

## CITY OF DENTON CITY COUNCIL MINUTES

September 10, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 10, 2013 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Engelbrecht, Council Member King, Council Member Hawkins, Council Member Gregory, Council Member Roden

ABSENT: Mayor Burroughs, Mayor Pro Tem Kamp

Due to the absence of the Mayor and Mayor Pro Tem, Council Member Gregory called the meeting to order.

### 1. Citizen Comments on Consent Agenda Items

There were no citizen requests to speak on Consent Agenda Items.

### 2. Requests for clarification of agenda items listed on the agenda for September 10, 2013.

Council did not request any clarification of items on the agenda.

### 3. Receive a report, hold a discussion, and give staff direction regarding the Hickory Grand Street project.

PS Arora, DRC Project Administrator, stated that the design of the project was almost completed. To get input from the stakeholders on the design elements before the 100% design completion, a progress presentation was made to the merchants and residents in the Grand Street corridor. Staff also presented the project progress information to the Downtown Task Force. The input received from the members and residents was presented to the Task Force. He noted that the complete list of those concerns and recommendations were listed in the agenda backup materials.

A review of the project limits was presented, noting that an additional project was the rearranging of the Williams Trade Square parking lot. Currently there were 234 parking spaces in the lot and with redesign 80 more spaces would be added. The overall plans for the area, rain garden area and specifications for the project were presented.

July 19<sup>th</sup> merchant/neighborhood meeting - about 50 people attended the meeting. Concerns expressed during that meeting included (1) a place to put signage and/or ongoing notices of phasing during construction; provide a link on the project progress on the city's website, (2) provisions for bike and motorcycle parking areas, (3) opportunity to use powder coated light poles versus rock covered poles, and (4) concern regarding pedestrian access to businesses during construction.

Arora reviewed the bike rack locations. Currently were 39 proposed spaces with a proposed increase to 16 for a total of 53 spaces.

Council Member Gregory felt that 16 new spaces would not be enough.

Arora stated that the number of spaces could be increased by increasing the size of the racks.

Phase 1 of the project would involve Locust to Austin. Work in this phase included full closure between Locust and Austin and all work, right-of-way to right-of-way to be completed during this phase between Locust and Austin. Phase 2 would involve Austin to Bell north and would involve removing on-street parking, traffic shifts south to two 10' lanes. A minimum of 3 feet of accessible sidewalk would be maintained at all times throughout all construction phases with temporary access provided to businesses through plywood panels over the construction. Phase 3 would involve Austin to Bell south. Projects in that phase would include moving traffic to 1-10' lane per direction on new pavement (north), and on-street parking constructed in Phase 2 opened and available. A minimum of 3 feet of accessible sidewalk to be maintained at all times through all construction phases with temporary access to be provided to businesses through plywood panels over construction. Phase 3F involved Austin to Bell south with projects including all drainage elements, driveway and main lane pavements to be laid in one phase from Austin to Bell south of the location of traffic. Also temporary access would be provided at driveway crossings during the paving.

Additional comments from the July 19th merchant/neighborhood meeting included (1) any provisions for DME to install electric vehicle charging stations, (2) First United Methodist Church would like two access points into the Wells Fargo/Williams Trade Square parking area, (3) merchants would like to see the Wells Fargo and Williams Trade Square parking areas constructed in Phase 1 prior to street construction because of loss of on-street parking during construction, and (5) concern on where inventory and beverage vehicles would park during construction and upon project completion.

Arora reviewed the reconfiguration of the Williams Trade Square Parking Lot. Currently there were 211 spaces, the change in Hickory Street on-street parking would provide 110 spaces for a total of 321 spaces compared to the current 234 existing spaces. Changes in the parking lot included rounded edges removed, modification of curbs, islands and striping and a 50' access required to the dumpster location. A proposed loading zone 65 feet in length located on Industrial Street would accommodate the truck traffic for the business locations.

July 19<sup>th</sup> merchant/neighbor meeting concerns continued - (1) where would the crosswalks be located on Hickory Street, (2) would the project affect the Day of the Dead festival, (3) comment about no parking provided along Weldon's Western Wear near Bell/Hickory Street, (4) what was the status of DME, Verizon and Atmos coordination, (5) were there provisions to enable lighting of street trees like the Downtown Square and (6) concern regarding back-in angled parking on steep slopes.

Council Member Roden felt that a better place for a crosswalk would be in the middle of the street rather than at the corners of the street.

Council Member Engelbrecht suggested looking at angle crosswalks in the middle of the street for a safer means of crossing.

Mayor Pro Tem Kamp arrived at the meeting and took over the chair from Council Member Gregory.

Arora stated that Council Member Roden had commented at the July 19th meeting on the final sidewalk size and accommodations for outdoor patio spots.

Mayor Burroughs arrived at the meeting.

Council discussed the widths of the sidewalks and the streets in the area of Hickory Street.

Mayor Pro Tem Kamp asked about LED lighting on the streets

Arora stated that it was his understanding not to proceed in that direction. If Council wanted to pursue that option, he would bring back the pros and cons of the feature.

4. Receive a report, hold a discussion, and give staff direction regarding road impact fees.

PS Arora, Assistant Director of Wastewater, stated that staff used the Mobility Plan, Connectivity Plan, current CIP project information, the Transportation Criteria Manual, and the Development Code requirements to assess road exactions for proposed developments. In applying the road exaction ordinance located in the Denton Development Code (DDC), staff found several deficiencies. New developments or a higher intensity use in an existing development created additional traffic. To accommodate this additional traffic, the proposed development needed to pay for necessary road improvements. This resulted in exactions for road improvements per the DDC. Current DDC exactions included existing perimeter street improvements, new perimeter streets, sidewalks, offsite improvements, signal cost participation and proportionality assessment. Examples of what exactions for road improvements were assessed for some of the proposed developments were reviewed. A \$1,500 road impact fee versus actual construction costs for several projects was also presented.

Council discussed the variances in the fee scenarios and the reasons for those differences. The discussion also included the difference between TxDOT roadways as opposed to city streets and an improved street versus a non-improved street.

Arora continued with a definition of an impact fee. An impact fee was a mechanism for funding the infrastructure necessary to accommodate new development. It would be a one-time charge assessed to new development for a portion of costs related to a specific capital improvement program. Components that could be paid for through an impact fee program and components that could not be paid for through an impact fee program were reviewed. Next the positive and negative aspects of the DDC and Impact fees were discussed. The current DDC required payment to be limited to the project location, \$2.5 million was tied to specific locations, had provisions for "road/sidewalk to nowhere" construction and had unnecessary transitions to tie to existing road. Impact fees allowed for pooling of funds and allowed for the implementation of key system improvements over a piece-meal approach.

Council discussed the pooling of funds and how the funds would be used for different projects.

Arora reviewed fee benchmarking in the Metroplex area and showed possible impact fee service areas including how many service areas would be necessary to comply with the State law requirement. Staff had compiled a draft list of what arterials and collector streets, and signals

and intersection improvements might be eligible for Road Impact Fees. Staff had also compiled all of the development project data in the past four years and determined what could have been assessed as Road Impact Fees in those years for a \$1500 or a \$2000 Road Impact fee.

Council Member King questioned if the development community would view these fees as punitive.

The State mandated tasks to implement impact fees included (1) establish Service Areas, (2) develop land use assumptions, (3) a capital improvements plan, (4) determine cost per Service Unit, (5) general land use equivalency table, and (6) hold a public hearing process. Based on the cost to implement the Road Impact fee by several other cities in Texas, it was estimated that Road Impact Fees implementation in Denton could amount to \$250,000 to \$300,000. Staff had included funding of \$300,000 in the 2013-14 budget that was currently in the public hearing process for adoption.

Bryan Lockley, Assistant City Manager, stated that staff would be bringing back more information to Council on the fees but had included the \$300,000 in the budget for the study.

Arora stated that in summary, the combination of impact fees and the proportionality model used in the DDC would allow for fair and predictable assessment of road impact exactions and provide for growth paying for growth. It would allow for a revenue stream that could be pooled and applied to road improvements within a service area and not be tied to a specific address location. It would also allow for a more predictable and efficient use of the capacity related to transportation dollars. Staff was recommending to proceed with the implementation of road impact fees.

Mayor Burroughs felt that the developer committee would be good place to review these suggestions regarding the impact fees.

5. Receive a report, hold a discussion, and give staff direction regarding LEED (Leadership in Energy and Environmental Design) certification for the design and construction of Fire Station 2.

Ross Chadwick, Fire Chief, stated that staff was needing direction from Council on whether or not to proceed with LEED certification for the design and construction of Fire Station 2. A presentation had been made to the Committee on the Environment regarding the certifications.

Mayor Pro Tem Kamp stated that the Committee had a good discussion regarding the certification and agreed to a commitment for sustainability and green building. Many costs for the certification were already included in the building project.

Chadwick continued that the design services contract was awarded to Kirkpatrick Architectural Studio (KAS) for the design of Fire Station 2. KAS and the Fire Department's design committee were working on the design process for this reconstruction. However, before KAS and Fire Department staff can complete final design, direction was needed from Council regarding whether or not to pursue specialized certification from LEED. The cost of the certification was \$165,000 for design and certification. Questions to consider were whether Council wanted the LEED certification at a cost of \$165,000 and what would be gained in terms of return on this

substantial investment. Staff was recommending that some of the LEED design costs be considered even if the Council desired not to do a LEED certified station. This would include energy modeling, commissioning and soil testing for geo-thermal.

David Robinson, KAS, stated that the firm was also recommending doing an energy model and the commissioning. The commissioning involved a third party reviewing the design of the systems, reviewing what was submitted and reviewing the work to make sure it was installed correctly.

Mayor Burroughs stated that the real issue was not the substance to build it green but rather the delta between doing everything required from LEED versus the actual certification which required supervision and report submittal which were not indicative of an outcome. He questioned what the money difference was between getting LEED certification as opposed to non-LEED certification in terms of cost.

Robinson stated that the difference in commissioning for non-LEED and the energy model would be about a \$145,000-\$165,000 difference.

Council Member Gregory asked about the Daylight and Energy modeling cost.

Robinson stated that those were two models involving a daylight and an energy model. With just the energy model and commissioning the cost would be \$145,000.

Council Member Engelbrecht stated that would be a \$120,000 difference and questioned if that would be the same for each station.

Jim Kirkpatrick, KAS, stated that an alternative would be to LEED certify the first station and not do it for the duplicate stations after that. Then there would be at least one LEED certified station.

Mayor Pro Tem Kamp was in favor of having LEED certification on this station and moving forward perhaps considering a different certification for the other stations. Going forward look at another process if desired but for this station keep it LEED certified.

Robinson stated that there was the International Green Code. He assumed there was some testing required but was not certain about commissioning requirements. This program would be administered by the Building Department.

Council Member Hawkins asked if there would be any difference in the facility if the LEED certification was not pursued but a LEED quality building was constructed. Perhaps a Denton Green Building Committee could be formed to watch over the construction and indicate that it followed all of the LEED certification. The only difference would be that there was no national marketing situation.

Robinson stated that LEED was a credit based system that allowed a design team to follow common language and goals which produced qualified results that could be gauged. On the design side it was possible that the difference might not be that great. It was more difficult on the

construction side. The outcome might be the same but having the LEED certification would be paying for the comfort that it was certified.

Council Member Hawkins stated that it would provide leverage on the first station but not on the others.

Mayor Pro Tem Kamp stated that other cities were going towards LEED certification and those cities were nationally known. The controversy was the amount of money to get a project certified. She was advocating to go forward with this station and then give direction for staff to put something else together in the future.

Council Member Roden stated that the question for this issue came from the design committee. The committee assumption was that if the \$165,000 was not spent on LEED the money could be used for other types of firefighter needs. However, that that would not be the case and the committee needed education that the money would not be used other places.

Chief Chadwick stated that the committee had been educated on the issue but still did not understand.

Council Member Roden asked what would be saved annually with the \$165,000.

Chuck Springer, Director of Finance, stated that it was about 10% per year or about \$16,000 per year for 20 years for the debt service.

Council Member Roden stated that he agreed with LEED certification for this station. He did not want to lose the national recognition for the LEED certification for only \$16,000 per year.

Council Member Gregory asked if it was already known what kind of level the certification would be and if there was a cost difference for the different kinds of levels.

Robinson stated that an initial analysis of the plan design should provide a silver certification level.

Council Member King agreed with Mayor Pro Tem Kamp except he was under the impression that there was a specific list right now that was developed to not put in the design of the new station. If that was wrong, he would be in favor of doing a LEED certification and develop a list for other stations.

Mayor Pro Tem Kamp stated that there were some things found from the design of Station 7 that were recommended not to take to the next fire stations.

Chief Chadwick replied that was why there were firefighters on the design team so some of those issues were not repeated in the future.

Council Member King felt that the LEED certification could be given up and still have a green building. He questioned that the \$165,000 would still be spent regardless of the level of certification.

Robinson replied yes that the amount was the time based on certification.

Council Member Gregory stated that the building was going to be built according to LEED certifications but when the actual certification was paid, the process was using a contractor and subcontractors to levels of accountability. That provided knowledge that the systems were LEED certified and procedures in construction lived up to those standards. He was in favor of the LEED certification for this station and continue to look at other certification avenues for future buildings where there would still have an accountability level for the construction process to follow green standards.

Council Member Hawkins asked what the paying for the certification would provide.

Robinson stated that it would provide certification of the documentation submitted, revisions to the documentation and that much of that money was the process of certification.

Mayor Burroughs stated that part of the payment was for time and graphic presentations but mostly time and coordination. He asked Council for their thoughts on pursuing the LEED certification.

Council Member Engelbrecht indicated that he was not in favor of LEED certification in this case. The money for paper and a plaque was not worth it. A general contractor should be doing this anyway. He felt this was too much money and by not using the certification should set a standard to LEED that it was too much to pay for the certification.

Council Members Roden and Gregory along with Mayor Burroughs and Mayor Pro Tem Kamp were in favor of the certification. Council Members King, Engelbrecht and Hawkins were not in favor. Consensus of the Council was to proceed with the LEED certification.

6. Receive a report, hold a discussion, and give staff direction regarding the FY 2013-14 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Mayor Burroughs asked if there was any discussion needed on this item.

City Manager Campbell stated that staff had a presentation for Council to consider.

Mayor Burroughs stated that this item would be done after the completion of the regular meeting.

Following the completion of the Work Session, the Council went into Closed Session to consider the following:

1. Closed Meeting:
  - A. Consultation with Attorney - Under Texas Government Code Section 551.071.
    1. Consult with City's attorneys regarding status and options for resolution and disposition of litigation styled Jones v. City of Denton, Cause No.

2011-50255-367, currently pending in the 367th District Court, Denton County, Texas.

- B. Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
  - 1. Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission, the Historic Landmark Commission, the Planning and Zoning Commission, and the Zoning Board of Adjustment.
  
- C. Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.
  - 1. Receive competitive public power information from staff in the form of a proposed operating budget for Denton Municipal Electric (DME) for the upcoming fiscal year, including without limitation, revenues, expenses, commodity volumes, and commitments, and the direction of DME; and discuss, deliberate, consider adoption of the budget and other matters, and provide staff with direction regarding such matters.

This item was not discussed in Closed Session.

- D. Consultation with Attorney - Under Texas Government Code Section 551.071.
  - 1. Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with:
    - (1) the Gas Well Ordinance regulation of gas well drilling and production within the City Limits and extraterritorial jurisdiction;
    - (2) the setting of gas well inspection fees, road damage remediation fees, and bond and insurance requirements;
    - (3) the implementation of a freshwater well sampling program and an air quality monitoring program in connection with the Gas Well Ordinance and Fee Ordinance; and
    - (4) the enforcement, including remedies available to the City, of violations of the Gas Well Ordinance and Fee Ordinance;
  
- E. Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
  - 1. Review and discuss the duties and goals for the City Manager, City Attorney, and Municipal Judge.



This item was considered in a Closed Session following the completion of the regular meeting.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall. The start time of the meeting was 7:15 p.m. due to the length of the Closed Session.

**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. Proclamations/Awards

1. Blood Cancer Awareness Month

The proclamation was not done at this meeting.

2. Mean Green Pride Fridays

Mayor Burroughs presented the proclamation for Mean Green Pride Fridays.

3. Government Finance Officers Association Distinguished Budget Award

Chuck Springer presented the award to the Council. He noted that this was the 27th straight year the City received the award.

**3. CITIZEN REPORTS**

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Receive an update from Amber Briggle regarding fundraising efforts for a Denton Splash Park.

Ms. Briggle stated that there was a group of citizens who were trying to bring a splash park to Denton. It was an area of water play that had no standing water. She detailed the benefits of a splash park which included the fact that it was free and swimmers and non-swimmers could use the park. She presented information on the project history and what they had accomplished so far plus what was next for the group. She requested that Council add this item to the 2014 bond package.

**4. CONSENT AGENDA**

Council Member King motioned, Mayor Pro Tem Kamp seconded to approve the Consent Agenda and the accompanying ordinances and resolutions. On roll call vote: Mayor Burroughs, Mayor Pro Tem Kamp, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, Council Member Hawkins – “aye”. Motion carried unanimously.

Ordinance No. 2013-217

- A. Consider adoption of an ordinance of the City of Denton, Texas, amending the Fiscal Year 2012-13 Budget and Annual Program of Services for the City of Denton to allow for an adjustment to the Animal Control Donation Fund of Two Hundred Twenty Thousand Dollars (\$220,000) from the original budget amount of Thirty Thousand Dollars (\$30,000) to Two Hundred and Fifty Thousand Dollars (\$250,000) to provide additional expenditure authority related to veterinary contract costs; declaring a municipal purpose; providing a severability clause; providing an open meetings clause, and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2013-218

- B. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, amending the City's Fund Balance Policy; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2013-219

- C. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, amending the Street Improvement Fund; defining and committing certain fees and other revenues of the City to the Street Improvement Fund; providing a severability clause; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Resolution No. R2013-027

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

Ordinance No. 2013-220

- E. Consider adoption of an ordinance awarding a contract under the Texas Multiple Award Schedule (TXMAS) program for the purchase of HON Brand Office Furniture for various City of Denton departments as awarded by the State of Texas Contract TXMAS-6-7-1111060; providing for the expenditure of funds therefor; and providing an effective date (File 5268-HON Furniture for various City Departments awarded to Multiple Approved Vendors as listed on Contract TXMAS-6-7-1111060 in the three (3) year not-to-exceed amount of \$500,000).

Ordinance No. 2013-221

- F. Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payments by the City of Denton for Electrical Energy

Transmission Fees to Electric Transmission Texas; and providing an effective date (File 5083-Electrical Energy Transmission Fees for Fiscal Year 2012-2013 to Electric Transmission of Texas in the additional amount of \$56,911.72 for a total award amount of \$407,090.64). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2013-222

- G. Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payments by the City of Denton for Electrical Energy Transmission Fees to Lone Star Transmission; and providing an effective date (File 5260-Electrical Energy Transmission Fees for Fiscal Year 2012-2013 to Lone Star Transmission in the additional amount of \$16,514.92 for a total award amount of \$175,120.35). The Public Utilities Board recommends approval (6-0).

Approved the noise exception request listed below.

- H. Consider a request for an exception to the Noise Ordinance for the purpose of performing live music for the 2nd Annual Mexican Independence Day Fair at the corner of McKinney Street and Railroad Avenue in the vicinity of La Estrella Mini Market on Saturday, September 14, 2013, beginning at 4 p.m. and concluding at midnight. This request is for an extension of hours from 10 p.m. to midnight. The music will remain at the allowable 70 decibels. Staff recommends the exception be granted until midnight.

Ordinance No. 2013-223

- I. Consider adoption of an ordinance approving a city sponsorship in an amount not to exceed \$16,000 of in-kind services for the 15th Annual Blues Festival to be held in Quakertown Park on September 21-22, 2013; and providing an effective date.

Approved the noise exception request listed below.

- J. Consider a request for an exception to the Noise Ordinance for the purpose of having music played during an engagement party at a residential home located at 1109 Indian Ridge Drive on Saturday, September 14, 2013, from 7 p.m. to 11:30 p.m. This request is for an extension in hours for sound from 10 p.m. to 11:30 p.m. The music will remain at the allowable 65 decibels. Staff recommends approving request.

Approved the minutes listed below.

- K. Consider approval of the minutes of:  
August 1, 2013  
August 5, 2013  
August 6, 2013

Resolution No. R2013-028

- L. Consider approval of a resolution by the City of Denton, Texas, authorizing the City Manager to submit an application and all other necessary documents to obtain a grant under the Texas Department of Housing and Community Affairs, Amy Young Barrier Removal Program and take all other actions necessary to implement the program; and providing for an effective date.

Ordinance No. 2013-224

- M. Consider adoption of an ordinance awarding a contract for the capital lease purchase of desktop Personal Computers (PCs), notebook PCs, peripherals, and services as awarded by the State of Texas Department of Information Resources (DIR) Contract Number DIR-SDD-1951; providing for the expenditure of funds therefor and providing an effective date. (File 5337 awarded to Dell Financial Services LP for a total lease amount of \$1,343,277.36 and additional products in the amount of \$423,900 for a not-to-exceed amount of \$1,767,177.36).

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. Consider nominations/appointments to the City's Boards & Commissions.
1. Airport Advisory Board
  2. Community Development Advisory Committee
  3. Historic Landmark Commission
  4. Human Services Advisory Committee
  5. Public Art Committee
  6. Traffic Safety Commission
  7. Zoning Board of Adjustment

The following individuals were nominated:

Airport Advisory Board – Pete Lane

Traffic Safety Commission – Adam Reese

Zoning Board of Adjustment – Reggie Hill; all three of the current alternates

Council Member Roden motioned, Council Member King seconded to approve the nominations. On roll call vote: Mayor Burroughs, Mayor Pro Tem Kamp, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, Council Member Hawkins – “aye”. Motion carried unanimously.

**6. PUBLIC HEARINGS**

- A. Hold a second public hearing on a proposal to adopt a tax rate of \$0.68975 per \$100 valuation, which will exceed the lower of the rollback rate or the effective rate.

Chuck Springer, Director of Finance, stated that this second public hearing was required by state law. He detailed the tax rate, effective tax rate and rollback rate.

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 at this time.

**7. CITIZEN REPORTS**

There were no citizen reports at this meeting.

**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.

Council Member Roden mentioned the Mentor Denton Program with the DISD and encouraged everyone to sign up for it.

Council Member Engelbrecht felt that the beautification project of Fry Street and Hickory was well done.

Mayor Burroughs noted that DCTA had been installing benches at the bus stops and providing places for citizens to sit at the stops.

Mayor Burroughs stated that he had read a report from the EPA and TCEQ regarding air quality in north Texas. He requested to look at the possibility for provisions for anti-idling over 5 minutes for big trucks.

Mayor Burroughs requested a memo where LED street lights were being installed in the city and the future of installing more of these types of lights.

Mayor noted that Council would be going back into the Work Session to complete the item not considered earlier.

- B. Possible Continuation of Closed Meeting under Sections 551.071-551.086 of the Texas Open Meetings Act.

Mayor Burroughs noted that Council would be going into Closed Session following the completion of the Work Session item but no action would be taken on that item.

Council went to the Work Session to consider Item 6 listed on the agenda.

6. Receive a report, hold a discussion, and give staff direction regarding the FY 2013-14 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Chuck Springer, Director of Finance, stated that there were proposed additions to the budget. He detailed those additional items and the associated budget implications.

Park Foundation Executive Director – the position would provide \$35,000 in contractual services in the General Fund. The purpose was to increase funding for Park CIP projects and funding would be for a maximum of three years subject to a letter of agreement.

Downtown Public Wi-Fi - \$72,574 was needed for the first year with \$11,723 in recurring costs coming from the Technology Fund. Grant funding was no longer available so the security cameras were excluded. The costs would be allocated in 2014-15 to the General Fund. The project would provide free outdoor Wi-Fi in the Downtown Square, along East Hickory Street and at the DCTA passenger platform. The system would support up to 300 simultaneous users distributed across the area.

Mayor Burroughs suggested waiting to implement anything until a new COG grant came out to help with the financing.

City Manager Campbell stated that implementation of the project would be delayed until staff could check on future funding.

Springer stated that staff would include this project in the budget for next year.

Creation of a Downtown Reinvestment Fund – Appropriate changes would be made to the General Fund for this fund.

Council Member Roden asked why the need was identified now for an Executive Director for the Park Foundation. He questioned if this funding would set a precedence for public funding for a private foundation.

City Manager Campbell felt that it would provide an opportunity to help with fundraising.

Council Member King stated that the DISD had a similar arrangement for the School Foundation. This would help with grant funding, etc.

Council Member Gregory stated that with the Public School Foundation, the vendors with the DISD made contributions to help underwrite the Director. He felt that within several years the Park Foundation would generate enough donations to make it unnecessary for the City to continue funding.

John Cabrales, Assistant City Manager, stated that in conversations with the Foundation there would be a guarantee funding campaign for Eureka Park. If there was a community park type project the Foundation would help raise funds for the new park.

Council Member Roden asked about a contract potential triggered by year. If there was no activity the City could pull out of the agreement or commitment for 3 years.

Cabrales stated that there were benchmarks in the agreement that would be assessed each year. This would be a contract individual and not a city position.

Springer reviewed the General Fund revised projections. He presented information on proposed increased street maintenance funding. An increased level of funding was required to get back to the 2009 OCI rating and maintain it going forward. Funding options included (1) additional funding transferred from the General Fund, (2) reduce current programs and shift resources, (3) dedicate property tax rate increase, (4) defer non-street maintenance capital program and use debt service savings, (5) additional bond election with sales beginning in 2014-15, (6) dedicated street maintenance fee, (7) adoption of street impact fees to reduce debt service tax rate and shift rate for street maintenance purposes, and (8) a combination of two or more of the above options.

Funding recommendations included (1) continue budgeting all growth in franchise fees to the Street Improvement Fund, (2) move forward with street impact fee study for consideration of fee adoption effective 2014-15, (3) schedule additional work sessions to consider specific proposals/options for a street maintenance fee, and (4) include an additional \$20 million in bond funding (another five year program) in November 2014 bond program. Options for additional street maintenance funding could include the redirecting of funds by reducing or eliminating supplemental packages for 2013-14 to street maintenance.

Mayor Burroughs stated that he had no interest in doing that. He was not interested in cutting services as momentum was building up the fund. Staff needed confirmation from Council that they were in agreement with the direction presented.

Consensus of the Council was that there were in agreement with the direction.

Strategic planning to engage stakeholders – the direction was to fund the planning effort through partnership or facilitate the process internally. Staff recommended the redirection \$20,000 from the supplemental package for Economic Development to initiate this planning effort.

Consensus of the Council was to continue with the plan.

Additional discussion was held regarding the Better Block program and other issues/programs.

Council Member Roden stated that given the timing, he would ask staff to identify the funding if Council wanted to move forward.

Council Member Gregory stated that the last time he mentioned on-street bike facilities he had presented incorrect math. The funding was about 65% which was much better than he thought. He was not asking for additional money for this year for the bike program.

Following the completion of the Work Session, the Council returned to the Closed Meeting at 8:25 p.m. to consider the following item:

1. Closed Meeting:
  - E. Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
    1. Review and discuss the duties and goals for the City Manager, City Attorney, and Municipal Judge.

Following the completion of the Closed Meeting, the Council returned to open session and adjourned the meeting.

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MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS