

# CITY OF DENTON CITY COUNCIL MINUTES

December 12, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 12, 2017 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Mayor Pro Tem Bagheri, and Mayor Watts.

ABSENT: Council Member Gregory.

## 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 December 12, 2017.

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

Council Member Briggs – pull Consent Agenda Item B from consideration and place on a Work Session for discussion. Pull Consent Agenda Item G for individual consideration.

Council Member Ryan – pull Consent Agenda Items G and H for individual consideration.

Mayor Pro Tem Bagheri – pull Consent Agenda Item E for individual consideration.

## 3. Work Session Reports

### A. ID 17-1171 Receive a report, hold a discussion, and give staff direction regarding the Energy Management Organization Review being conducted by Deloitte.

Bryan Langley, Deputy City Manager, stated that Deloitte was charged with an assessment of DME's energy and risk management program and proposed FY 17 benchmark.

Steven Engler, Managing Director of Energy and Resources-Deloitte, reviewed objectives, risks, uncertainty and capabilities, DME Risk assessment benchmark and alternatives and recommended next steps. He presented remarks concerning what the firm was asked to do such as identify risks before the creation of the EMO and analyze different approaches for establishing benchmarks for the performance of DME. Risk Identification included information on what was a risk versus an uncertainty; key risk areas and understanding key risk areas.

Council discussed risks changing renewables to 70-100%.

Engler continued with risk assessment objectives, scope and approach; the capability maturity model and how it was used.

Tim Metts, Senior Manager of Energy and Resources-Deloitte, presented a summary of risk assessment results and select recommendations represented as high priority.

Council discussed the daily portfolio risk report, the technology component for energy and risk management requirements.

Metts continued with the engagement summary and the FY 17 benchmark analysis and what benchmarks were considered including benchmark impact.

Council discussed the benchmark costs

Metts presented information on changing the focus from cost savings to risk mitigation and value-added; objective-setting specific, and quantifiable and actionable;

Council discussed the cost of the EMO.

Metts concluded with recommended next steps.

Langley indicated that staff would return with resource, proforma and issues of performance at future meetings.

- B. ID 17-1655 Receive a report, hold a discussion and provide direction on design options and schedule for the proposed reconstruction of Fire Station 3.

Council Member Briggs recused herself from discussion of this item.

Mark Nelson, Director of Transportation/Facilities, provided a final update on the design of Fire Station #3. He displayed the site plan for the station; design direction; summary of opinion of probable costs; and building system investigations.

Council consensus was to continue with the direction proposed by staff.

Council Member Briggs returned to the meeting

- C. ID 17-1710 Receive a report, hold a discussion, and give staff direction regarding the potential funding for small scale traffic improvements and the Vela Athletic Complex project.

Mario Canizares, Assistant City Manager, presented two topics for Council discussion. One was for small scale traffic improvements and the second was the funding shortfall for the Vela Athletic Complex project.

Small Traffic Improvement Projects – Canizares presented a list of projects to consider. Council discussed the various locations and the proposed changes.

Canizares continued with the shortfall for the funding of the Vela complex. He presented fiscal information and funding options for the funding.

Consensus of the Council was to proceed with staff recommendations for both projects.

- D. ID 17-1706 Receive a report, hold a discussion, and give staff direction regarding City staff and organizational changes.

Mayor Watts made presentations to Galen Gillum and Chuck Springer who were leaving the organization.

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 17-1658 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.

- B. ID 17-1695 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.

Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the status, strategy, and possible resolution of condemnation case styled City of Denton, Texas v. RTS&M, LLC, et al., Cause No. PR-2014-00492, currently pending in the Probate Court of Denton County, Texas; Consultation with the City's attorneys regarding legal issues associated with the condemnation of the real property interests where a public discussion of these legal matters could jeopardize the City's legal position in any administrative proceeding or potential litigation. [Mayhill Road Widening & Improvements project - Parcel M134]

- C. ID 17-1700 Deliberations regarding a Personnel Matter - Under Government Code, Section 551.074; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Deliberate and discuss the appointment and duties of an interim Internal Auditor and contracting out certain functions of the Internal Auditor on an interim basis; consultation with the City's attorneys regarding associated legal issues where a public discussion associated with 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

- D. ID 17-1711 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the lease and use of 1001 S. Mayhill Rd., Buildings 101 and 102, and 1301 S. Mayhill Rd., Denton, Denton County, Texas. Consultation with the City's attorneys

regarding legal issues associated with lease and use of said property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting.

## **1. CONSENT AGENDA**

Council Member Ryan motioned, Mayor Pro Tem Bagheri seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item B which would not be considered and Items G and H which would be considered individually. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

### Ordinance No. 2017-397

- A. ID 17-1373 Consider adoption of an ordinance awarding a contract for radio network design and installation services, the installation of new transmission lines, and the linking of radio communications between seven facilities in relation to the upgrade of the City of Denton Water Production Department's Radio Communication System as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIRect Program, Contract Number DIR-SDD-2678; providing for the expenditure of funds therefor and providing an effective date (File 6518-awarded to Johnston Technical Services, Inc. in the not-to-exceed amount of \$196,496.99). The Public Utilities Board will consider this item on December 11, 2017.

### This item was not considered.

- B. ID 17-1617 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).

### Resolution No. R2017-052

- C. ID 17-1653 Consider approval of a resolution of the City Council of the City of Denton, Texas, authorizing an agreement between the City of Denton and Member Cities of the "Atmos Cities Steering Committee" (ACSC); finding and determining that the meeting at which this resolution was passed was in accordance with the requirements of the Texas Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

Resolution No. R2017-053

- D. ID 17-1654 Consider approval of a resolution of the City Council of the City of Denton, Texas, authorizing the City of Denton's membership in the "Alliance of Oncor Cities" (AOC); finding and determining that the meeting at which this resolution as passed was in accordance with the requirements of the Texas Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

Ordinance No. 2017-398

- E. ID 17-1683 Consider adoption of an ordinance accepting competitive proposals and awarding a best value public works contract for the construction of IOOF and Oakwood Cemetery fences for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6579-awarded to Rockstar Welding LLC in the not-to-exceed amount of \$442,873.20).

Ordinance No. 2017-399

- F. ID 17-1684 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Electric Utility 2500 MCM AAC "Lupine" Transmission Conductor 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 6552-awarded to Wesco Distribution in the three (3) year not-to-exceed amount of \$140,000).

Ordinance No. 2017-402

- I. ID 17-1694 Consider adoption of an ordinance of the City of Denton, Texas to enact a Citizen Comment Pilot Program for Section 3.B. ("Receive Scheduled Citizen Reports from Members of the Public") items of the City Council's Regular Meeting Agenda; providing for a severability clause; providing for an effective date; and providing for a sunset date.

Resolution No. R2017-054

- J. ID 17-1699 Consider approval of a Resolution directing and authorizing the City Attorney of the City of Denton to intervene in Staff's Application to Set 2018 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas pending before the Public Utility Commission of Texas under Docket No. 47777 and to use, if needed, the Austin law firm of Lloyd Gosselink Rochelle & Townsend, P.C. to represent the City in the same; and providing an effective date.

The items pulled for separate consideration were considered.

Ordinance No. 2017-400

- G. ID 17-1636 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the University of North Texas (UNT) for the purpose of providing for cost and duty allocation of a traffic study to assess the impact of street closures within the UNT campus for a total cost of \$224,700 and authorizing the expenditure of funds up to \$112,350.

Pritem Deshmukh, Program Engineer, reviewed the background information on the two items including the cost breakdown, meetings with UNT regarding the traffic impact analysis, and cost sharing analysis with UNT.

Council discussed the traffic study results due to portions of Hickory Street being closed, whether to consider holding a work session before voting on the items; and cost sharing of the traffic analysis.

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "nay", Mayor Pro Tem Bagheri "nay", and Mayor Watts "aye". Motion carried with a 4-2 vote.

Ordinance No. 2017-401

H. ID 17-1685 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement for traffic engineering and planning services relating to a traffic study to be performed in an area within and adjacent to the University of North Texas specifically the area bounded by Scripture Street on the north, Bonnie Brae on the west, IH-35E on the south, and Carroll Boulevard/Fort Worth Drive on the east; providing for the expenditure of funds therefor; and providing an effective date (File 6633 awarded to Walter P. Moore and Associates, Inc. in the not-to-exceed amount of \$224,700).

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "nay", Mayor Pro Tem Bagheri "nay", and Mayor Watts "aye". Motion carried with a 4-2 vote.

**2. ITEMS FOR INDIVIDUAL CONSIDERATION**

Ordinance No. 2017-403

A. ID 17-1619 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement for engineering design services relating to the design, bid phase, and construction services for the PEC-4 Phases 3 and 4 Drainage Improvements project which includes approximately 2,700 linear feet of reinforced concrete box, 2,300 linear feet of waterline relocation and lowering, 1,700 linear feet of sanitary sewer line relocation and adjustment, and pavement repair from West Prairie Street to the beginning of the open channel near the intersection of West Mulberry Street and Bernard Street; providing for the expenditure of funds therefor; and providing an effective date (File 6625 awarded to Freese and Nichols, Inc. in the not-to-exceed amount of \$1,200,000). The Public Utilities Board will consider this item on December 11, 2017.

Todd Estes, City Engineer, presented information on the location of the project and the components of the project. He demonstrated the properties which would be removed from the floodplain. The contract was for the design of the project.

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

- B. ID 17-1691 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or designee, to execute non-disclosure or confidentiality agreements as needed; providing for a repealer; providing for a severability clause; and providing for an effective date.

This item was not considered.

### **3. 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 did not have any items.

- 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 6:33 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS