

CITY OF DENTON CITY COUNCIL MINUTES

January 9, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, January 9, 2018 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, Mayor Pro Tem Bagheri, 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 January 9, 2018.

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

Council Member Briggs - Consent Agenda Items A, E and F; pull Consent Agenda Item G for separate consideration.

Council Member Gregory – Consent Agenda Item C

Mayor Pro Tem Bagheri – Consent Agenda Items H and J

Council Member Ryan – pull Consent Agenda Item L for separate consideration

3. Work Session Reports

A. ID 17-1343 Receive a report, hold a discussion, and provide staff direction regarding parking requirements for new residential developments.

Richard Cannone, Interim Planning Director, presented the background information concerning the request from Council regarding parking for new residential developments. He reviewed the cost of parking for structured parking and surface parking. Residential parking requirements were noted in terms of multifamily/SRO and single-family residential developments.

Council discussed whether there was an advantage of noting a development as an SRO when that might not always be the use; the issue was not how the development was constructed but rather the business plan for the development; and on-street parking was an issue surrounding some developments.

Cannone continued with right size standards for parking minimums, parking maximums and transportation demand strategies.

Council discussed that the minimum and maximum standards were the same number; how the parking standards were determined; difference in types of units and the kind of parking that was provided as there might not be enough parking spaces for the residents if all were present; and a consideration of where the development was located and to whom the marketing was targeted.

Cannone presented details on setting parking standards for residential use, multifamily, student SRO or manufactured housing, sorority/fraternity/boarding house/dormitory.

Council discussed adjusting the standards for developments on transportation routes or that was walkable; concerns for existing developments with a change of ownership; variance requests would be difficult for multifamily developments; consideration of zoned parking requirements; and a conversation was needed on what was the goal with the parking requirements. Discussion continued with a suggestion for a policy to provide incentives to develop along transportation routes and increase transportation oriented development; and a SRO development should not be grouped with multifamily.

Council consensus on options for multifamily was how to provide flexibility until new standards were in place; bring back recommendations for transit-oriented development, and lot coverage requirements.

Cannone presented information on single-family residential parking requirements; lot dimensions for developments greater than 2 acres; garage requirements; considerations for garage standards; on-street parking credits; and minimum street width.

Council discussed minimum street widths for new developments; separate SRO, and single family and multifamily requirements for separate discussions.

Cannone also presented information on other considerations such as small-scale infill development, and allowances for compact parking.

Council also asked for a discussion on tiny homes.

B. ID 17-1652 Receive an informational report regarding the Denton Municipal Electric program for underground electric lines.

Brent Heath, Executive Manager-Electric Delivery, presented information on underground electric utilities. Criteria used for underground utilities included the City's Code of Ordinances and the Denton Plan 2030. He noted the yearly budget allowed for the conversion of overhead to underground; a comparison with other cities related to overhead/underground lines; and reliability of overhead versus underground lines. He continued with overhead and underground comparison and the fact that underground conversions are complex. Project cost examples were provided as well as active DME underground projects.

Council discussed considering a vendor to help homeowners with the cost of conversion of overhead to underground lines.

C. ID 17-1686 Receive a report, hold a discussion, and give staff direction regarding the design and construction of LED street lighting along US Highway 380.

Todd Estes, Director of Capital Projects, presented information on LED lighting on Highway 380. Staff looked at the area that was mainly urban in nature; the use of LED lights; the cost for lighting

from I-35 to Loop 288; cost for lighting from city limit to city limit on Highway 380; and a recommendation to engage a consultant to determine the cost of the lighting system.

Council discussed a study that was currently ongoing on various options for lights in terms of energy usage and color of the lights, etc. Consensus was to proceed with a consultant together with a potential pedestrian aspect and extend the project to Mayhill.

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 18-033 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive a presentation from staff regarding public power competitive and financial matters pertaining to the natural gas fuel supply for the Denton Energy Center ("DEC"); discuss and deliberate strategies and opportunities for the City to acquire natural gas for the DEC and enter into agreements regarding the same. Consultation with the City's attorneys regarding legal issues associated with the agreements described above where discussion of these legal matters in an open meeting 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. Take final action on a Contract for Sale and Purchase of Natural Gas with Enterprise Products Operating, LLC, a Texas limited liability company.

- B. ID 18-074 Consultation with Attorneys - Texas Government Code Section 551.071

Consultation with the City's attorneys about legal issues related to the terms, conditions and scope of current and future requests for non-disclosure and/or confidentiality agreements. A public discussion of these legal issues would conflict with the duty of the City's attorneys to the City of Denton and its City Council under the Texas Disciplinary Rules of Professional Conduct.

- C. ID 18-076 Deliberations regarding Personnel Matters - Under Texas Government Code, Section 551.074

Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a City Auditor.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U.S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 18-018 International Baccalaureate Day (IB Day)

Mayor Watts presented the proclamation for IB Day.

- B. ID 18-019 Mentor Denton Month

Mayor Watts presented the proclamation for Mentor Denton Month.

- C. ID 18-027 SolSmart Bronze Designation

The SolSmart Bronze award was presented to the City by the North Central Texas Council of Governments.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.

- B. Receive Scheduled Citizen Reports from Members of the Public.

There were no scheduled reports for this agenda.

- C. Additional Citizen Reports

Diana Leggitt spoke on the United Women March and how they obtained their permit for their march which would be held January 20th.

Richard Gladden spoke on the United Women March and associated regulations concerning the application process for these types of demonstrations.

4. CONSENT AGENDA

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Items G and L which would be considered separately. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2018-001

- A. ID 17-1661 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of soil, sand, limestone, and aggregate rock for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 6608-awarded to the lowest responsive bidder

for each line item, CJA Enterprises, LLP in the four (4) year not-to-exceed amount of \$1,500,000).

Ordinance No. 2018-002

- B. ID 17-1705 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, nunc pro tunc correcting an inadvertent mistake in Ordinance 2015-116 relating to the dollar amount reflected in the back up provided for RFP 5725, awarded to Polydyne, Inc., TDC, LLC., and PVS Technologies, Inc., and providing an effective date.

Ordinance No. 2018-003

- C. ID 18-022 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2017-18 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the General Fund of two million six hundred ninety five thousand dollars (\$2,695,000) for the purpose of funding traffic and park improvement projects, Downtown Tax Increment Reinvestment Zone Fund of one million four hundred sixty six thousand eight hundred forty five dollars (\$1,466,845) for the purpose of funding sidewalks and street lights in downtown, Capital Improvement Program four million one hundred sixty one thousand eight hundred forty five dollars (\$4,161,845) for the purpose of funding the capital improvement projects; declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Ordinance No. 2018-004

- D. ID 18-040 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No.2017-181, prescribing the number of positions in each classification of Police Officer; providing a repealer clause; and declaring an effective date.

Ordinance No. 2018-005

- E. ID 18-041 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the purchase of one (1) Terex 47' Digger Derrick truck for the Denton Municipal Electric Distribution Department as awarded by Buy Board Cooperative Purchasing Network Contract# 521-16; providing for the expenditure of funds therefor; and providing an effective date (File 6670-awarded to Freightliner of Austin, in the not-to-exceed amount of \$231,765). The Public Utilities Board will consider this item on January 8, 2018.

Ordinance No. 2018-006

- F. ID 18-042 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the purchase of one (1) John Deere Model 245G Hydraulic Excavator for the City of Denton Drainage Department as awarded by Buy Board Cooperative Purchasing Network Contract# 515-16; providing for the expenditure of funds therefor; and providing an effective date (File 6684-awarded to RDO Equipment Company in the not-to-exceed amount of \$215,236.57).

Ordinance No. 2018-008

- H. ID 18-044 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Electric Utility PVC Conduit, Fittings and Accessories for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6558-awarded to the lowest responsive bidder meeting specification, Techline, Inc. in the three (3) year not-to-exceed amount of \$1,800,000).

Ordinance No. 2018-009

- I. ID 18-050 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving three (3) year software maintenance for continued vendor support for the Kronos Incorporated Automated Timekeeping and Attendance Software system for the City of Denton, which is essential to ensure availability of upgrades, software fixes, and access to knowledge and support resources. Kronos Incorporated is the sole-source vendor for continued upgrade, support and maintenance for Kronos software and hardware. Therefore this system is available from only one source and in accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 5565-awarded to Kronos Incorporated in the three (3) year not-to-exceed amount of \$400,000).

Ordinance No. 2018-010

- J. ID 18-065 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Electric Utility Station Service Voltage Transformers for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6490-awarded to ABB, Inc. in the three (3) year not-to-exceed amount of \$500,000).

Ordinance No. 2018-011

- K. ID 18-070 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a First Amendment to a Professional Services Agreement between the City of Denton and Calvin, Giordano, and Associates, Inc. for municipal planning services, originally approved in the amount of \$91,224; providing for the expenditure of funds therefor; and providing an effective date (File 6604-providing for an additional expenditure amount not-to-exceed \$150,000, with the total contract amount not-to-exceed \$241,224).

The items pulled for separate consideration were considered.

Ordinance No. 2018-007

- G. ID 18-043 Consider adoption of an ordinance of the City of Denton, Texas approving an Interlocal Agreement between the City of Denton and the City of Carrollton, Texas for internal auditing services; providing for an hourly rate for services; authorizing the expenditure of funds therefor; and providing an effective date (File 6648).

Council discussed the length of the agreement and whether the agreement would continue after an Internal Auditor was hired.

Bryan Langley, Deputy City Manager stated that the agreement would provide for services on an as needed basis until the permanent Internal Auditor was hired and that the agreement would end in March.

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

This item was not considered.

- L. ID 18-075 Consider adoption of an ordinance approving an employment agreement for the City Auditor and authorizing the Mayor to execute said Agreement setting the compensation and terms of that employment; authorizing expenditures and actions; and providing an effective date.

This item would be considered at the next meeting.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2018-012

- A. ID 17-1442 Consider adoption of an ordinance of the City of Denton, a Texas home rule municipal corporation ("City"), approving a Real Estate Exchange and Abandonment Agreement ("Agreement") between the City and Marsam Enterprises, Inc., a Texas corporation ("Marsam"), for (I) the conveyance to Marsam of a 0.098 acre fee tract, with a drainage and utility easement reserved by the City therein, (II) the conveyance to Marsam of a 0.016 acre fee tract, with a drainage and utility easement reserved by the City therein, (III) the abandonment and release by the City of (A) a 0.063 acre drainage easement, and (B) a 285 square feet drainage easement, and (IV) the payment by the City to Marsam of \$5,000.00, all in exchange for the conveyance to the City of (I) a 0.031 acre fee tract, and (II) a 0.047 acre drainage easement, all cited tracts situated in the W. Loving Survey, Abstract No. 759, City of Denton, Denton County, Texas, generally located at the northeast corner of Myrtle Street and Eagle Drive; authorizing the City Manager in accordance with Local Government Code 272.001(B)(3) to execute the Agreement; authorizing the expenditure of funds therefore; and providing and effective date. (Eagle Drive Drainage project - Phase II - Marsam tract (Briscoe Tire)

Paul Williamson, Real Estate Manager, presented information concerning the Eagle Drive Drainage - Phase II Marsam property. He reviewed the location of the property, the details of the construction project, the agreement obligations and the benefits of the agreement for both Marsam and the City.

Mayor Pro Tem Bagheri motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member

Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2018-013

- B. A17-0005d Conduct the second of two readings of an ordinance of the City of Denton for a voluntary annexation of approximately 73.47 acres of land generally located north of Long Road and west of FM 428 by the City of Denton, Texas.

Richard Cannone, Interim Planning Director, presented the background of the proposed annexation, and the annexation schedule. He read the ordinance caption into the record.

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

Ordinance No. 2018-014

- C. A17-0006 Consider adoption of an ordinance of the City of Denton, Texas, setting a date, time, and place for two public hearings on the proposed voluntary annexation of certain property generally located on the east side of Old Alton Road, south of the intersection of Old Alton Road and Teasley Lane by the City of Denton, Texas, authorizing and directing the City Secretary to publish notice of such public hearings.

Richard Cannone, Interim Planning Director, presented the background information on the proposed annexation and associated public hearings. He reviewed the annexation schedule.

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

- D. ID 18-046 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Parkland Maintenance Products including but not limited to landscape and turf fertilizer, insecticides, herbicides, mulch, and peat moss for the City of Denton Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 6409-awarded to the lowest responsive bidder for each line item in the three (3) year not-to-exceed amount of \$196,741).

Laura Behrens, Assistant Director for Parks and Recreation, presented details concerning the item in terms of bid and products, and length of the contracts for the six vendors. All products were in compliance with the Integrated Pest Management Program. She detailed the usage of the products and the need for the products. She noted the staff recommendation to approve the contract for the six vendors. The recommendation also included the formation of a committee to review the IPM program and provide updates/recommendations to Council.

Ed Soph spoke against the usage of the types of products recommended by the IPM Program and recommended the use of non-toxic products.

Carol Soph suggested that the IPM Program and related suggested products be updated as soon as possible.

Council Member Briggs questioned if it would be possible to approve the ordinance but ask that certain chemicals not be used.

Behrens stated that the contract listed specific products to be used based on certain situations for types of infestation and location of the infestation.

Council Member Briggs questioned if water testing was done near creeks and ponds.

Behrens stated that the products used were approved for aquatic usage.

Council Member Gregory indicated that he was inclined to postpone the item until there was an update on the IPM program. However, significant harm might occur to those using fields if usage was delayed 2-3 months.

Behrens replied that it would impact the park maintenance system in terms of scheduling the applications.

Council discussed not entering into a three year contract if the program was updated and some of the products were not used but the City would still have to honor those contracts.

Council Member Gregory motioned to postpone the item until a date certain being the completion of the new IPM program.

Mayor Watts questioned the procedure if a product was needed before completion of the review.

Karen Smith, Purchasing Manager, stated that small purchases could be done in that instance.

Council Member Gregory motioned, Council Member Briggs seconded to postpone consideration until a date certain being the completion of the new IPM program. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Duff "nay". Motion carried with a 6-1 vote.

Ordinance No. 2018-015

- E. ID 18-048 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Wartsila Gas Engine Lubrication Oil and Cooling System Glycol for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6632-awarded to the lowest responsive bidder for each line item, Reeder Distributors, Inc. in the not-to-exceed amount of \$330,030 and O'Rourke Dist. Co., Inc. dba O'Rourke Petroleum in the

not-to-exceed amount of \$79,953 for a total award not-to-exceed \$409,983). The Public Utilities Board will consider this item on January 8, 2018.

Chris Lutrick, Project Manager for DEC, reviewed the process of an internal combustion engine overview, a summary of the bids, and staff recommendation for the lubrication oil and the glycol.

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

Ordinance No. 2018-016

- F. ID 18-073 Consider adoption of an Ordinance of the City of Denton, Texas amending Sections 26-3, 26-4, 26-8 and adding Section 26-12 to Chapter 26 - Utilities of the Denton Code of Ordinances; providing an open meetings clause; providing a cumulative clause; providing a repealer; providing a severability; and providing an effective date.

Tiffany Thomson, Customer Service Manager, reviewed the background of the proposed revisions to the Credit and Collections Policy that included the P.L.U.S. ONE program, homelessness deposit waiver, updated credit and collection parameters, disconnection procedures, and implementation timeline.

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

6. 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 the HOT funds.

Council Member Briggs requested an update on signage relative to athletic fields.

Council Member Briggs requested an update on the cultural district.

Council Member Briggs requested a Work Session regarding the permitting process for parades and festivals.

Council Member Briggs requested a process to create a committee for the IPM Program.

Council Member Briggs suggested placing an easily found notice on Christmas tree pickup on the website for next year.

Council Member Ryan requested a Work Session regarding red light cameras and the possibility of extending one second to the yellow light above the normal standard while waiting for the contracts to expire.

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 8:00 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS