as currently that was not included in the

agreement. He also struggled with the proposed 0.5% contribution to DISD just for schools in the development and would rather make it available for all schools in district.

Council Member Wazny suggested having the DISD weigh in on what to do with those funds. Get all three developers together and get an overlay for water, sewer and roads for the entire area.

Council Member Roden questioned if there was a way to take the TIRZ concept and make it like a sales tax concept.

Langley stated that they would have to make some commitments up front with the TIRZ in order to get the needed capital.

Mayor Pro Tem Gregory felt it was not the City's business in regards to the schools.

Langley reviewed the next steps in the process which included continuing to work on a developer agreement to finalize terms and agreement, engage Jeff Moore to assist with the drafting of the agreement and presenting the final agreement to Council for consideration in the fall 2015.

Ocie Vest, Stratford Development, presented information on the concept of the development. He noted that a hurdle for the development was the infrastructure and the cost of bringing that to the development. He felt the only way to do it was through a PID and a TIRZ. The TIRZ would be capped at the actual costs.

Council discussed breaking the TIRZ into three areas instead of just one for future needs. It was also discussed to work out with the DISD and not the City the terms of funding for schools. The lakes, dams, and spillways were owned by the Federal government and the development would keep them up to high standards as they were amenities for the neighborhood.

Mayor Watts recapped that Council direction was to move forward with the PID and TIRZ with the TIRZ only for commercial at a cap of \$33 million. Council was also in agreement with the staff recommendation to divide it into phases.

D. ID 15-702 Receive a report, hold a discussion, and give staff direction regarding participation in What Works Cities, a Bloomberg Philanthropies initiative.

Alison Ream, Administrative Services Manager, reviewed the mission of the program which was to elevate and accelerate cities' use of data and evidence to engage citizens, make government more effective, and improve people's lives. Resources provided included on-the-ground training, access to world-class expertise, peer knowledge network, and implementation of technical solutions. Areas of Focus were (1) performance measurement, (2) planning and development, (3) street maintenance and reconstruction, and (4) economic development. Next steps were to hold a workshop on September 4th and define the scope of engagement.

Consensus of the Council was to proceed with the proposal.

E. ID 15-817 Receive a report, hold a discussion and give staff direction regarding a potential Economic Development Grant Agreement and a Commercial Lease Agreement with Rail

Yard Partners, LTD. for a co-working space that may be administered by the Dallas Entrepreneur Center to support entrepreneurship and innovation in Tax Increment Reinvestment Zone (TIRZ) Number One.

Aimee Bissett, Director of Development Services, stated that the City was engaged in the process of developing new recruitment strategies and programs. One of those initiatives focused on the recruitment of hi-tech and emerging technology companies, and the support of entrepreneurship and innovation. This program initiative sought to (1) create knowledge-based, high-paying jobs, (2) gainfully employ college graduates in order to keep them living and working in Denton, (3) support entrepreneurship and innovation, (4) recruit, create and retain successful innovative businesses, (5) diversify and strengthen the tax base, (6) increase the average household income in Denton, (7) encourage infill development and redevelopment, (8) create substantial investment in Denton businesses, (9) develop a workforce that was agile, technologically advanced, and employable, and (10) foster technology solutions to address community-wide needs. The proposed Railyard downtown catalyst project addressed a number of goals of the Technology and Innovation Program and was located in the Tax Increment Reinvestment Zone (TIRZ) Number One, Downtown Implementation Plan (DTIP) and Transit Oriented Development (TOD) area. The project would be located at 608 E. Hickory adjacent to the transit station. The project involved a Commercial Lease Agreement with the Developer (Rail Yard Partners, LTD), a Chapter 380 Agreement including revenue from the Tax Increment Reinvestment Zone One (Downtown TIRZ) with the developer and a separate Agreement with the Dallas Entrepreneur Center (to be considered by Council at a future date). The parties and roles were (1) Rail Yard Partners, LTD - the Landlord and grant recipient of the Chapter 380 Agreement, (2) City of Denton – the tenant, and (3) Dallas Entrepreneur Center (DEC) - 501(c)3 organization which would be the subtenant and/or Program Manager. Rail Yard Partners, LTD. was renovating an existing 28,000 square foot building as a part of a larger transit-oriented catalyst project. The City would lease 9,216 square feet for a collaborative working space. The DEC, which had similar entrepreneur resource centers in Addison and North Dallas, would offer memberships, technical assistance, mentorship and program events to help foster local business growth in Denton.

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 15-615 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

Receive a briefing and information pertaining to certain competitive public power and financial issues regarding Texas Municipal Power Agency ("TMPA") on matters including, without limitation: present and future plant operations issues, plant and system expenses, maintenance issues, performance issues, financial issues, reliability issues, planning issues, and any related issues concerning the City's interest in, and its business relationship with the Texas Municipal Power Agency; and discuss, deliberate, and provide Staff with direction regarding such matters.

- B. ID 15-720 Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations regarding Real Property - Under Texas Government Code, Section 551.072.

Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential sale of real property interests owned by the City of Denton located in the G. Walker Survey, Abstract 1330, and Lot 1, Block 1, Lake Dallas Storage Addition, both in Denton County, Texas, and located generally south of F. M. Highway 426 (East McKinney Street) between Mayhill Road on the west and South Trinity Rd. on the east. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above as well as issues related to Atmos Pipeline - Texas Lake Dallas Natural Gas Storage Facility and its designation by Transportation Security Administration TSA as critical energy infrastructure impacted by Ordinance No. 2015-233 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. (Atmos Lake Dallas Storage Facility).

- C. ID 15-785 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]

- D. ID 15-818 Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087; and Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to legal and economic development issues related to Orison Holdings and Rail Yard Partners, LTD. and economic development incentives and the acquisition of real property interests in the H. Sisco Survey, Abstract No. 1184, Denton, Denton County, Texas, generally located in the 600 block of E. Hickory. This discussion shall include commercial and financial information the City Council has received

from Orison Holdings 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; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-819]

- E. ID 15-826 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled George P. Bush, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. 15-02058-362 currently pending in the 362nd District Court of Denton County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-08933-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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 15-149 Blood Cancer Awareness Month

Mayor Watts presented the proclamation for Blood Cancer Awareness Month.

- B. ID 15-719 Presentation by Phil Williams, DME General Manager, recognizing the outstanding accomplishments of Denton Municipal Electric's Lineman Rodeo Team at the 19th Annual Texas Lineman's Rodeo.

Phil Williams presented the accomplishments of the Denton Municipal Electric's Lineman Rodeo Team at the 19th annual Texas Lineman's Rodeo.

C. ID 15-741 LIVE UNITED Month

Mayor Watts presented the proclamation for Live United Month.

D. ID 15-779 Denton Dolphins

Mayor Watts presented the proclamation for Denton Dolphins 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.

1. ID 15-796 Sam O'Donnell regarding a petition for a skate park.

Mr. O'Donnell stated that he wanted to bring awareness that a new and improved skate park was needed. He was appreciative of the current park but it was out of the way and becoming outdated. He requested a concrete park in a more accessible area. He had about 500 supporters on line and petition with 500 signatures from his store.

2. ID 15-795 Roy Metzler representing the Monsignor King Outreach Center regarding an update and request for funds.

Steve Murray stated their appreciation for the Council consideration for their needs and the needs of the homeless in Denton.

3. ID 15-815 Claudette Fette regarding the Coordinator position for the homeless and associated homeless needs.

Dr. Fette stated that she was advocating support for those who were homeless and those who were at risk of being homeless. In addition to the shelter that was going to be provided, she asked Council to extend the use of the shelter during the daytime. She also supported the Homeless Coalition's position for a Homeless Coordinator to coordinate the various resources throughout the community.

C. Additional Citizen Reports

1. Timothy Swenson spoke in support of the Homeless Coalition and especially those with handicaps.

2. Leigh Duncan-Timm echoed support the handicapped homeless and the mentally ill who were handicapped. She had not been homeless herself but was very close at times. It was important to focus on peer to peer experiences to help others. There

needed to be a range of support available and not just for immediate needs. She asked the Council to consider support for the Coordinator for the Homeless to coordinate services in Denton.

3. Dylan Voisard spoke in support of a skate park that was mentioned earlier. Denton was an art community and felt that for his generation a skate park collaborated that art feeling.

4 Liz Emerson spoke in favor of the Monsignor King Outreach Center request for a shelter as it was very needed in Denton. There was a need for a day shelter especially for the disabled. There also was not shelter for families. These two functions would help with the wrap around services that were available.

4. CONSENT AGENDA

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

Approved the noise exception request listed below.

- A. ID 15-618 Consider a request for an exception to the Noise Ordinance for the purpose of the fifth annual Susan G. Komen North Texas Denton Race for the Cure at C.H. Collins Athletic Complex and Long Road, on Saturday, September 26, 2015, from 6:00 a.m. to 11:00 a.m. Amplified sound is needed for public announcements regarding race times and to play music during the event. The exception is specifically requested to increase sound levels from 70 to 75 decibels. Staff recommends approval.

Approved the noise exception listed below.

- B. ID 15-708 Consider a request for an exception to the Noise Ordinance for the purpose of the fundraiser, 2015 SunRay's Rodeo, Music and Arts Festival hosted by the Raylyn's Heart Foundation, to be held at the North Texas Fairgrounds October 3, 2015, from 3:00 p.m. to 12 midnight. The exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension of hours from 10 p.m. to midnight. Staff recommends approval.

Resolution No. R2015-022

- C. ID 15-709 Consider approval of a resolution allowing the Black Chamber of Commerce to be the sole participant allowed to sell alcoholic beverages at the Blues Festival on September 19-20, 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. The Parks, Recreation and Beautification Board recommend approval with a vote of 5-0.

Resolution No. R2015-023

- D. ID 15-743 Consider approval of a resolution adopting a revised City of Denton Handbook for Boards, Commissions, and Council Committees; and declaring an effective date.

Approved the tax refunds listed below.

- E. ID 15-749 Consider approval of tax refunds for waiver of penalty and interest for Property Tax Accounts 651794DEN, 655073DEN, 650104DEN, 650792DEN, 655027DEN, 654998DEN, 651744DEN and 637181DEN.

Ordinance No. 2015-253

- F. ID 15-765 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of a Skytrak Model 10042 Telehandler for the City of Denton Electric Substations division; and providing an effective date (File 5917-awarded to Kirby-Smith Machinery, Inc. in the amount of \$125,600). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-254

- G. ID 15-767 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the reconstruction of Lillian Miller Parkway from the IH 35E frontage road to north of Teasley Lane; providing for the expenditure of funds therefor; and providing an effective date (Bid 5869-awarded to the lowest responsible bidder meeting specification, Jagoe-Public Company in the amount of \$1,577,075.25).

Ordinance No. 2015-255

- H. ID 15-768 Consider adoption of an ordinance approving the expenditure of funds for the purchase of a Phosphax Phosphorous Control System for Real Time Metering of Phosphorous at the Pecan Creek Water Reclamation Plant including one (1) year maintenance and a three (3) year agreement for the purchase of parts, which are available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 5891-awarded to Hach Company in the three (3) year not-to-exceed amount of \$335,947). The Public Utilities Board recommends approval (4-0).

Ordinance No. 2015-256

- I. ID 15-770 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for crane services for Denton Municipal Electric substation and transmission line projects (RFP 5875-awarded to Luckett Crane Service, LTD in the three (3) year not-to-exceed amount of \$540,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-257

- J. ID 15-773 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designees to expend funds in an amount not to exceed \$142,500.00 for the renovation of residential property located at 1224 North Bonnie Brae St., in the City of Denton, Texas. The purpose of the project is to provide a decent, safe, and sanitary replacement residence for a legally disabled Denton citizen who will be displaced due to an existing City infrastructure expansion as required by law.

Ordinance No. 2015-258

- K. ID 15-775 Consider adoption of an ordinance authorizing the City Manager to execute an agreement or agreements by and between the City of Denton, Texas and the Texas Municipal Power Agency (TMPA), that provides for terms and conditions under which Denton Municipal Electric will be responsible for the operation and maintenance of all TMPA transmission assets located within Denton County, Texas, in substantial conformity with the attached exhibits; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 2015-259

- L. ID 15-778 Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute on behalf of the City of Denton, a Fixed Base Operator Airport Lease Agreement between the City of Denton, Texas and BAM Denton Management Ventures, LLC; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Ordinance No. 2015-260

- M. ID 15-782 Consider adoption of an ordinance of the City of Denton, Texas approving the Meet and Confer Agreement between the City of Denton and the Denton Fire Fighters Association, and providing an effective date.

Ordinance No. 2015-261

- N. ID 15-783 Consider adoption of an ordinance of the City of Denton, Texas authorizing contribution to the Denton Firemen's Relief and Retirement Fund by the City; and establishing an effective date.

Ordinance No. 2015-262

- O. ID 15-792 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the renovation of the City of Denton Civic Center Pool, located at 515 North Bell Street; providing for the expenditure of funds therefor; and providing an effective date (RFP 5867-awarded to JC Commercial, Inc. in the amount of \$1,797,777).

Resolution NO. R2015-024

- P. ID 15-820 Consider approval of a resolution of the City of Denton, Texas approving the renaming of the Patterson-Appleton Center for the Visual Arts to the Patterson-Appleton Arts Center; and declaring an effective date.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 15-787 Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission; Human Services Advisory Committee; Parks, Recreation and Beautification Board; and Zoning Board of Adjustment.

Willie Hudspeth, 623 Newton, Denton, 76205, stated that the positions were nominated by Council but he could not understand how those individuals were selected. He did not feel this was good fair government. A previous nomination to the Animal Shelter Advisory Board was not approved and he questioned that process.

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to approve the nominations as presented. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye" and Mayor Watts "aye",. Motion carried unanimously.

- B. ID 15-819 Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Agreement for an incentive grant between the City of Denton, the Board of Directors of the Tax Increment Reinvestment Zone Number One, City of Denton, Texas, and Rail Yard Partners, LTD; and a Commercial Lease Agreement between the City of Denton and Rail Yard Partners, LTD. involving development at the property located at 608 East Hickory Street, Denton, Texas, 76201 and for which the Tax Increment Reinvestment Zone Number One Board recommends approval; providing authority for the City Manager to execute the agreements subject to final language approval by the City Attorney; and providing an effective date.

A Speaker Card was submitted by Willie Hudspeth who felt there needed to be someone in the process who saw a different prospective and that person needed to discuss the ordinance in terms such as code enforcement.

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to postpone consideration to the September 15, 2015 Council meeting. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye" and Mayor Watts "aye",. Motion carried unanimously.

6. PUBLIC HEARINGS

Ordinance No. 2015-265

- A. Z15-0021 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing an amendment to a Detailed Plan for a single family development within a Planned Development 12 (PD-12) district zone on approximately 1.37 acres of property, generally located on the north side of Winston

Drive, approximately 139 feet northeast of the corner of Waterford Way and Winston Drive in the City of Denton, Denton County, Texas, providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (7-0).

The Mayor opened the public hearing

Aimee Bissett, Director of Development Services, stated this was an amendment to a detailed plan to incorporate approximately 1.39 acres into the detailed plan. This was the companion piece with the boundary adjustment with the city of Corinth. She reviewed the future land use map, zoning map, considerations included in the boundary adjustment agreement, concept plan for cluster housing, the detailed plan and the Denton Plan 2030. The Planning and Zoning Commission recommended approval as well as staff.

There were no speakers during the public hearing.

The Mayor closed the public hearing.

Council Member Briggs motioned, Council Member Wazny seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", Council Member Wazny "aye" and Mayor Watts "aye". Motion carried unanimously.

Resolution No. R2015-025

- B. ID 15-776 Hold a public hearing and consider approval of a resolution for the proposed transmission route for construction, expansion, and use of electric power transmission lines, beginning at the Bonnie Brae Substation of Denton Municipal Electric and traversing along lines beginning from east of Bonnie Brae St., west of North Locust St., and terminating just south of Loop 288 at the North Lakes Substation, in the City of Denton, Denton County, Texas.

The Mayor opened the public hearing

Brent Heath, Executive Manager of Energy Delivery, presented the details of the proposal which was the Bonnie Brae North Lakes Transmission Line. He discussed the system map, constraints map and the location map. Route options were presented along with information on previous public involvement actions. He reviewed public comments from the public involvement meeting. The staff recommendation was to move forward with rebuilding the line long the blue route.

The following individuals spoke during the public hearing:

Joyce Poole, 3021 N. Bonnie Brae, Denton, 76207, indicated that she was speaking for four individuals. She presented information concerning the easement for the line.

Council Member Wazny suggested the Council may want to consider postponement in order to look at the easement issue.

Willie Hudspeth, 623 Newton, Denton, 77205, spoke in opposition to the green route.
Phil Baker, PO Box 336, Denton 76202, spoke for the property owner regarding the placement of the line.

The Mayor closed the public hearing.

Council Member Wazny suggested postponing consideration in order to perform an engineering study on the 15 foot of line for the easement.

Council Member Roden stated that the pole would be a regulation pole 60-75 feet from the street.

Heath stated that there would be a 60 foot easement placed in the center of the easement 30 feet on center.

Council discussed the location of the new poles and the associated easement.

Council Member Johnson motioned, Council Member Roden seconded to approve the resolution. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Council Member Hawkins "aye", Mayor Pro Tem Gregory "aye", Mayor Watts "aye, Council Member Briggs "nay", and Council Member Wazny "nay". Motion with a 5-2 vote.

- C. ID 15-694 Hold a public hearing and receive citizen input on the FY 2015-16 Proposed Budget.

The Mayor opened the public hearing.

Chuck Springer, Director of Finance, stated that this public hearing was a requirement of the City Charter and State law. He presented the overall details of the budget.

No one spoke during the public hearing.

The Mayor closed the public hearing.

No action was required on this item.

- D. ID 15-695 Hold a second public hearing on a proposal to adopt a tax rate of \$0.696380 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

Chuck Springer, Director of Finance, stated this was the second required public hearing according to State law. He reviewed the published tax rate which would be formally approved on September 15th.

The Mayor opened the public hearing

No one spoke during the public hearing

The Mayor closed the public hearing.

No action was required on this item.

7. 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.

1. ID 15-790 Willie Hudspeth regarding City Hall.

Mr. Hudspeth complained about having to stay until the end of the meeting to speak to the Council. He did not feel it was for the benefit of the citizens. He commented on a meeting he had with Council Member Gregory and the City Manager regarding his property. The meeting resulted in a compromise in what he was doing on his property.

8. 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

Mayor Pro Tem Gregory requested a report on the current skate park, possible cost for a new park, possible location on current city property and either a joined or separate facility for bikes.

Mayor Pro Tem Gregory requested a Work Session discussion on a temporary committee to consider options for an Exposition Street event space for a community market and other potential users.

Council Member Roden requested a discussion on the issue holding a Certificate of Appropriateness due to use of hardy board. Look at the process for code changes as it moved through the Historic Landmark Commission, through Planning and Zoning Commission and on to Council.

Council Member Briggs requested research and consideration of a Youth Advisory Board to the Council's boards and commissions.

Mayor Watts requested information on whether there were any ordinances regarding drones in the City.

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 8:41 pm.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS