

# CITY OF DENTON CITY COUNCIL MINUTES

August 28, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 28, 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, Mayor Pro Tem Ryan, Council Member Armintor, Council Member Meltzer, and Mayor Watts.

ABSENT: None.

## 1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda items.

## 2. Requests for clarification of agenda items listed on the agenda for August 28, 2018.

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

Mayor Pro Tem Ryan - pull Consent Agenda Item B for separate consideration  
Council Member Briggs - pull Consent Agenda Item B for separate consideration  
Council Member Armintor – pull Consent Agenda Item B for separate consideration

## 3. Work Session Reports

- A. ID 18-1157 Receive a report, hold a discussion, and give staff direction regarding the FY2018-19 Denton Economic Development Partnership agreement between the City of Denton and the Denton Chamber of Commerce.

Caroline Booth, Director of Economic Development, presented the staff report for the agreement with the Denton Chamber of Commerce. She noted the background information regarding the agreement, amount of the requested funding from the Chamber, terms of the FY18-19 agreement, options and recommendations.

Council discussion included:

- When the financial arrangement started with the Chamber
- Whether dollar amounts for the Chamber were built into the utility rates
- Rationale for using General Fund dollars and the utility funds
- How unused funds were used/accounted for
- Ways to determine how much activity for the performance measures would be beneficial/successful
- Consider changing the positions on the EDP Board to at-large positions
- Provide justification for adding to the utility rates for the payment of the agreement

Consensus of the Council was to move forward with contract as presented.

- B. ID 18-1335 Receive a report, hold a discussion, and give staff direction regarding the FY 2018-19 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Tony Puente, Director of Finance, indicated that the presentations would include park fees, solid waste fees and electric fees. He reviewed Council questions regarding budget memo in terms of the TIF project financing report; percentage for Customer Service late fee instead of a flat rate; and percentage for commercial.

Council discussed the late fees and requested additional data regarding late commercial accounts.

Council consensus was to look at the data regarding commercial accounts; keep the fee at the current amount; separate large commercial versus small commercial accounts.

Gary Packan, Director of Parks and Recreation, presented information on the Park fee changes proposed for 2018-19. He noted the schedule of fees in terms of background information; reviewed the process for the proposed changed fees; fee removals; fee adjustment language; Water Works Park update in terms of attendance and revenue; and admission and concessions trends.

Council discussion included:

- Whether the lower attendance this past year was reflective of the increase admission costs
- Types of discounts available for residents
- Cost of admission for children
- Provide historical pre/post wave pool which may facilitate further discussion

Packan continued with next steps which included the implementation of the Aquatic Assessment Action Plan for a 1-2 year plan.

Council discussed:

- Continue gathering data for next year to determine estimates for a full season discussion
- Consider more after hours events or special events for more membership
- Consider the competition in the area when looking at attendance
- Whether the numbers might be skewed for the summer months due to additional child care costs and other costs taking away from admissions
- Consider lowering the fees to the original amount of \$11/\$7 to determine if there would be an increase in attendance
- Keep the pricing structure the same in order to get a full year of data before changing the rates
- Policy regarding full cost recovery for the Water Park as opposed to other classes offered by the Parks Department
- Consider Twilight Admission Monday-Sunday and not just during the week

Consensus of the Council was to leave the structure the same; Twilight admissions would remain Monday-Friday and return with historical data for Council consideration. Council also agreed to reduce the number of discounts available for reduced admission.

Council discussed other park fees in terms of:

- Admission to the recreation centers with a proposal to allow children up to 18 years of age to use the centers without charge which might result in increasing the adult fees. Following discussion, consensus of the Council was to keep the current fee for Center use.

- Whether rental fees were required for all room rentals and the threshold for the fees. Staff noted that the variables included the attendance for occupant load at location, sale of alcohol, and time of day
- A decline in membership in city classes and whether private workout facilities were a cause for that decline
- Scoreboard rental at baseball fields. Staff noted that the fee was for tournaments and not for the local associations
- Late fee for permit submissions at IOOF/Oak Lawn cemeteries. Staff noted that the fee was approved in 2009 as there was a challenge in surveying/staking the lot as there was only one company to do the digging

Nick Vincent, Utilities Business Manager, presented the staff report on the Solid Waste rates. He noted the overview of the residential, commercial and landfill rates.

Council discussed the reasoning for accepting sludge into the landfill and whether there was an environmental impact.

Ethan Cox, Director of Solid Waste, stated that it was a risk taking the sludge at \$46 as it took up air space. He suggested looking at the data for a few months and then make any adjustments after that examination.

Consensus of the Council was to maintain the current process.

Vincent reviewed the proposed landfill rates that would be eliminated; the next steps in the process regarding budget and rates; and the schedule of discussions.

George Morrow, DME General Manager, presented information on the electric rates. He noted the rate change overview and impact to customers.

Council discussed the cost of service difference between residential customers versus commercial customers and whether different time periods of rate usage had different rates.

Puente noted that there would be another budget Work Session discussion on the September 11<sup>th</sup>, a public hearing on the budget then adoption of the budget on September 18<sup>th</sup>.

Item F was considered next.

- F. ID 18-1409 Receive a report, hold a discussion, and give staff direction regarding homelessness initiatives and the proposed Denton Basic Services Center project made at the August 7, 2018 City Council meeting during Presentations from Members of the Public.

Sarah Kuechler, Director of Public Affairs, presented the staff report regarding homelessness initiatives and direction on Denton Basic Services Center Proposal. She noted the background on the progress of the City's building and improving a housing crisis response system; the progress of the response system; details on the Shelter Planning Workgroup; proposed Denton Basic Services Center project on city property on the corner of Texas and Ruddell; estimated staff effort to provide information to Council for an informed decision; and how to best direct city efforts.

Council Member Armintor disclosed a previous affiliation with the Denton Basic Service Center Board.

Council discussion included:

- Whether this proposal was included in the Shelter Planning Workgroup
- This proposal could be an outcome of the Shelter Planning Workgroup
- Requirements that the City had provided in terms of the ESG Grant
- There was a need for somewhere consistent for the homeless to sleep

Dani Shaw, Human Services Coordinator, provided information on the ESG grant provisions.

Council Member Meltzer also disclosed that he had a previous affiliation with the Denton Basic Service Center Board but was no longer on the Board. He noted that efforts seemed to be on long term permanent housing but what was the envisioned time frame to get assistance to the rare homeless people.

Courtney Cross, United Way of Denton County, stated that the rare homeless were those individuals only experiencing homelessness one time. The emphasis was on the chronic homelessness and those with mental/physical disabilities to remove from being homeless. It included implementing standards of excellence for operation and baseline measurements for care.

Kuechler stated that the Workgroup would look for the best solution and what was the best service to those on the streets while providing a wraparound solution.

Council continued discussion regarding:

- An interest in the program if it went from status quo to a stop gap until a final solution
- The list of concerns presented by staff were not items that could not be accomplished
- Policing efforts in the proposal Center area
- The proposal in terms of differences in the status quo and the Shelter Planning Workgroup goals for permanent housing and that they were not competition with the Salvation Army and similar groups
- Makeup of the Shelter Planning Workgroup in terms of no homeless individuals on the committee and consider including them in the planning
- Do not bend the rules for the planning of this proposal as other organizations had to follow the rules when they started
- Consider more money for MHMR as potential residents in the tent city might have been turned away from other shelters
- The location of the proposal was in the middle of a residential neighborhood
- Support the organization as part of the Shelter Planning Workgroup as opposed to a standalone project; gather information through the existing plan of the Shelter Planning Workgroup
- Consider making the shelters permanent instead of tents
- Consider several paths for action - Shelter Planning Workgroup look at the whole options; City help shape the option for local consideration; assist in finding different city properties that might be more suitable

Consensus of the Council was to move in the direction of discussion with the Shelter Planning Workgroup and not have staff working on the project.

Council returned to the regular agenda order.

- C. ID 18-1360 Receive a report, hold a discussion, and give staff direction regarding the process for prioritizing and adding items to the Work Session Reports portion of the City Council Agenda.

Bryan Langley, Deputy City Manager, presented information on the prioritization of Work Session items. He noted new Work Sessions were requested and it was unclear if the consensus from Council was to bring all of those items forward. Options to enhance efficiency were presented and included reserving one Work Session per month as a strategic priority session to discuss Work Session items; and having four members as a consensus to move an item forward for a Work Session.

Council discussion included:

- Determine a list of items from the retreat to work on in the upcoming months
- Not having a consensus of Council in order to consider items rather rate the items from high-low importance and high-low urgency
- There was a need for a systematic way to establish priorities
- Consider a policy to have two council members agree to put something on a Work Session
- Consider meeting more frequently

Langley suggested considering an Informal Staff Report on a requested item and then determine whether to bring it forward to a Work Session as each member had a different sense of urgency on what to bring to a Work Session.

City Manager Hileman noted that a discussion might be needed on a common definition of what was needing to be worked on. The length of meetings were a consideration as well. The volume of requests was the issue and staff was unable to manage the number of requests received. Staff felt Council needed to be involved the management of the requests.

Council discussion included:

- Not increasing the number of meetings due to personal obligations and other city meetings
- Whether staff reports were as big of an issue as requests for Work Session items
- Be more specific when making a request as to whether a staff report or Work Session was requested
- Requiring four Council Member's approval to get an item on a Work Session
- Consider some type of document which lists the request, who requested the item and Council check whether to move the item to a Work Session – send out with the Friday report
- Consider blending some items together to reduce the number
- Consider two people interested in an item to have a staff report and four to move it to a Work Session
- It was important to hear each other on items - keep an open mind
- Policy issue/decision/staff direction needed to go through Work Session
- Discussion would protect minority opinion
- Requests can be political - meetings were going on too long with long debates
- Not everything had to be said in public - things got done without discussing in public

- There was a need to find a way to prioritize the requests

Consensus was to have staff prepare a list of the requests, present them to Council during a Monday luncheon or a Work Session and have Council prioritize the list. Staff would prepare an Informal Staff Report for the items and then council determine how to proceed with the item.

- D. ID 18-1362 Receive a report, hold a discussion, and give staff direction regarding recent and planned changes to the development process to enhance efficiency and customer service.

Scott McDonald, Director of Development Services, presented the staff development process overview. He reviewed the various divisions in the development services department.

Richard Cannone, Development Services, presented information on the land development planning process which included zoning, platting, and site plans. The next phase was construction with permits, inspections and certificates of occupancy. He provided information on development review applications, turnaround time for applications, number of views, and cost to applicants. He also noted Development Review regarding the Development Code update along with a proposed platting process.

Emily Loiselle, Development Services, spoke on the development services one stop shop concept. She noted the steps involved in the commercial building permit process and building permit turnaround time.

McDonald outlined the next steps in the process and items involved in the next steps.

- E. ID 18-1369 Receive a report, hold discussion and provide staff direction regarding shared electric scooters and their potential arrival in the City of Denton.

Marc Oliphant, Bike/Pedestrian Coordinator, presented information on dockless shared electric scooters. He noted the details on the E-scooter share program including advocates and opponents information. Information on what other cities were doing with the electric scooters was noted. UNT and TWU were not interested in electric scooters on their campuses at this time. He questioned if Council felt a dockless scooter share program was right for Denton.

Council discussion included:

- Accident statistics for the scooters
- Categorize the scooters as motor vehicles to keep them in the streets and not on sidewalks
- Get more data from other cities regarding their experience with the program
- Whether helmets would be required for the operation of the scooter

Consensus of the Council was to have an ordinance not allowing the program at this time.

The Council did not convene in the Closed Meeting following the completion of the Work Session. The Closed Meeting item was considered after Concluding Items during the regular meeting.

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

**1. CONSENT AGENDA**

Mayor Pro Tem Ryan motioned, Council Member Hudspeth seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item B which would be considered individually. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-1073

- A. ID 18-1073 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Investment Advisory contract with First Southwest Asset Management, LLC; providing for the expenditure of funds therefor; and providing an effective date (RFP 6695- awarded to First Southwest Asset Management, LLC, in the two (2) year not-to-exceed amount of \$60,000).

Resolution 18-1345

- C. ID 18-1345 Consider approval of a resolution by the City of Denton authorizing the City Manager, or designee, to accept the Domestic and Sexual Violence Initiative Grant (Grant No. 2016-VF-GX-K024) in the amount of \$450,000.00 from the International Association of Chiefs of Police through a grant from the US Department of Justice Office of Justice Programs; for the period of January 1, 2018 through September 30, 2019; and providing an effective date.

Ordinance No. 18-1349

- D. ID 18-1349 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship of in-kind services and resources in an amount not to exceed \$1,000 for the Denton Fire Traditions Calendar Fundraiser on Saturday, October 13, 2018; and providing an effective date.

Ordinance No. 18-1376

- E. ID 18-1376 Consider adoption of an ordinance of the City of Denton, Texas amending the Code of Ordinances related to Chapter 2, titled "Administration," Article II, titled "Administrative Organization" Section 2-29(h) titled "Creation of Committees, Boards and Commissions," to clarify that citizen boards, commissions, committees, task forces and ad hoc boards, commissions, and committees are all subject to the procedural requirements of the Texas Open Meetings Act; providing for findings of fact; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

Resolution 18-1377

- F. ID 18-1377 Consider approval of a resolution of the City Council of the City of Denton, Texas, amending Resolution No. 2015-023 regarding the Denton Handbook for Boards, Commissions, and Council Committees to clarify that citizen boards, commissions, committees, task forces and ad hoc boards, commissions, and committees are all subject to the procedural requirements of the Texas Open Meetings

Act; clarifying which sections of the Denton Handbook for Boards, Commissions, and Council Committees are applicable to citizen boards, commissions, committees, task forces and ad hoc committees; and declaring an effective date.

Ordinance No. 18-1387

G. ID 18-1387 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 Budgeting Software with Questica, Inc., for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6570- awarded to Questica, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$351,918 for all years).

Item B was considered.

B. ID 18-1220 Consider adoption of an ordinance of the City of Denton confirming the Board of Ethics' rules of procedure as required by the Code of Ordinances, Chapter 2, Article XI, Section 2-277(k); and providing an effective date.

Ken Gold spoke on Item B regarding legal representation. He felt a non-attorney could do some of the provisions which currently required an attorney.

Council discussed the provision regarding representation of the person noted in a complaint and whether that individual needed to be an attorney.

City Attorney Leal noted that the Ethics Board acted like a court and there was a potential violation of an individual misrepresenting himself/herself as an attorney.

Council continued discussion included:

- Who paid for legal fees if it was not a valid complaint
- Whether an individual could provide guidance to a person but not speak
- A concern that the Board was operating like a court
- State in the ordinance that the Board was not a court of law; not a court proceeding
- If the Board was going to act like a court, then the ordinance would have to be rewritten
- People should be able to represent themselves in the best way available
- Research what defined a court according to State law and practicing law without a license
- The subpoena factor was also a consideration as whenever a subpoena was mentioned it became subject to Section 11
- The opening and closing statement time was too rigid – the Chair should have discretion as to the time limit
- The proposed time limit did not provide an opportunity for discussion on the alleged violation

City Attorney Leal stated that a notice could be placed in the ordinance that this was not a court proceeding and not meant to be a court proceeding.



Langley noted that the Council consensus was to note in the ordinance that the Board was not a court of law, the subpoena language in Section 1 would refer to Section 11, and hear from the Board on how much time would be reasonable for the proceedings.

Jesse Davis, Ethics Board Chair, noted that the Board was requested to act like a court but was not a court. The subpoena was not the same as one issued by a court as there was no enforcement mechanism with the complainant. There was no legal enforcement against the city official as well.

Council discussed the provision in the proposed rules of procedure regarding subpoena; whether the Board would be acting as a court; and that the procedures needed to be in place before the first complaint was received. Consider including a provision that referred back to Robert Rules if not addressed elsewhere in the ordinance.

City Attorney Leal noted that the Council's rules of procedure would be attached to this Board as well.

Council Member Hudspeth motioned to approve the ordinance. Motion died for lack of a second.

Council Member Meltzer, Council Member Ryan seconded to send the suggested revisions back to the Ethics Board for consideration and amendment. On roll call vote, Council Member Hudspeth "nay", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried with a 6-1 vote.

## **2. PUBLIC HEARINGS**

### Ordinance No. 18-1366

- A. ID 18-1366 Hold a public hearing and consider adoption of an ordinance amending ordinance No. 2016-213 of the City Council of the City of Denton, Texas authorizing the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (the "Act"), providing tax incentives, designating a liaison for communication with interested parties; and providing an effective date.

Caroline Booth, Director of Economic Development, presented the staff report on the amended ordinance for the Texas Enterprise Zone Program. She reviewed the definition of the program, the current ordinance and the proposed language amendment for the ordinance. The amended language would reflect the liaison as the City Manager or his designee and would list the possible incentives the City could offer.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

### **3. ITEMS FOR INDIVIDUAL CONSIDERATION**

#### Resolution 18-1351

- A. ID 18-1351 Consider approval of a resolution of the City Council of the City of Denton nominating Tetra Pak, Inc. to the Office of the Governor, Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("The Bank") as an Enterprise Project ("Project"); and providing an effective date.

Caroline Booth, Director of Economic Development, stated that this resolution would nominate Tetra Pak to the State program as an Enterprise Project. She reviewed the details of the company, future investments of the company in Denton as well as the benefits to Tetra Pak and Denton.

Mayor Pro Tem Ryan 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", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

#### Ordinance A18-0002

- B. A18-0002 Consider adoption of an ordinance of the City of Denton, Texas, setting a date, and place for two public hearings on the proposed voluntary annexation of certain property generally located between Creekdale Drive and Hickory Creek Road, east of the railroad tracks by the City of Denton, Texas, authorizing and directing the City Secretary to publish notice of such public hearings.

Cindy Jackson, Development Services, stated that this item would set the date and place for two public hearings for this proposed voluntary annexation. She presented background information on the location of the site, that single family development was proposed along with the annexation schedule.

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

- C. ID 18-1401 Consider nominations and appointments to the Downtown Denton TIF Reinvestment Zone No. One Board.

Jennifer Walters, City Secretary, reviewed the open position on the Board and proposed nominations. She noted that former Council Member Bagheri's seat was open and needed to be filled by another Council Member. Council Member Meltzer had expressed an interest in this position.

Ben Esely's term had expired, but was eligible to be re-appointed and would like to continue to serve. Council Member Hudspeth had nominated Mr. Esley for re-appointment and Council Member Armintor had nominated Stephanie Davis for the position.

Council Member Meltzer's term had expired in the Category 4 seat, so a new qualified voter would need to be appointed to fill that seat. Council Member Meltzer had nominated Ken Gold.

Council Member Briggs motioned, Mayor Pro Tem Ryan seconded to approve the appointment of Council Member Meltzer to the Council position. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

Council Member Hudspeth motioned, Council Member Duff seconded to approve the appointment of Ken Gold to the Category 4 seat. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

Mayor Pro Tem Ryan recused himself from deliberation/vote on the nomination of Stephanie Davis.

On roll call vote for the nomination of Stephanie Davis, Council Member Hudspeth "nay", Council Member Briggs "aye", Council Member Duff "nay", Council Member Armintor "aye", Council Member Meltzer "nay" and Mayor Watts "nay". Motion failed with a 2-4 vote

Mayor Pro Tem Ryan returned to the meeting.

On roll call vote for the nomination of Ben Esley, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried unanimously.

- D. ID 18-1411 Consider a motion to reconsider the August 21, 2018 adoption of an ordinance approving a Detail Plan for Planned Development 176 (PD-176) District depicting an auto laundry facility on approximately 2.13 acres. The property is generally located on the west side of North FM 2499, approximately 760 feet north of Hickory Creek Road 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. (PDA18-0004a, Clean and Green Car Wash, Hayley Zagurski.)

Council Member Briggs provided her reasons for requesting the reconsideration of this ordinance. She noted that on the night of the original vote, Council had a long deliberation whether to allow the site plan for the planned development and the fact that there was confusion on what the Council could do and could not do. Her main reason for reconsideration was that once the public comments were closed, the developer called out that he could make the tower shorter and she felt that the

developer was trying to tell false, misleading or incomplete information about the tower. She had reviewed the original ordinance where one section noted that the building was compatible and not adversely affecting the adjoining neighborhoods. She has also gone to the neighborhood and the area was quiet with no lights. She wanted to hear if the development could make less of an impact on the neighborhood.

Council Member Briggs motioned, Council Member Armintor seconded to reconsider the item.

Council Member Hudspeth stated that if this item were considered, he may roll back to his original motion regarding height and time of operation.

Council Member Meltzer questioned if the applicant had a different point of view of the prior proceedings and if Council would like to hear from him before voting on the motion.

Consensus of the Council was to not hear from the applicant at this time.

City Attorney Leal noted that if the motion to reconsider passed, Council would lose jurisdiction over the proposal and it would have to be re-noticed, notices sent out to property owners and a new public hearing scheduled. It would be at least September 18 or so before the item would come back to Council.

Council Member Meltzer questioned if the Council voted to not reconsider whether there was anything preventing the applicant from reducing the tower height if possible.

On roll call vote to reconsider, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "nay", Mayor Pro Tem Ryan "nay", Council Member Armintor "aye", Council Member Meltzer "nay" and Mayor Watts "aye". Motion carried with a 4-3 vote.

Ordinance 18-1412

- E. ID 18-1412 Consider adoption of an ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation, providing for, authorizing, and approving the execution by the City Manager or his designee, of a base contract for sale and purchase of natural gas between the City of Denton and Tenaska Marketing Ventures, a partnership; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager or his designee; determining that specific information contained in documents involved in this transaction pertain to a "competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect, but not reproduce, the base Contract as redacted; providing an effective date. The Public Utilities Board recommends approval (6-0).

George Morrow, DME General Manager, provided background information on the contracts and Tenaska Marketing Ventures. He reviewed the provisions of the proposed ordinance and noted that the contract provisions were protected per the Texas Government Code.

Council Member Ryan motioned, Council Member Duff seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "nay", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "nay", Council Member Meltzer "aye" and Mayor Watts "aye". Motion carried with a 5-2 vote.

#### **4. 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 Armintor

- Work session on the San Antonio ordinance
- Staff report on MHMR funding from the State

Council Member Meltzer

- Staff report on notification of neighbors/businesses when road repair projects were going to start

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

Council went into the Closed Meeting at 9:30 p.m. to consider the following item:

1. Closed Meeting:

- A. ID 18-1422 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071; Consultation with Attorneys - Under Texas Government Code Section 551.07.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the Lease Agreement between the City and American Biosource, LLC, dated January 7, 2014 and approved and authorized by Ordinance No. 2014-020 ("Lease Agreement"). Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with the Lease Agreement 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.

Council returned to Open Session at 9:50 p.m. and with no further business, the meeting was adjourned.

---

CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

---

JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS